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Testimony of Bruce Burcat, Executive Director  
Mid-Atlantic Renewable Energy Coalition  
Before the Senate Education, Health and Environmental Affairs Committee

House Bill 777  
Position: Support

I am Bruce Burcat the Executive Director of the Mid-Atlantic Renewable Energy Coalition (MAREC). I appreciate the opportunity to provide our comments to this Committee in support of House Bill 777.

MAREC is an organization representing many of the leading utility-scale wind and solar developers, wind turbine and PV solar panel manufacturers, and public interest organizations that support the development of renewable energy in the Mid-Atlantic region. Our members develop wind and solar farms in ten jurisdictions in the PJM region, including Maryland. Unfortunately, when it comes to developing solar projects in Maryland, our members find the process to obtain certification for their projects to be inefficient and lengthy.

Of the ten jurisdictions in the MAREC region, Maryland is one of the most challenging to successfully develop in-state sites for utility-scale solar projects. I know that you already have heard about some of the reasons for these challenges, like limited transmission capacity, conflicts with conservation easements, forests, wetlands and so forth. Compounding these types of challenges is the added element of requiring local permitting, which is redundant, creating inefficiency and an unduly lengthy process. While project permitting in other states generally take less than a year on average, project permitting in Maryland averages over 1.5 years and can exceed two years.

Local input before the Public Service Commission (PSC) when considering the certification of a solar project is **already** an essential element of the process. The PSC's CPCN process is

thorough and comprehensive. Nevertheless, there is what amounts to a dual permitting process in Maryland that continues to exist even after the Maryland Court of Appeals' found in its 2019 Perennial decision that a separate local process was not legally justified creating a difficult situation for project developers.

In short, the DNR's Power Plant Research Program (PPRP) is required to provide a Project Assessment Report and licensing conditions on the construction and operation of the solar project, which are a couple of the key elements of the PSC's review to grant certification. In some cases, the PPRP has withheld this information on the basis that they were unable to complete its review due to the projects not having received a local permitting decision.

As the Court stated in Perennial, that such a process "would engender chaos and confusion." House Bill 777 would create a defined structure and time frame for local participation and would resolve the issue of dual permitting processes.

House Bill 777 also would ensure that certain licensing conditions related to wetlands, stormwater and erosion control are consistent with state law, and that they are imposed earlier in the process -- not at the very end causing additional significant costs, which were unanticipated by project developers.

Solar businesses choose to develop in states that have reasonable processes for permitting their projects and have public policies supporting development. While Maryland has developed solid policies supporting such development, the length of time to get a permit and then being hit with unanticipated project changes (and costs) at the end of the process are major impediments to meeting the goals of the Clean Energy Jobs Act.

We respectfully, request the Committee a favorable report on HB 777.