

# SENATE BILL 656

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CF HB 531

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By: **Senators Kramer, Beidle, Carter, Feldman, Lam, Lee, Pinsky, and Rosapepe**

Introduced and read first time: February 3, 2020

Assigned to: Finance

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 4, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Utility Regulation – Consideration of Climate and Labor**

3 FOR the purpose of requiring the Secretary of the Environment to prepare a certain  
4 recommendation in connection with certain issues considered by the Public Service  
5 Commission; requiring the Secretary of Natural Resources to incorporate an  
6 evaluation of the impact of certain electric power plants on climate change into the  
7 Power Plant Research Program; expanding the required components of the research  
8 program; requiring the Commission to consider the maintenance of fair and stable  
9 labor standards for affected workers and the protection of the global climate in  
10 supervising and regulating certain public service companies; requiring the  
11 Commission to consider, before taking final action on a certain application, the  
12 effects of climate change on the operation of certain structures, the impact of certain  
13 generation stations on statewide greenhouse gas emissions, and the consistency of  
14 the application with the State’s climate commitments; making stylistic changes; and  
15 generally relating to the consideration of climate change and labor in the regulation  
16 of utilities in the State.

17 BY repealing and reenacting, with amendments,  
18 Article – Environment  
19 Section 2–405(a)  
20 Annotated Code of Maryland  
21 (2013 Replacement Volume and 2019 Supplement)

22 BY repealing and reenacting, with amendments,  
23 Article – Natural Resources

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### 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 Section 3–303  
2 Annotated Code of Maryland  
3 (2018 Replacement Volume and 2019 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – Public Utilities  
6 Section 2–113 and 7–207(e)  
7 Annotated Code of Maryland  
8 (2010 Replacement Volume and 2019 Supplement)

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

11 **Article – Environment**

12 2–405.

13 (a) (1) **(I)** Whenever the Public Service Commission notifies the Secretary  
14 of an application for a certificate of public convenience and necessity under § 7–207 of the  
15 Public Utilities Article, the Secretary shall prepare a recommendation in connection with  
16 the permit or registration required by this subtitle **AND THE ISSUES THE PUBLIC**  
17 **SERVICE COMMISSION MUST CONSIDER UNDER § 7–207 OF THE PUBLIC UTILITIES**  
18 **ARTICLE RELATING TO CLIMATE CHANGE.**

19 **(II)** The recommendation shall be presented at the hearing required  
20 by § 7–207 of the Public Utilities Article.

21 (2) The recommendation shall identify the requirements of all applicable  
22 federal and State environmental laws and standards and shall recommend and evaluate  
23 various methods and conditions for compliance.

24 (3) If a person files an application for an operating permit under this  
25 subtitle simultaneously with an application for a certificate, the Department shall  
26 consolidate its procedures for the issuance of the operating permit with the Public Service  
27 Commission’s proceedings for issuance of the certificate and shall issue the operating  
28 permit simultaneously with the certificate unless consolidation would be inconsistent with  
29 the procedures set forth in the federal Clean Air Act.

30 (4) The Department shall incorporate into the initial operating permit the  
31 conditions of the certificate which relate to air quality control.

32 **Article – Natural Resources**

33 3–303.

34 (a) (1) The Secretary, in consultation with the Director of the Maryland  
35 Energy Administration and in cooperation with the Secretaries of the Environment,

1 Agriculture, [and] Commerce, and [the Director of] Planning and electric company  
2 representatives shall implement a continuing research program for electric power plant  
3 site evaluation [and], related environmental and land use considerations, **AND THE**  
4 **EVALUATION OF THE IMPACT OF ELECTRIC POWER PLANTS ON CLIMATE CHANGE.**

5 (2) (i) The Secretary shall seek from additional sources  
6 recommendations for related research to be included in the program.

7 (ii) The additional sources shall include appropriate federal and  
8 State agencies, electric companies and technical, scientific, or educational institutions or  
9 organizations.

10 (3) (i) The Secretary, in consultation with the Director of the Maryland  
11 Energy Administration, shall institute effective procedures for coordinating environmental  
12 research assignments to prevent dissipation of money, time, and effort.

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

18 (b) The program shall include:

19 (1) General biological and ecological baseline studies, including, but not  
20 limited to, appropriate environmental studies of the biology, physics, and chemistry of the  
21 Chesapeake Bay and tributaries; sediment and biological surveys to determine and identify  
22 essential marine organism nursery areas of the State's waters, including the Chesapeake  
23 Bay and tributaries; epibenthos; bottom species; crab; finfish and human use studies;

24 (2) Research to assist prediction, including but not limited to experimental  
25 research, field and laboratory, and the development and provision for physical,  
26 mathematical, and biological modeling tools to assist in determining and evaluating the  
27 effects of variation of natural waters resulting from electric generating plant operations  
28 including changes in temperature, oxygen levels, salinity, biocides, radionuclides, and  
29 "heavy" metals. This research also includes collection and organization of relevant  
30 information and data necessary to operate physical, mathematical, and biological modeling  
31 tools;

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

37 (4) Research and investigations relating to effects on air resources of  
38 electric power plants and effects of air pollutants from power plants on public health and

1 welfare, vegetation, animals, materials, and esthetic values, including baseline studies,  
 2 predictive modeling, and monitoring of the air mass at sites of proposed or operating electric  
 3 generating stations, evaluation of new or improved methods for minimizing air pollution  
 4 from power plants and other matters pertaining to the effect of power plants on the air  
 5 environment;

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

8 (6) An evaluation of the environmental effects of new electric power  
 9 generation technologies and extraordinary systems related to power plants designed to  
 10 minimize environmental effects;

11 (7) Determining the potential for constructive uses of waste energy to be  
 12 released at proposed electric plant sites;

13 (8) Analysis of the socioeconomic impact of electric power generation  
 14 facilities on the land uses of the State; [and]

15 (9) An evaluation of the pollinator benefits that would occur under a  
 16 pollinator-friendly vegetation management standard or pollinator habitat plan  
 17 implemented on land:

18 (i) On which a proposed or an existing ground-mounted solar  
 19 generation facility is located; and

20 (ii) That does not include land that is adjacent to the land on which  
 21 the solar generation facility is located; AND

22 **(10) AN EVALUATION OF:**

23 **(I) THE GREENHOUSE GAS EMISSIONS AND CLIMATE EFFECTS**  
 24 **OF DIFFERENT ELECTRIC POWER GENERATION TECHNOLOGIES BASED ON THE BEST**  
 25 **AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY THE INTERGOVERNMENTAL**  
 26 **PANEL ON CLIMATE CHANGE; AND**

27 **(II) WHETHER THE GREENHOUSE GAS EMISSIONS AND CLIMATE**  
 28 **EFFECTS OF ELECTRIC POWER GENERATION TECHNOLOGIES ARE CONSISTENT WITH**  
 29 **THE STATE'S CLIMATE COMMITMENTS FOR REDUCING STATEWIDE GREENHOUSE**  
 30 **GAS EMISSIONS, INCLUDING THOSE SPECIFIED IN §§ 2-1204.1 AND 2-1211 OF THE**  
 31 **ENVIRONMENT ARTICLE.**

32 **Article – Public Utilities**

33 2-113.

1 (a) (1) The Commission shall:

2 (i) supervise and regulate the public service companies subject to  
3 the jurisdiction of the Commission to:

4 1. ensure their operation in the interest of the public; and

5 2. promote adequate, economical, and efficient delivery of  
6 utility services in the State without unjust discrimination; and

7 (ii) enforce compliance with the requirements of law by public  
8 service companies, including requirements with respect to financial condition,  
9 capitalization, franchises, plant, manner of operation, rates, and service.

10 (2) In supervising and regulating public service companies, the  
11 Commission shall consider:

12 (I) the public safety[.];

13 (II) the economy of the State[.];

14 (III) **THE MAINTENANCE OF FAIR AND STABLE LABOR**  
15 **STANDARDS FOR AFFECTED WORKERS;**

16 (IV) the conservation of natural resources[, and];

17 (V) the preservation of environmental quality, **INCLUDING**  
18 **PROTECTION OF THE GLOBAL CLIMATE FROM CONTINUED SHORT-TERM AND**  
19 **LONG-TERM WARMING BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION**  
20 **RECOGNIZED BY THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE; AND**

21 (VI) **THE ACHIEVEMENT OF THE STATE'S CLIMATE**  
22 **COMMITMENTS FOR REDUCING STATEWIDE GREENHOUSE GAS EMISSIONS,**  
23 **INCLUDING THOSE SPECIFIED IN §§ 2-1204.1 AND 2-1211 OF THE ENVIRONMENT**  
24 **ARTICLE.**

25 (b) The powers and duties listed in this title do not limit the scope of the general  
26 powers and duties of the Commission provided for by this division.

27 7-207.

28 (e) The Commission shall take final action on an application for a certificate of  
29 public convenience and necessity only after due consideration of:

30 (1) the recommendation of the governing body of each county or municipal

1 corporation in which any portion of the construction of the generating station, overhead  
2 transmission line, or qualified generator lead line is proposed to be located;

3 (2) the effect of the generating station, overhead transmission line, or  
4 qualified generator lead line on:

5 (i) the stability and reliability of the electric system;

6 (ii) economics;

7 (iii) esthetics;

8 (iv) historic sites;

9 (v) aviation safety as determined by the Maryland Aviation  
10 Administration and the administrator of the Federal Aviation Administration;

11 (vi) when applicable, air quality and water pollution; and

12 (vii) the availability of means for the required timely disposal of  
13 wastes produced by any generating station; [and]

14 **(3) THE EFFECT OF CLIMATE CHANGE ON THE GENERATING STATION,  
15 OVERHEAD TRANSMISSION LINE, OR QUALIFIED GENERATOR LEAD LINE BASED ON  
16 THE BEST AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY THE  
17 INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE; AND**

18 **[(3)] (4)** for a generating station:

19 (i) the consistency of the application with the comprehensive plan  
20 and zoning of each county or municipal corporation where any portion of the generating  
21 station is proposed to be located; [and]

22 (ii) the efforts to resolve any issues presented by a county or  
23 municipal corporation where any portion of the generating station is proposed to be located;

24 **(III) THE IMPACT OF THE GENERATING STATION ON THE  
25 QUANTITY OF ANNUAL AND LONG-TERM STATEWIDE GREENHOUSE GAS EMISSIONS,  
26 MEASURED IN THE MANNER SPECIFIED IN § 2-1202 OF THE ENVIRONMENT ARTICLE  
27 AND BASED ON THE BEST AVAILABLE SCIENTIFIC INFORMATION RECOGNIZED BY  
28 THE INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE; AND**

29 **(IV) THE CONSISTENCY OF THE APPLICATION WITH THE STATE'S  
30 CLIMATE COMMITMENTS FOR REDUCING STATEWIDE GREENHOUSE GAS EMISSIONS,  
31 INCLUDING THOSE SPECIFIED IN §§ 2-1204.1 AND 2-1211 OF THE ENVIRONMENT**

1 **ARTICLE.**

2           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
3 October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.