

# HOUSE BILL 1287

C5, M3

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CF SB 780

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By: **Delegate A. Johnson**

Introduced and read first time: February 12, 2026

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Certificate of Public Convenience and Necessity – BURDEN Analysis**  
3 **(CHERISH Our Communities Act)**

4 FOR the purpose of requiring that an application for a certificate of public convenience and  
5 necessity for certain generating stations located within a certain at-risk census tract  
6 include with the application a baseline understanding of risk, disparities, and  
7 environmental needs (BURDEN) report describing and including information on  
8 certain environmental and public health burdens; altering the contents of a certain  
9 notice that must be provided on receipt of an application for a certificate of public  
10 convenience and necessity; requiring the Public Service Commission to make certain  
11 determinations as to whether issuing a certain certificate of public convenience and  
12 necessity will cause or contribute to certain adverse environmental or public health  
13 stressors; specifying the circumstances under which the Commission must deny an  
14 application for a certificate of public convenience and necessity; and generally  
15 relating to certificates of public convenience and necessity for generating stations.

16 BY repealing and reenacting, without amendments,  
17 Article – Environment  
18 Section 1–101(a), (e), and (j) and 1–701(a)(1) and (7)  
19 Annotated Code of Maryland  
20 (2013 Replacement Volume and 2025 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article – Public Utilities  
23 Section 7–207(a), (c), and (d)(1)(i)  
24 Annotated Code of Maryland  
25 (2025 Replacement Volume and 2025 Supplement)

26 BY adding to  
27 Article – Public Utilities  
28 Section 7–207(b–1) and (d–1)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2025 Replacement Volume and 2025 Supplement)

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

5 **Article – Environment**

6 1–101.

7 (a) In this article the following words have the meanings indicated.

8 (e) “EJ Score” means an overall evaluation of an area’s environment and existing  
9 environmental justice indicators, as defined by the Department in regulation, including:

10 (1) Pollution burden exposure;

11 (2) Pollution burden environmental effects;

12 (3) Sensitive populations; and

13 (4) Socioeconomic factors.

14 (j) “Maryland EJ tool” means a publicly available State mapping tool that allows  
15 users to:

16 (1) Explore layers of environmental justice concern;

17 (2) Determine an overall EJ Score for census tracts in the State; and

18 (3) View additional context layers relevant to an area.

19 1–701.

20 (a) (1) In this section the following words have the meanings indicated.

21 (7) “Overburdened community” means any census tract for which three or  
22 more of the following environmental health indicators are above the 75th percentile  
23 statewide:

24 (i) Particulate matter (PM) 2.5;

25 (ii) Ozone;

26 (iii) National Air Toxics Assessment (NATA) diesel PM;

27 (iv) NATA cancer risk;

- 1 (v) NATA respiratory hazard index;
- 2 (vi) Traffic proximity;
- 3 (vii) Lead paint indicator;
- 4 (viii) National Priorities List Superfund site proximity;
- 5 (ix) Risk Management Plan facility proximity;
- 6 (x) Hazardous waste proximity;
- 7 (xi) Wastewater discharge indicator;
- 8 (xii) Proximity to a Concentrated Animal Feeding Operation (CAFO);
- 9 (xiii) Percent of the population lacking broadband coverage;
- 10 (xiv) Asthma emergency room discharges;
- 11 (xv) Myocardial infarction discharges;
- 12 (xvi) Low-birth-weight infants;
- 13 (xvii) Proximity to emitting power plants;
- 14 (xviii) Proximity to a Toxic Release Inventory (TRI) facility;
- 15 (xix) Proximity to a brownfields site;
- 16 (xx) Proximity to mining operations; and
- 17 (xxi) Proximity to a hazardous waste landfill.

18 **Article – Public Utilities**

19 7–207.

20 (a) (1) In this section the following words have the meanings indicated.

21 **(2) “AT-RISK CENSUS TRACT” MEANS ANY GEOGRAPHIC AREA**  
22 **WITHIN A 1.5-MILE RADIUS OF THE BOUNDARIES OF:**

1                   **(I) ANY CENSUS TRACT FOR WHICH THE FINAL EJ SCORE AS**  
2 **DETERMINED USING THE MARYLAND EJ TOOL IS AT OR ABOVE THE 75TH**  
3 **PERCENTILE;**

4                   **(II) ANY CENSUS TRACT FOR WHICH SIX OR MORE OF THE**  
5 **ENVIRONMENTAL HEALTH INDICATORS LISTED IN THE DEFINITION OF**  
6 **“OVERBURDENED COMMUNITY” IN § 1-701 OF THE ENVIRONMENT ARTICLE ARE AT**  
7 **OR ABOVE THE 75TH PERCENTILE; OR**

8                   **(III) ANY CENSUS TRACT FOR WHICH THE PROXIMITY TO:**

9                   **1. MINING OPERATIONS IS AT OR ABOVE THE 95TH**  
10 **PERCENTILE IN THE STATE;**

11                   **2. EMITTING POWER PLANTS IS AT OR ABOVE THE 95TH**  
12 **PERCENTILE IN THE STATE;**

13                   **3. A HAZARDOUS WASTE LANDFILL IS AT OR ABOVE THE**  
14 **95TH PERCENTILE IN THE STATE; OR**

15                   **4. A CONCENTRATED ANIMAL FEEDING OPERATION, AS**  
16 **DEFINED IN COMAR 26.08.01.01, IS AT OR ABOVE THE 99TH PERCENTILE IN THE**  
17 **STATE.**

18                   **(3) “BURDEN REPORT” MEANS A BASELINE UNDERSTANDING OF**  
19 **RISK, DISPARITIES, AND ENVIRONMENTAL NEEDS REPORT PREPARED IN**  
20 **ACCORDANCE WITH SUBSECTION (B-1) OF THIS SECTION.**

21                   **[(2)] (4) “Brownfields site” means:**

22                   (i) a former industrial or commercial site identified by federal or  
23 State laws or regulation as contaminated or polluted;

24                   (ii) a closed landfill regulated by the Department of the  
25 Environment; or

26                   (iii) mined land.

27                   **[(3)] (5) (i) “Construction” means:**

28                   1. any physical change at a site, including fabrication,  
29 erection, installation, or demolition; or

30                   2. the entry into a binding agreement or contractual  
31 obligation to purchase equipment exclusively for use in construction in the State or to

1 undertake a program of actual construction in the State which cannot be canceled or  
2 modified without substantial loss to the owner or operator of the proposed generating  
3 station.

4 (ii) "Construction" does not include a change that is needed for the  
5 temporary use of a site or route for nonutility purposes or for use in securing geological  
6 data, including any boring that is necessary to ascertain foundation conditions.

7 (6) "EJ SCORE" HAS THE MEANING STATED IN § 1-101 OF THE  
8 ENVIRONMENT ARTICLE.

9 [(4)] (7) "Generating station" does not include:

10 (i) a generating unit or facility that:

11 1. is used for the production of electricity;

12 2. has the capacity to produce not more than 2 megawatts of  
13 alternating current; and

14 3. is installed with equipment that prevents the flow of  
15 electricity to the electric grid during time periods when the electric grid is out of service;

16 (ii) a combination of two or more generating units or facilities that:

17 1. are used for the production of electricity from a solar  
18 photovoltaic system or an eligible customer-generator that is subject to the provisions of §  
19 7-306 of this title;

20 2. are located on the same property or adjacent properties;

21 3. have the capacity to produce, when calculated  
22 cumulatively for all generating units or facilities on the property or adjacent property, more  
23 than 2 megawatts but not more than 14 megawatts of alternating current; and

24 4. for each individual generating unit or facility:

25 A. has the capacity to produce not more than 2 megawatts of  
26 alternating current;

27 B. is separately metered by the electric company; and

28 C. does not export electricity for sale on the wholesale market  
29 under an agreement with PJM Interconnection, LLC;

30 (iii) a generating unit or facility that:

1. is used for the production of electricity for the purpose of:

A. onsite emergency backup at a facility when service from the electric company is interrupted due to electric distribution or transmission system failure or when there is equipment failure at a site where critical infrastructure is located; and

B. test and maintenance operations necessary to ensure functionality of the generating unit or facility in the event of a service interruption from the electric company due to electric distribution or transmission system failure or when there is equipment failure at a site where critical infrastructure is located;

2. is installed with equipment that prevents the flow of electricity to the electric grid;

3. is subject to a permit to construct issued by the Department of the Environment; and

4. is installed at a facility that is part of critical infrastructure if the facility complies with all applicable regulations regarding noise level and testing hours; or

(iv) a combination of two or more generating units or facilities that satisfy item (iii) of this paragraph.

**(8) "MARYLAND EJ TOOL" HAS THE MEANING STATED IN § 1-101 OF THE ENVIRONMENT ARTICLE.**

~~(5)~~ **(9)** (i) "Mined land" means the surface or subsurface of an area in which surface mining operations will be, are being, or have been conducted.

(ii) "Mined land" includes:

1. private ways and roads used for mining appurtenant to any surface mining area;

2. land excavations;

3. workings; and

4. overburden.

~~(6)~~ **(10)** "Qualified generator lead line" means an overhead transmission line that is designed to carry a voltage in excess of 69,000 volts and would allow an out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric system in Maryland that is owned by an electric company.

1           **(B-1) (1) THIS SUBSECTION DOES NOT APPLY TO THE CONSTRUCTION OF A**  
2 **WIND, SOLAR, OR GEOTHERMAL ENERGY GENERATING STATION.**

3           **(2) (I) AN APPLICATION FOR A CERTIFICATE OF PUBLIC**  
4 **CONVENIENCE AND NECESSITY FOR THE CONSTRUCTION OF A GENERATING**  
5 **STATION LOCATED WITHIN AN AT-RISK CENSUS TRACT SHALL INCLUDE A BURDEN**  
6 **REPORT PREPARED IN ACCORDANCE WITH THIS SUBSECTION.**

7           **(II) THE COMMISSION MAY NOT CONSIDER AN APPLICATION**  
8 **FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE**  
9 **CONSTRUCTION OF A GENERATING STATION UNLESS THE APPLICATION INCLUDES A**  
10 **BURDEN REPORT PREPARED IN ACCORDANCE WITH THIS SUBSECTION.**

11           **(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A BURDEN**  
12 **REPORT REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL:**

13           **(I) 1. DESCRIBE THE EXISTING ENVIRONMENTAL AND**  
14 **PUBLIC HEALTH BURDEN FOR THE AT-RISK CENSUS TRACT IN WHICH THE**  
15 **GENERATING STATION IS TO BE LOCATED; AND**

16                           **2. DESCRIBE THE POTENTIAL OR CURRENT**  
17 **CONTRIBUTIONS TO THE EXISTING ENVIRONMENTAL AND PUBLIC HEALTH BURDEN**  
18 **BY THE GENERATING STATION; AND**

19           **(II) AT A MINIMUM, INCLUDE:**

20                           **1. A. USING THE MARYLAND EJ TOOL, THE EJ**  
21 **SCORE FOR THE CENSUS TRACT IN WHICH THE GENERATING STATION IS TO BE**  
22 **LOCATED, INCLUDING A DESCRIPTION OF THE INDICATORS CONTRIBUTING TO THE**  
23 **EJ SCORE; AND**

24   **B. USING THE MARYLAND EJ TOOL, THE EJ SCORES**  
25 **FOR EACH CENSUS TRACT LOCATED WITHIN A 1.5-MILE RADIUS OF THE BOUNDARY**  
26 **OF THE PROPOSED GENERATING STATION, INCLUDING A DESCRIPTION OF THE**  
27 **INDICATORS CONTRIBUTING TO THE EJ SCORE;**

28   **2. A COMPREHENSIVE LIST OF EACH EXISTING**  
29 **POLLUTION SOURCE, OR CATEGORY OF SOURCES, THAT IS IMPACTING THE AT-RISK**  
30 **CENSUS TRACT OR CENSUS TRACTS WITHIN A 1.5-MILE RADIUS OF THE PROPOSED**  
31 **GENERATING STATION, INCLUDING A DESCRIPTION OF POTENTIAL ROUTES OF**  
32 **HUMAN EXPOSURE TO POLLUTION FROM EACH SOURCE OR CATEGORY IDENTIFIED;**

1                   **3.    AMBIENT CONCENTRATIONS OF REGULATED AIR**  
2 **POLLUTANTS AND REGULATED OR UNREGULATED HAZARDOUS AIR POLLUTANTS;**

3                   **4.    A.    AN EXISTING TRAFFIC COUNT IN AT-RISK**  
4 **CENSUS TRACTS WITHIN A 1.5-MILE RADIUS OF THE PROPOSED GENERATING**  
5 **STATION; AND**

6                   **B.    ANTICIPATED CONTRIBUTIONS TO THE TRAFFIC**  
7 **COUNT FROM THE PROPOSED GENERATING STATION, INCLUDING VEHICLE TYPES,**  
8 **ASSOCIATED EMISSIONS, AND ANTICIPATED ROUTES IN AT-RISK CENSUS TRACTS**  
9 **WITHIN A 1.5-MILE RADIUS OF THE GENERATING STATION;**

10                  **5.    A.    EXISTING NOISE AND ODOR LEVELS IN AT-RISK**  
11 **CENSUS TRACTS WITHIN A 1.5-MILE RADIUS OF THE PROPOSED GENERATING**  
12 **STATION; AND**

13                  **B.    ANTICIPATED CONTRIBUTIONS TO NOISE AND ODOR**  
14 **LEVELS FROM THE PROPOSED GENERATING STATION;**

15                  **6.    EXPOSURE OR POTENTIAL EXPOSURE TO LEAD,**  
16 **INCLUDING LEAD-BASED PAINT;**

17                  **7.    EXPOSURE OR POTENTIAL EXPOSURE TO**  
18 **CONTAMINATED DRINKING WATER SUPPLIES;**

19                  **8.    PROXIMITY OF THE PROPOSED GENERATING STATION**  
20 **TO EXISTING SOURCES OF POLLUTION;**

21                  **9.    THE POTENTIAL OR PROJECTED CONTRIBUTION OF**  
22 **THE PROPOSED GENERATING STATION TO EXISTING POLLUTION BURDENS IN THE**  
23 **AT-RISK CENSUS TRACT, ACCOUNTING FOR THE EXISTING BURDEN AND THE**  
24 **POTENTIAL HEALTH EFFECTS OF ANY CONTRIBUTION;**

25                  **10.   AN EVALUATION OF EXISTING ENVIRONMENTAL AND**  
26 **PUBLIC HEALTH STRESSORS AND INDICATORS BORNE BY THE AT-RISK CENSUS**  
27 **TRACT OR CENSUS TRACTS WITHIN A 1.5-MILE RADIUS OF THE PROPOSED**  
28 **GENERATING STATION; AND**

29                  **11.   AN EVALUATION OF ANY ENVIRONMENTAL AND**  
30 **PUBLIC HEALTH STRESSORS AND INDICATORS POSED BY THE PROPOSED**  
31 **GENERATING STATION.**

1 (c) (1) On receipt of an application for a certificate of public convenience and  
2 necessity under this section, the Commission shall provide notice immediately or require  
3 the applicant to provide notice immediately of the application to:

4 (i) the Department of Planning;

5 (ii) the governing body, and if applicable the executive, of each  
6 county or municipal corporation in which any portion of the generating station, overhead  
7 transmission line, or qualified generator lead line is proposed to be constructed;

8 (iii) the governing body, and if applicable the executive, of each  
9 county or municipal corporation within 1 mile of the proposed location of the generating  
10 station, overhead transmission line, or qualified generator lead line;

11 (iv) each member of the General Assembly representing any part of  
12 a county in which any portion of the generating station, overhead transmission line, or  
13 qualified generator lead line is proposed to be constructed;

14 (v) each member of the General Assembly representing any part of  
15 each county within 1 mile of the proposed location of the generating station, overhead  
16 transmission line, or qualified generator lead line;

17 (vi) for a proposed overhead transmission line, each owner of land  
18 and each owner of adjacent land; and

19 (vii) all other interested persons.

20 (2) The Commission, when sending the notice required under paragraph  
21 (1) of this subsection, shall forward a copy of the application to:

22 (i) each appropriate State unit and unit of local government for  
23 review, evaluation, and comment regarding the significance of the proposal to State,  
24 area-wide, and local plans or programs; and

25 (ii) each member of the General Assembly included under paragraph  
26 (1)(iv) and (v) of this subsection who requests a copy of the application.

27 (3) On receipt of an application for a certificate of public convenience and  
28 necessity under this section, the Commission shall provide notice of the application on the  
29 Commission's social media platforms and website.

30 **(4) (I) THIS PARAGRAPH DOES NOT APPLY TO THE CONSTRUCTION**  
31 **OF A WIND, SOLAR, OR GEOTHERMAL ENERGY GENERATING STATION.**

32 **(II) THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS**  
33 **SUBSECTION SHALL INCLUDE:**

1                   **1. USING THE MARYLAND EJ TOOL, THE EJ SCORES**  
2 **FOR EACH CENSUS TRACT LOCATED WITHIN A 1.5-MILE RADIUS OF THE BOUNDARY**  
3 **OF THE PROPOSED GENERATING STATION, INCLUDING A DESCRIPTION OF THE**  
4 **INDICATORS CONTRIBUTING TO THE EJ SCORE; AND**

5                   **2. A LINK TO THE COMMISSION WEBPAGE WHERE THE**  
6 **ASSOCIATED BURDEN REPORT IS POSTED.**

7           (d) (1) (i) The Commission shall provide an opportunity for public  
8 comment and hold a public hearing on the application for a certificate of public convenience  
9 and necessity **AND, IF APPLICABLE, THE ASSOCIATED BURDEN REPORT** in each  
10 county and municipal corporation in which any portion of the construction of a generating  
11 station, an overhead transmission line designed to carry a voltage in excess of 69,000 volts,  
12 or a qualified generator lead line is proposed to be located.

13           **(D-1) (1) THIS SUBSECTION APPLIES ONLY TO AN APPLICATION FOR A**  
14 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR WHICH A BURDEN**  
15 **REPORT IS REQUIRED.**

16           **(2) AFTER REVIEW OF A BURDEN REPORT PREPARED IN**  
17 **ACCORDANCE WITH THIS SECTION, THE COMMISSION SHALL ISSUE A**  
18 **DETERMINATION ON WHETHER APPROVING AN APPLICATION FOR A CERTIFICATE**  
19 **OF PUBLIC CONVENIENCE AND NECESSITY WILL, TOGETHER WITH OTHER**  
20 **ENVIRONMENTAL OR PUBLIC HEALTH STRESSORS OR INDICATORS AFFECTING THE**  
21 **AT-RISK CENSUS TRACT, CAUSE OR CONTRIBUTE TO ADVERSE ENVIRONMENTAL OR**  
22 **PUBLIC HEALTH STRESSORS OR INDICATORS IN THE AT-RISK CENSUS TRACT THAT**  
23 **ARE HIGHER THAN THOSE BORNE BY OTHER AREAS WITHIN THE STATE.**

24           **(3) IF THE COMMISSION DETERMINES THAT APPROVING AN**  
25 **APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY WILL**  
26 **CAUSE OR CONTRIBUTE TO ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH**  
27 **STRESSORS OR INDICATORS UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE**  
28 **COMMISSION SHALL DENY THE APPLICATION UNLESS THE APPLICANT CAN**  
29 **DEMONSTRATE THAT THE ACTIVITY REQUIRING THE CERTIFICATE OF PUBLIC**  
30 **CONVENIENCE AND NECESSITY WILL SERVE A PUBLIC INTEREST IN THE AT-RISK**  
31 **CENSUS TRACT WHERE THE GENERATING STATION IS TO BE LOCATED.**

32           **(4) IF THE COMMISSION DETERMINES THAT AN APPLICATION FOR A**  
33 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MAY BE APPROVED UNDER**  
34 **THIS SUBSECTION, THE COMMISSION SHALL IMPOSE CONDITIONS ON THE**  
35 **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO PROTECT**  
36 **ENVIRONMENTAL AND PUBLIC HEALTH.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2026.