



**The Maryland Department of the Environment
Secretary Serena McIlwain**

House Bill 1111

Public Utilities - Solar Energy Generating Systems - Floating Systems and Systems Located on Brownfields

Position: Support with Amendments
Committee: Economic Matters
Date: February 21, 2025
From: Alex Butler, Deputy Director of Government Relations

The Maryland Department of the Environment (MDE) **SUPPORTS** HB 1111 **WITH AMENDMENTS**.

Bill Summary

House Bill 1111 aims to encourage the development of solar energy systems in two specific areas. First, it seeks to include certain floating solar energy generating systems in the Small Solar Energy Generating System Incentive Program. Second, it proposes exempting solar energy systems constructed on brownfields from certain approval processes, simplifying their development. By facilitating the installation of solar energy systems on floating platforms and repurposing previously contaminated brownfield sites, HB 1111 seeks to expand renewable energy infrastructure and make use of underutilized lands for clean energy production.

Position Rationale

This bill aligns with Maryland's statewide goal to reach 100% of the electricity consumed in the state to be generated by clean and renewable energy sources by 2035. MDE adopted regulations in 2022 to provide a fee waiver for Voluntary Cleanup Program applications for renewable energy projects of 2 megawatts or higher on brownfield sites. There has been a significant increase in the number of such properties enrolled in the program, with 8 applications in the past year for larger-scale solar projects.

However, floating solar projects over tidal wetlands are not water-dependent and therefore would not be authorized. In nontidal areas, floating solar systems would be allowable on a case-by-case basis. Because the bill does not provide a definition or criteria for determining which resources may qualify as "nonnavigable bodies of water," floating solar systems may be proposed in wetlands or waters regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act. As with state permits, these projects may need to meet certain minimum federal requirements not identified in the legislation to obtain federal permits. MDE proposes to have guardrails in place to ensure that the bill excludes tidal wetlands or other sensitive areas, instead limiting floating solar systems to more appropriate bodies of water such as reservoirs, retention ponds, and wastewater treatment facilities.

Accordingly, MDE asks for a **FAVORABLE WITH AMENDMENTS** report for HB 1111.

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