

SENATE BILL 1158

M1, C5

7lr3616

By: Senators Middleton and Jennings, Jennings, Astle, Benson, Feldman, Hershey, Klausmeier, Mathias, Reilly, Rosapepe, and Oaks

Introduced and read first time: February 28, 2017

Assigned to: Rules

Re-referred to: Finance, March 1, 2017

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2017

CHAPTER _____

1 AN ACT concerning

2 ~~Power Plant Research Program~~ Department of Natural Resources – Solar
3 Generation Facilities – Pollinator-Friendly Designation

4 FOR the purpose of requiring the power plant research program of the Department of
5 Natural Resources to include in its research an evaluation of the pollinator benefits
6 that would occur under a certain standard or plan implemented on the land on which
7 a certain solar generation facility is located; requiring the ~~power plant research~~
8 ~~program~~ Department to designate a certain solar facility as ~~pollinator friendly~~
9 pollinator-friendly under certain circumstances; requiring the Department to adopt
10 a certain scorecard for certain solar generation facilities; providing that a solar
11 generation facility may receive a certain designation only by the Department;
12 prohibiting the owner of a solar generation facility from making certain claims
13 unless the facility has received a certain designation; requiring an owner of a
14 pollinator-friendly solar generation facility to provide appropriate maintenance of
15 the pollinator vegetation; requiring the owner of a certain solar generation facility
16 to make certain standards and plans available to ~~certain entities;~~ a certain entity;
17 authorizing the Department to charge an owner of a solar generation facility a
18 certain fee to cover certain costs; requiring the Department ~~of Natural Resources~~
19 to adopt certain regulations; making stylistic changes; and generally relating to the
20 ~~power plant research program~~ designation of solar generation facilities as
21 pollinator-friendly.

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Natural Resources
2 Section 3–303
3 Annotated Code of Maryland
4 (2012 Replacement Volume and 2016 Supplement)

5 BY adding to
6 Article – Natural Resources
7 Section 3–303.1
8 Annotated Code of Maryland
9 (2012 Replacement Volume and 2016 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
11 That the Laws of Maryland read as follows:

12 **Article – Natural Resources**

13 3–303.

14 (a) **(1)** The Secretary, in consultation with the Director of the Maryland
15 Energy Administration and in cooperation with the Secretaries of the Environment,
16 Agriculture, and Commerce and the Director of Planning and electric company
17 representatives shall implement a continuing research program for electric power plant
18 site evaluation and related environmental and land use considerations.

19 **(2) (I)** The Secretary shall seek from additional sources
20 recommendations for related research to be included in the program.

21 **(II)** The additional sources shall include appropriate federal and
22 State agencies, electric companies and technical, scientific, or educational institutions or
23 organizations.

24 **(3) (I)** The Secretary, in consultation with the Director of the Maryland
25 Energy Administration, shall institute effective procedures for coordinating environmental
26 research assignments to prevent dissipation of money, time, and effort.

27 **(II)** To this end, the State's electric companies shall be reimbursed
28 from the Fund for environmental research specifically required to satisfy application and
29 permit requirements for any federal, State, or local regulatory agencies, if the electric
30 company has requested reimbursement in advance and furnishes an outline of the program
31 and its estimated cost so that the Secretary can budget it in advance.

32 (b) The program shall include:

33 (1) General biological and ecological baseline studies, including, but not
34 limited to, appropriate environmental studies of the biology, physics, and chemistry of the
35 Chesapeake Bay and tributaries; sediment and biological surveys to determine and identify

1 essential marine organism nursery areas of the State's waters, including the Chesapeake
2 Bay and tributaries; epibenthos; bottom species; crab; finfish and human use studies;

3 (2) Research to assist prediction, including but not limited to experimental
4 research, field and laboratory, and the development and provision for physical,
5 mathematical, and biological modeling tools to assist in determining and evaluating the
6 effects of variation of natural waters resulting from electric generating plant operations
7 including changes in temperature, oxygen levels, salinity, biocides, radionuclides, and
8 "heavy" metals. This research also includes collection and organization of relevant
9 information and data necessary to operate physical, mathematical, and biological modeling
10 tools;

11 (3) Provisions for monitoring operations of electric power facilities located
12 in the State. These provisions include but are not limited to a determination of actual
13 distribution and effect of temperature, salinity, oxygen, radionuclides, "heavy" metals, and
14 biological effects; radiological; "heavy" metals and biocide effects; recreational and
15 commercial fishing gains and losses; and human health and welfare effects;

16 (4) Research and investigations relating to effects on air resources of
17 electric power plants and effects of air pollutants from power plants on public health and
18 welfare, vegetation, animals, materials, and esthetic values, including baseline studies,
19 predictive modeling, and monitoring of the air mass at sites of proposed or operating electric
20 generating stations, evaluation of new or improved methods for minimizing air pollution
21 from power plants and other matters pertaining to the effect of power plants on the air
22 environment;

23 (5) An environmental evaluation of electric power plant sites proposed for
24 future development and expansion and their relationship to the waters and air of the State;

25 (6) [Evaluation] **AN EVALUATION** of the environmental effects of new
26 electric power generation technologies and extraordinary systems related to power plants
27 designed to minimize environmental effects;

28 (7) Determining the potential for constructive uses of waste energy to be
29 released at proposed electric plant sites; [and]

30 (8) Analysis of the socioeconomic impact of electric power generation
31 facilities on the land uses of the State; **AND**

32 **(9) AN EVALUATION OF THE POLLINATOR BENEFITS THAT WOULD**
33 **OCCUR UNDER A POLLINATOR-FRIENDLY VEGETATION MANAGEMENT STANDARD**
34 **OR POLLINATOR HABITAT PLAN IMPLEMENTED ON ~~THE~~ LAND ~~ON~~;**

35 **(I) ON WHICH A PROPOSED OR AN EXISTING**
36 **GROUND-MOUNTED SOLAR GENERATION FACILITY IS LOCATED; AND**

1 (II) THAT DOES NOT INCLUDE LAND THAT IS ADJACENT TO THE
 2 LAND ON WHICH THE SOLAR GENERATION FACILITY IS LOCATED.

3 **3-303.1.**

4 (A) ~~THE POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT, IN
 5 CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, SHALL DESIGNATE A
 6 SOLAR GENERATION FACILITY AS ~~POLLINATOR-FRIENDLY~~ POLLINATOR-FRIENDLY
 7 IF THE SOLAR GENERATION FACILITY MEETS THE REQUIREMENTS OF THIS SECTION.

8 (B) THE DEPARTMENT SHALL ADOPT A SOLAR SITE POLLINATOR HABITAT
 9 PLANNING AND ASSESSMENT SCORECARD THAT:

10 (1) HAS BEEN RECOMMENDED BY THE UNIVERSITY OF MARYLAND
 11 BEE LAB;

12 (2) MAY BE UPDATED OR AMENDED ONLY ONCE EVERY 2 YEARS; AND

13 (3) APPLIES ONLY TO SOLAR GENERATION FACILITIES.

14 (C) (1) A SOLAR GENERATION FACILITY MAY BE DESIGNATED AS
 15 POLLINATOR-FRIENDLY ONLY BY THE DEPARTMENT.

16 (2) A SOLAR GENERATION FACILITY MAY BE DESIGNATED BY THE
 17 ~~POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT AS POLLINATOR-FRIENDLY
 18 POLLINATOR-FRIENDLY IF:

19 ~~(I)~~ (I) THE SOLAR GENERATION FACILITY IS:

20 ~~(1)~~ 1. GROUND-MOUNTED IS GROUND-MOUNTED; AND

21 ~~(2)~~ 2. AT IS AT LEAST 1 ACRE IN SIZE; AND

22 3. MEETS OR EXCEEDS THE MINIMUM SCORE
 23 IDENTIFIED IN THE SOLAR SITE POLLINATOR HABITAT PLANNING AND
 24 ASSESSMENT SCORECARD; AND

25 ~~(2)~~ (II) THE LAND THAT ON WHICH THE SOLAR GENERATION
 26 FACILITY IS LOCATED ON IS PLANTED AND MANAGED IN ACCORDANCE WITH A
 27 POLLINATOR-FRIENDLY VEGETATION MANAGEMENT STANDARD OR POLLINATOR
 28 HABITAT PLAN APPROVED EVALUATED UNDER § 3-303(B)(9) OF THIS SUBTITLE BY
 29 THE POWER PLANT RESEARCH PROGRAM.

1 (C) THE OWNER OF A SOLAR GENERATION FACILITY MAY NOT CLAIM THAT
2 THE FACILITY IS ~~POLLINATOR-FRIENDLY~~ POLLINATOR-FRIENDLY OR THAT THE
3 FACILITY PROVIDES BENEFITS TO POLLINATORS, SONG BIRDS, OR GAME BIRDS
4 UNLESS THE FACILITY HAS BEEN DESIGNATED AS POLLINATOR-FRIENDLY BY THE
5 ~~POWER PLANT RESEARCH PROGRAM~~ DEPARTMENT IN ACCORDANCE WITH THIS
6 SECTION.

7 (D) THE OWNER OF A POLLINATOR-FRIENDLY SOLAR GENERATION
8 FACILITY SHALL PROVIDE APPROPRIATE MAINTENANCE OF THE POLLINATOR
9 VEGETATION.

10 ~~(D)~~ (E) THE OWNER OF A POLLINATOR-FRIENDLY SOLAR GENERATION
11 FACILITY SHALL MAKE THE FACILITY'S POLLINATOR-FRIENDLY VEGETATION
12 MANAGEMENT STANDARD OR POLLINATOR HABITAT PLAN EVALUATED UNDER §
13 3-303(B)(9) OF THIS SUBTITLE BY THE POWER PLANT RESEARCH PROGRAM
14 AVAILABLE TO:

15 ~~(1) THE DEPARTMENT; AND~~

16 ~~(2) THE~~ THE MARYLAND, DC, AND VIRGINIA SOLAR ENERGY
17 INDUSTRIES ASSOCIATION OR OTHER NONPROFIT SOLAR INDUSTRY TRADE
18 ASSOCIATIONS.

19 ~~(E)~~ (F) NOTHING IN THIS SECTION RESTRICTS ANY FARMING PRACTICES
20 ON ANY LAND ADJACENT TO THE LAND ON WHICH A SOLAR GENERATION FACILITY
21 IS LOCATED.

22 (G) THE DEPARTMENT MAY CHARGE THE OWNER OF A SOLAR GENERATION
23 FACILITY A REASONABLE FEE TO COVER COSTS ASSOCIATED WITH DESIGNATING
24 THE SOLAR GENERATION FACILITY AS POLLINATOR-FRIENDLY.

25 (H) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS
26 SECTION.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
28 1, 2017.