I am in favor of SB0931.pdf
Uploaded by: James Lewis
Position: FAV

I am in favor of SB0931. There are a small group of farmers that are paying cheap land rent and don't like any competition for that land. So, they are not in favor of solar being a competitor. Most landowners are in favor of this bill. Most landowners are not members of Farm Bureau. And in fact Farm Bureau members are split on the issue. It waffles back and forth from 49:51 to 51:49 depending on who shows up to vote. Landowners should not face eminent domain to take land for solar, but they should have the option to use their land for solar. County governments aren't trained in land use and don't look at the big picture and benefits to the citizens of the state. As a farmer, I want the citizens of the state to purchase/consume the food I produce for them. I am ok using my land to help provide energy to them also. I don't want to be mandated to do it, but want the option. It is my land. As long as I am not causing harm to the environment or preventing my neighbors from using their property, I should be allowed to use my property as I want. SB 0931 allows everyone to give comment and be part of the process.

Testimony in support of SB0931 - Public Utilities

Uploaded by: Richard KAP Kaplowitz

Position: FAV

SB0931_RichardKaplowitz_FAV
02/28/2025

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0931 – FAVORABLE

Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

TO: Chair Feldman, Vice Chair Kagan and members of the Education, Energy and the Environment Committee

FROM: Richard Keith Kaplowitz

My name is Richard K. Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#0931, Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

This bill seeks to ensure that solar power is part of the energy generation portfolio in Maryland and creates guidelines to apply for that inclusion. Solar power can and should be part of the goals Maryland has established to meet the climate change crisis. It will do modeling and force electric companies to provide to Maryland integrated resource plans that can guide the Public Service Commission decision making through reference to those plans.

> Solar energy technology combats climate change by reducing our dependence on fossil fuels and providing a clean and renewable alternative.
>
> Solar energy has the potential to help reduce carbon dioxide and other greenhouse emissions by replacing traditional sources of electricity — like fossil fuels — with clean, renewable energy.
>
> A significant decrease in emissions is essential to positively affect climate change and improving air quality worldwide. [1]

Maryland is a leader in the nation working to mitigate climate change in our nation and state. [2]

> On April 8, 2022, the Climate Solutions Now Act, **SB 528**, became law. The bill, sponsored by Senator Paul Pinsky, set the nation's leading interim goal of a 60% reduction below 2006 emissions by 2031, with a requirement to reach net-zero by 2045.

[1] https://blog.ecoflow.com/us/can-solar-energy-stop-climate-change/#:~:text=By%20decreasing%20the%20use%20of,change%20in%20a%20meaningful%20way.

[2] https://ncelenviro.org/articles/maryland-passes-the-climate-solutions-now-act/#:~:text=On%20April%208%2C%20the%20Climate,reach%20net%2Dzero%20by%202045.

SB0931_RichardKaplowitz_FAV

[Among the ways] to accomplish this, the bill:

- incorporates long-term and ongoing electric distribution planning to facilitate decarbonization
- requires state agencies to consider the long-term climate and equity impacts of their policies

This bill works to meet the Climate Solutions Now Act points of emphasis by altering the factors the Public Service Commission must consider before taking final action on a certificate of public convenience and necessity. This occurs by establishing certain requirements for the construction of a certain solar energy generating station or energy storage device. It forces better planning through requiring the Commission to conduct a certain study to establish a process by which the Commission may establish partnerships between electric companies and electricity suppliers for electricity generation projects.

I respectfully urge this committee to return a favorable report on SB#0931.

CleanChoice Energy Testimony SB931.pdf
Uploaded by: Richard Tabuteau
Position: FAV

2445 M Street NW, Ste 200
Washington, DC 20037
p 1-888-444-9452
CleanChoiceEnergy.com

The Honorable Brian J. Feldman, Chairman
Education, Energy, and the Environment Committee
January 28, 2025

CleanChoice Energy is a renewable energy company founded in 2011 with a mission to make it easy for residential customers to switch to clean, renewable energy. We provide exclusively 100% renewable energy to customers across our footprint and never charge an early termination fee.

CleanChoice Energy is pleased to offer its support for Senate Bill 931 and House Bill 1036.

These bills will drive significant advancements in renewable energy projects across the state of Maryland. They aim to achieve this by expediting the approval process for such projects, while also implementing stringent guidelines to ensure that projects are developed and operated in a responsible and sustainable manner. This streamlined approach will not only encourage greater investment in renewable energy sources, but it will also lead to a substantial reduction in greenhouse gas emissions, thereby helping to mitigate the harmful effects of climate change and enhance the state's overall climate resilience.

Furthermore, Senate Bill 931 and House Bill 1036 contain provisions that mandate community engagement and input throughout the development process. This includes requirements for public hearings and meetings, particularly in areas that have historically been overburdened by pollution or underserved in terms of access to clean energy resources. By fostering transparency and actively involving local communities in the decision-making process, these bills seek to ensure that the benefits of renewable energy are shared equitably and that the concerns of all stakeholders are considered.

In addition to streamlining the approval process and mandating community input, these bills also address a wide range of other issues related to the development and operation of renewable energy projects. This includes provisions related to environmental protection, grid integration, and consumer protection. By taking a comprehensive approach to advancing renewable energy, these bills will help to ensure that Maryland's transition to a clean energy future is both sustainable and equitable.

Overall, Senate Bill 931 and House Bill 1036 represent a significant step forward in Maryland's efforts to promote renewable energy and combat climate change. By passing these bills, the Maryland legislature will send a clear message that the state is committed to a clean energy future and that it is taking concrete steps to achieve its ambitious renewable energy and climate goals. This will not only benefit the environment and public health, but it will also create jobs, stimulate economic growth, and protect consumers from the rising costs of fossil fuels.

Respectfully Submitted,

Shaun Chapman
Vice President, Government Relations
CleanChoice Energy

SB931_FWA_TPE.pdf
Uploaded by: David Murray
Position: FWA

February 26, 2025

Honorable C. T. Wilson, Chair
Honorable Brian Crosby, Vice Chair
Economic Matters Committee Room 231
House Office Building
Annapolis, Maryland 21401

Honorable Brian Feldman, Chair
Education, Energy, and the Environment
2 West Miller
Senate Office Building
Annapolis, Maryland 21401

SB 931 | HB 1036 – FAVORABLE WITH AMENDMENT

Dear Members of the Economic Matters and Education, Energy and Environment Committees,

TurningPoint Energy ("TPE") is a solar and battery storage development company, with over 240 megawatts in development or operation in Maryland. We are proud to have been participating in Maryland's community solar pilot program since its inception in 2015 and continue to invest heavily in the state's clean energy future.

TPE commends Senator Feldman, Chair Wilson and Vice Chair Crosby for their leadership on clean energy permitting and siting. We strongly favor SB 931 | HB 1036 for the following reasons:

Robust and practical siting standards, as proposed in SB 931 | HB 1036, represent a sensible and thoughtful approach to solar energy siting.

In general, the requirements related to site design, construction and operation, are both reasonable and thorough from the perspective of TurningPoint Energy. As our company aims to maximize community and ecosystem service benefits associated with our solar projects, SB 931 | HB 1036 set an appropriately high bar for the statewide industry – and balance various stakeholder concerns related to solar development.

Developing a statewide permitting regime for energy storage underpins Maryland's opportunity to benefit from this technology.

Despite the ambitious statewide target of 3,300 MW of energy storage deployment, there is no process by which standalone energy storage may be permitted via Certificate of Public Convenience and Necessity (CPCN.) SB 931 | HB 1036 makes this important change, offering clarity to developers like TPE as we explore where energy storage can best deliver financial benefits and grid resiliency to Marylanders.

TPE respectfully proposes an amendment to support additional market certainty to clean energy development.

Based off SB1022 (Senator C. Jackson), implementation of cross utility crediting for low to moderate income (LMI) households would ensure community solar development will continue in Maryland's best sites for solar deployment. As the current community solar program requires

subscribers live in the same utility territory as the solar facility, there is a looming mismatch between potential beneficiaries of community solar – particularly low to moderate income households – and the location of facilities. Based on an analysis of proposed development in the public interconnection queue, future community solar deployment will quickly exceed likely demand from low to moderate income customers in DPL territory – while barely reaching greater than 3% of customers in Pepco or 7% of customers in BGE. Thus, by 2030, community solar deployment may cease in the region while other territories maintain substantial demand for subscribers. Limiting cross utility crediting to LMI households maintains the program's core intent to maximize equity outcomes from solar development, while growing the state's clean energy resources.

Thank you for your time and consideration. I have included proposed language below. TPE also supports the proposed amendments submitted by the solar trade associations.

/s/
David Murray
dmurray[at]tpoint-e.com

Article – Public Utilities

7–306.2.

(d) (3) (I) Subscribers served by electric standard offer service, community choice aggregators, and electricity suppliers may hold subscriptions to the same community solar energy generating system.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A SUBSCRIBER MUST RESIDE IN THE SAME ELECTRIC SERVICE TERRITORY AS THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM TO WHICH THE SUBSCRIBER HOLDS A SUBSCRIPTION.

2. AN LMI SUBSCRIBER MAY HOLD A SUBSCRIPTION TO A COMMUNITY SOLAR ENERGY GENERATING SYSTEM LOCATED IN A DIFFERENT ELECTRIC SERVICE TERRITORY THAN THE ONE IN WHICH THE LMI SUBSCRIBER RESIDES.

(j) (2) (i) This paragraph applies to electric companies, electric cooperatives, and municipal utilities that participate in the Program.

(ii) A subscriber who has a change in the service address associated with the subscriber's subscription may maintain the subscription for the new address if the new address is within the same electric territory as the old address.

(iii) An electric company or a subscriber organization may not terminate a subscriber's subscription due to a change of address for the service address associated with the subscription if the requirements under subparagraph (ii) of this paragraph are met.

(iv) An electric company shall make any changes necessary to accommodate a subscriber's change of address on notification by a subscriber organization.

(O) (1) AN LMI SUBSCRIBER THAT RESIDES IN A DIFFERENT ELECTRIC 8 SERVICE TERRITORY THAN THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM SHALL RECEIVE THE SAME BILL CREDIT VALUE AS AN LMI SUBSCRIBER THAT RESIDES IN THE SAME ELECTRIC SERVICE TERRITORY AS THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM.

(2) ON OR BEFORE JANUARY 1, 2026, BY ORDER OR REGULATION, THE COMMISSION SHALL ESTABLISH A PROCESS FOR THE APPLICATION OF COMMUNITY SOLAR BILL CREDITS TO THE BILL OF A LMI SUBSCRIBER REGARDLESS OF WHETHER THE COMMUNITY SOLAR ENERGY GENERATING SYSTEM IS LOCATED IN THE SAME ELECTRIC SERVICE TERRITORY AS THE LMI SUBSCRIBER.

(3) ON OR BEFORE JANUARY 1, 2026, THE COMMISSION SHALL APPROVE OR AMEND AND APPROVE THE TARIFFS AND PROTOCOLS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

Testimony DAC SB931 EEE Renewable Energy Certaint

Uploaded by: Debbie Cohn

Position: FWA

Committee: **Education, Energy, and the Environment**
Testimony on: **SB931 – Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)**
Submitting: **Deborah A. Cohn**
Position: **Favorable with Amendments**
Hearing Date: **February 26, 2025**

Dear Chair Feldman and members of the Committee:

Thank you for your consideration of my testimony in support of SB931 with amendments.

The Renewable Portfolio Standard (RPS) calls for 14.5% of Maryland's clean electricity to be contributed by solar energy by 2030. The State has consistently fallen short of adding the annual amount of new solar energy generation needed to attain this goal even after the annual targets for earlier years were reduced, requiring significantly larger increases in solar capacity in the outer years. As a result, in FY2023 Maryland utilities paid $262m in Tier 1 alternative compliance payments (ACP) to the Strategic Energy Investment Fund (SEIF) in FY 2023. Paying ACPs is not the desired goal; we need installation of new solar energy generation systems. According to the 2023 Maryland Climate Pathways Report, solar generation must increase fivefold by 2031, with solar accounting for 33% of in-state energy generation.

According to the International Energy Agency (IEA) the rapid expansion of ever cheaper solar PV is expected to account for roughly half of global electricity demand growth in 2027, up from five percent in 2023.[1] This growth rate results from the decreasing costs and ease of installing solar energy generating systems. Utility scale solar generating plants are the least expensive[2] and fastest to deploy energy source in the world today. Costs for smaller scale distributed solar projects, such as community solar, have fallen as well.[3] When combined with utility scale storage, their levelized cost of energy is lower than combined-cycle natural gas.[4] The combination also provides dispatchable generation that is needed to stabilize the grid. As longer term thermal storage technologies,[5] particularly molten salt storage which is the thermal storage most frequently paired[6] with solar generating systems, become increasingly competitive, utility scale solar and storage can address the energy and reliability needs of Maryland without the long term economic and environmental risks posed by fossil fuel technologies.

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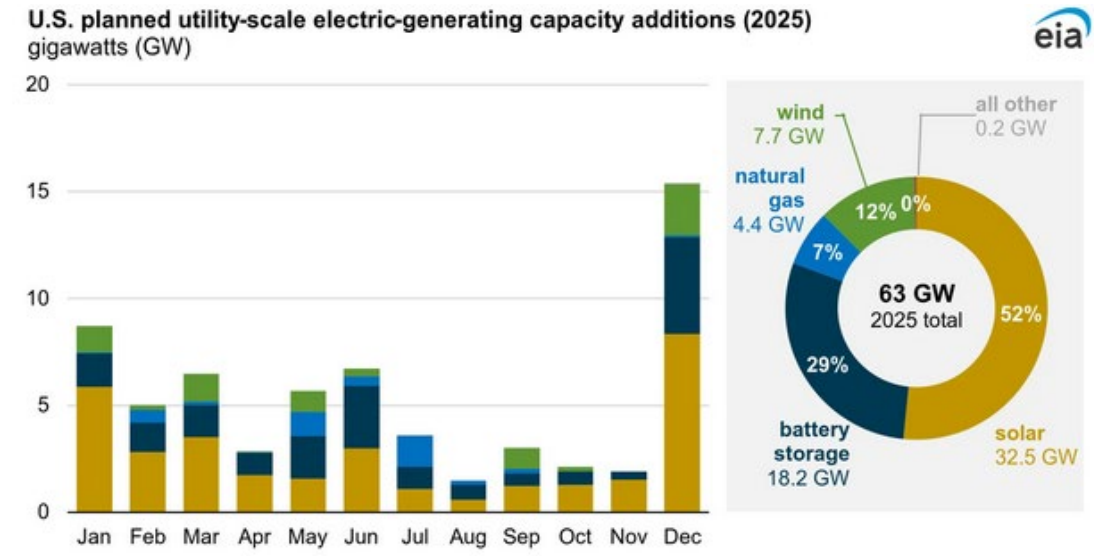
[1] https://www.iea.org/reports/electricity-2025/executive-summary
[2] https://pv-magazine-usa.com/2024/06/11/cheapest-source-of-fossil-fuel-generation-is-double-the-cost-of-utility-scale-solar/
[3] Ibid.
[4] https://www.utilitydive.com/news/solar-storage-projects-to-drive-utility-scale-deployment-of-batteries-na/551724/#:~:text=Storage%2Dplus%20PPAs%20are%20already%20less%20expensive%20than,in%20the%20United%20States%2C%20the%20report%20found.&text=This%20significant%20reduction%20in%20cost%20means%20that,even%20in%20markets%20without%20subsidies%2C%20BNEF%20said
[5] https://www.sciencedirect.com/science/article/abs/pii/S2352152X21011257
[6] https://www.energy.gov/eere/solar/solar-integration-solar-energy-and-storage-basics

According to the U.S. Energy Information Administration, solar and battery storage account for 81 percent of expected total capacity additions, with solar making up over 50 percent of the increase. In 2024, generators added 30GW of utility-scale solar on the grid, accounting for 61 percent of capacity additions.[7]



(2025). Retrieved from Energy Information Administration.

Maryland, however, has been slow to participate in this global trend, due to dysfunctional policies in the RPS, excessive interconnection delays at PJM, and some local prohibitions of solar energy plants. SB931 addresses some of these issues with rules related to the siting of critical large-scale solar infrastructure throughout the state.

SB931 would provide reasonable setbacks on the property, landscaping and visual barriers, prohibition of night lighting, fencing restrictions, and soil conservation at the site. These I support.

While I strongly support rapid increases in solar and storage projects in Maryland, I am deeply troubled, however, by the bad precedent set by a complete preemption of local review and regulation of solar projects. One day preemption of local review accelerates a goal one supports; the next day it comes back to bite one when it is used to accelerate a deeply troubling goal. One needs to be prepared to accept the compromises the political process produces, even when that stymies one's policy preferences.

The bill also does not address certain issues which a few amendments could address:

[7] https://www.eia.gov/todayinenergy/detail.php?id=64586

- Currently, four hour LI batteries are the industry standard for battery energy storage systems (BESS). The recently-adopted NFPA855 makes these systems vastly safer. The bill should require that any new LI BESS systems incorporate that or a safer standard.
- Inadequate incentives in the RPS are often cited as key roadblocks to widespread adoption of utility scale solar. Adding SREC II incentives as currently proposed in SB316 ("Affordable Abundant Clean Energy Act") are preferable to precluding further decline in the ACP cost. As previously noted, the current ACP is already too low to incentivize installation of adequate amounts of new solar generating systems.
- The blanket prohibition on county zoning and regulations pertaining to solar siting is a legitimate concern for local governments and residents and sets a dangerous precedent. The bill should provide an exemption to the prohibitions on county regulation or a specific PSC review process in instances where a county holds an agricultural preservation or conservation easement on a property proposed for solar development. Easements represent county ownership of one or more property rights that should not be rendered meaningless by state law.

While some are concerned that utility scale solar would irreparably harm the agricultural industry and the rural way of life in the state, the number of acres needed for solar generation are small as a percent of the total state acreage. The likely acreage needed is in the range of 12,000 acres statewide or less than 6/10 of 1 percent of all Maryland farmland. Moreover, smaller projects, such as community solar, may be just what is needed to help a farming family continue using their smaller acreage for farming, relying on the set aside of a small portion of the property for more lucrative solar generating stations to reduce overall risk. Providing the landowner that option recognizes a landowner's general right to determine the highest and best use of his or her land. Having a rational and effective process to incentivize and site solar is a way to address these competing, legitimate concerns.

For these reasons, I support SB931 as amended and urge a FAVORABLE WITH AMENDMENTS report in Committee.

M&A_Aaron Bast_Ironworkers Local 5_HB1036 SB931_FW
Uploaded by: Roger Manno
Position: FWA

TESTIMONY OF AARON BAST, BUSINESS MANAGER & FINANCIAL SECRETARY-TREASURER, IRON WORKERS LOCAL 5
BEFORE THE SENATE EDUCATION, ENERGY, AND ENVIRONMENT COMMITTEE
AND THE HOUSE ECONOMIC MATTERS COMMITTEE

SB931 / HB1036
FAVORABLE WITH AMENDMENT

Chair Feldman, Chair Wilson, and Members of the Senate Education, Energy, and Environment Committee, and the House Economic Matters Committee:

Thank you for the opportunity to testify on SB931 / HB1036, which directs the Public Service Commission (PSC) to study the feasibility of partnerships between electric utilities and electricity suppliers for electricity generation projects. While I appreciate the intent behind this study, I urge a Favorable with Amendment position on this bill to ensure that all cost-effective and market-based solutions—rather than just utility ownership models—are properly considered.

Ensuring Cost-Effective Solutions for Ratepayers

The study proposed in SB931 / HB1036 places undue emphasis on utility-owned generation as a preferred solution to Maryland's energy needs. However, history has shown that utility-owned generation is among the most expensive options for consumers, often burdening ratepayers with excessive costs. A truly effective study must take a comprehensive approach, considering competitive procurement processes and market-driven solutions that have already proven to deliver lower costs, greater efficiency, and enhanced grid reliability.

Supporting the Broader Approach in SB909 / HB1037

Maryland already has a more thorough and well-structured study proposal in SB909 / HB1037, which directs the PSC to assess various generation procurement strategies, including competitive solicitations, merchant investment, and other private-sector solutions. This broader approach avoids duplicative efforts while ensuring that Maryland's energy strategy prioritizes reliability, affordability, sustainability, and competition.

Given that SB909 / HB1037 already mandates a comprehensive evaluation of energy procurement options, the study in SB931 / HB1036 is redundant and unnecessary unless amended to align with the broader framework. A limited study focused only on utility partnerships ignores more cost-effective and market-driven solutions that could better serve Maryland ratepayers.

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Largo, MD 20774
www.ironworkers5.org
o : 301 599 0960
f : 301 599 0962

Avoiding Market Disruptions & Protecting Competition

Reintroducing local distribution utilities into the generation sector through mandated partnerships would disrupt Maryland's competitive energy market, deterring private investment and innovation. Maryland's existing competitive energy model has successfully driven down costs and encouraged job growth in the private sector, particularly in advanced nuclear, clean energy, and grid modernization efforts.

Forcing utilities back into the generation business could undermine competitive investments from independent power producers and merchant generators, ultimately increasing costs for consumers and distorting the market. The state should focus on fostering competitive procurement rather than giving an artificial advantage to utilities.

Supporting the Approach Advanced by Constellation

I support the approach outlined by Constellation, which prioritizes competitive, market-based energy solutions that allow for private-sector investment in Maryland's energy future. Rather than returning to utility-owned generation, Maryland should focus on expanding proven competitive procurement models, which attract private investment, promote innovation, and lower costs for consumers.

Constellation's position aligns with a market-based approach that ensures Maryland's energy future is reliable, cost-effective, and sustainable—without undermining competition or forcing ratepayers to bear unnecessary costs. This approach should be incorporated into any PSC study to ensure a fair and accurate evaluation of all options.

Amendments to Strengthen SB931 / HB1036

To ensure Maryland pursues the best and most cost-effective energy solutions, I urge the committee to amend SB931 / HB1036 to:

- Align with SB909 / HB1037, ensuring a comprehensive review of all energy procurement strategies, not just utility partnerships.
- Fully evaluate competitive procurement models and merchant investment as viable alternatives.
- Assess long-term consumer costs associated with utility-owned generation versus market-driven energy solutions.
- Ensure Maryland's competitive energy market is not undermined by unnecessary regulatory interference.

Conclusion

Maryland's energy strategy must be built on competition, cost efficiency, and reliability. While I support efforts to explore new generation options, this study should not assume utility

ownership as the default solution. Instead, it should fairly evaluate all market-based options, including those advanced by Constellation and other private-sector leaders.
For these reasons, I urge the committee to adopt amendments to align SB931 / HB1036 with the broader study approach in SB909 / HB1037 and ensure that Maryland ratepayers receive the best possible energy service at the lowest cost.

Thank you for your time and consideration. I welcome any questions.

Aaron Bast
Business Manager & Financial Secretary-Treasurer
Iron Workers Local 5

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o : 301 599 0960
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QAC Solar Array Fact Sheet_SB931_A Moredock Testim

Uploaded by: Amy Moredock

Position: UNF

Queen Anne's County

DEPARTMENT OF PLANNING & ZONING
110 Vincit St., Suite 104
Centreville, MD 21617

Telephone Planning: (410) 758-1255
Fax Planning: (410) 758-2905
Telephone Permits: (410) 758-4088
Fax Permits: (410) 758-3972

To:	The Honorable Brian J. Feldman Chair, Education, Energy, and the Environment Committee
From:	Amy G. Moredock, Planning Director
Date:	28 February 2025
Subject:	OPPOSITION – SB 931/CF HB1036 Consideration of Queen Anne's County, MD Solar Provisions and the 2024 Solar Solutions Workgroup as relates provisions outlined in HB1036/CF SB 931

Ordinance No. 17-16 – Utility and Small Scale Solar Arrays

Queen Anne's County has been dedicated to supporting the State of Maryland's Renewable Energy Portfolio Goals as indicated by the enacting of Ordinance No. 17-16 as described below. Queen Anne's County, as well as many Maryland Counties, has been an active partner in ensuring the success of utility scale solar array projects as indicated in the statistics below. Queen Anne's County is a major contributor to the implementation of the REP Goals.

- In December 2017, the Queen Anne's County Commissioners enacted utility and small scale solar provisions creating a Utility Scale Solar Array Overlap (USSA) District Map within a two-mile radius on either side of the electric transmission lines with a capacity equal to or greater than 69 kV. This District permits utility scale solar arrays as a conditional use.
- Small scale solar arrays are limited in size to 2 megawatts and permitted as by-right accessory uses defined as a private use facility or net metering system generating solar energy for a single residential home or community neighborhood, a private entity, business, or institutional use. The system may be ground mounted or roof mounted.
- In 2022, the USSA District provisions were amended to expand the siting of a utility scale solar array that is *partially* located with the USSA.
- These provisions enable the County Zoning Administrator to issue building permits for large and small scale solar array projects.

Utility Scale Solar Array District (see attached map):

- A two-mile radius on either side of the electric transmission lines with a capacity equal to or greater than 69 kV. In total, this district encompasses 106,519 acres.
- After GIS analysis of the USSA, there are approximately ***30,958 acres*** of tillable land within the overlay area available for solar development.

Operating Community & Utility Solar Development in QAC:

- Bluegrass approx. 80 megawatts (Pilot program – 408.8 acres)
- Lowin Farms approx. 10 megawatts
- Patchett/Cedar Lane approx. 6 megawatts
- Garcia approx. 2 megawatts (Pilot Program – 18.5 acres)
- Jones Farm approx. 64 megawatts (Pilot Program – 326 acres)

TOTAL approx. 162 megawatts (Pilot Program – 753.3 acres)

Approved Community & Utility Solar Development in QAC:

- Centreville White approx. 2 megawatts
- Red Lion approx. 2 megawatts
- Cedar Lane Solar approx. 2 megawatts

TOTAL approx. 6 megawatts

Pending Community & Utility Solar Development in QAC:

- Ruthsburg Solar 1 approx. 5 megawatts

Maryland's Renewable Energy Goal (Renewable Portfolio Standard):

- By 2030: (mandated by law)
  - 50% of the total energy sold in MD shall come from renewable resources.
    - Solar carve-out – out of the above requirement, at least 14.5% of the energy shall come from solar facilities.
- By 2035: (Governor's goal, but not law yet)
  - 100% of the total energy production in MD shall come from renewable resources.
- Acreage of land and megawatts required throughout the State to meet the solar goal of 14.5% by 2030.
  - Approximately anywhere from 11,000 acres to 18,000 acres of Utility-Scale Solar needed to meet the Maryland 2030 standard.
    - There are currently **1,914.44 acres under lease/PILOT/or otherwise dedicated to Utility Scale Solar projects in Queen Anne's County** that are operating, under construction, or approved.
    - **This represents 13.2% of the acreage needed required from Utility-Scale Solar to meet the Maryland 2030 standard** (based on the average projected average needed: 14,500 acres).
  - Approximately 2,274 megawatts required from Utility-Scale Solar to meet the Maryland 2030 standard (per information from the presentation of Bob Sadzinski Director, Power Plant Research Program, at the 2023 MDA Solar Summit).
    - There are currently **168 megawatts of Utility Scale Solar projects in Queen Anne's County** that are operating, under construction, or approved.
    - **This represents 7.4% of the megawatts required from Utility-Scale Solar to meet the Maryland 2030 standard.**

2024 Solar Solutions Workgroup
Queen Anne's County was vested in the 2024 Solar Solutions Workgroup (and in the 2023 Solar Workgroup).

Directly below is a list of the stakeholders who were at the table and/or invited to come to the table. These participants were engaged to varying degrees but with sufficient consistency from the initial 14 June 2024 meeting to the very last meeting on 22 October 2024. We met 6 times, and each meeting was a full-day session. We absolutely worked together and individually in preparation for those work sessions and dedicated at least 100 hours to the Final Draft Bill which was completed in October 2024.

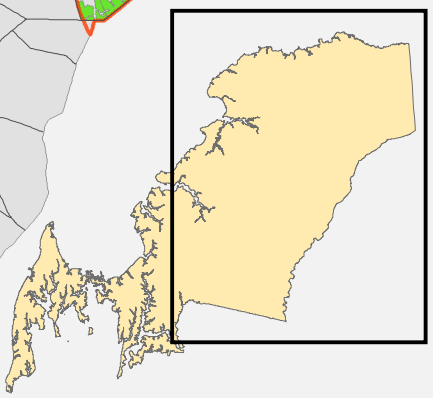
- Administration: Gov's Office, DNR/PPRP, MDA, MDP, MEA, PSC
- Counties: MACo, QAC, FredCo
- Environmental Community: LCV, Forever Maryland
- Industry: CI Renewables, Chaberton, LightStar, REV Renewables, Urban Grid [CHESSA was invited but declined to participate]

Our mission was to put forward a bill in which all parties achieved reasonable transparency, predictability, and compromise and could collectively support a successful piece of solar legislation in the 2025 Session (unlike the same exercise which occurred in 2024 from which the solar industry walked from the table much more quickly and resulted in HB1045/SB1025).

Despite this setback, Queen Anne's County remains committed to continued partnership with a focus on key siting standards agreed upon in October 2024.

Utility Scale Solar Array Overlay
Tillable Acres

Queen Anne's County
MARYLAND



Utility Scale Solar Array Overlay

Tillable Acres in USSA - 30,958 ac.

SolarProjects

Operating

Pending

Tillable acres determined by selecting all parcels that are either within or touch the USSA overlay.
Then removing:

- Parcels less than 20 acres
- Parcels with already developed solar projects
- Conservation easements
- Forest, water, and wetlands (2019 Land Use Land Cover data)
- Land not zoned AG or CS
- Impervious Surface (2016 Impervious Surface data)
- Land within town growth areas

File: USSA_Tillable-062323-PLANNING01

testimony.pdf
Uploaded by: Donna Landis-Smith
Position: UNF

This email is being sent to you because of Senate Bill 931 and House Bill 1036, they are both very important to any and all counties in the State of Maryland.

They are both BAD bills, there are no circumstances in which the State of Maryland including the Public Service Commission should be able to make local County decisions without the County's input in reference to placement of renewable energy projects.

I am a Queen Anne's County citizen and fourth generation farmer along with my son and grandson being the fifth and sixth generation. We grow corn and soybeans and have seven (7) poultry houses. We grow one (1) million chickens per year.

The farmland in Queen Anne's County is critical to the production of grain to feed the poultry industry which in turn feeds the one million plus citizens in Montgomery County plus the other 5.1 million Marylanders.

Keeping our farmland as agricultural land is key to the success of the poultry industry on the Del Mar Va (Delaware, Maryland, Virginia) it takes 19 pounds of feed to feed one chicken in its 60-day life cycle. There are 212 poultry houses located Queen Anne's County which equals to 6,360,000 birds on the ground at one time. It takes 71,232,000 pounds of feed to feed the 6 + million chickens.

Queen Anne's County has been proactive in their renewable energy project efforts by strategically placing solar panels on farmland that is not of statewide importance, or the project is a smaller scale project so the impact on the overall farm operation is minimal. The placement of those solar projects is all based on reviews of Queen Anne's County Planning Commission, Board of Appeals and County Commissioners, all of which work with local landowners to fulfill everyone's needs.

Taking the decision making out of the County's hands and knowing what is best for each county and giving it to State officials that know little about how each County is dangerous and irrational. As Montgomery County is drastically different than Queen Anne's County, a sweeping decision as far as renewable energy project placement is irresponsible.

The Del Mar Va is a corn and soybean deficit area to feed the poultry industry and there is a large amount of corn and soybeans imported every day from the west in order to feed the chickens. We cannot afford to take **ANY** productive farmland out of grain production.

Let each County decide how they want and where they want renewable energy projects to be placed. There is a large inventory of State owned properties that are currently vacant, start with those properties and place the renewable energy projects there before touching one acre of Maryland's most valuable resource, **FARMLAND.**

Respectfully

Donna K. Landis-Smith

SB0931 Critique-Fnl2.pdf
Uploaded by: Frank Lewis
Position: UNF

Renewable Energy and the Maryland Renewable Energy Portfolio Standards – A Critique

Frank R. Lewis, MD

Introduction

Senate Bill 0931 is an effort to assume total zoning control of Maryland land by the Public Service Commission when considering renewable energy generating facilities, rather than continuing to allow the governmental apparatus of each county to do so. It would also prohibit counties from taxing renewable power facilities and would establish maximal landscaping requirements which could be placed on them. The PSC already has the ability to force counties to accept generating facilities and power lines, but the counties retain the ability to tax them and ensure compliance with Comprehensive Zoning Plans. SB0931 would remove those powers.

This represents an unprecedented transfer of power over land use from the citizens of a county to a five member governmental board, but its presumed beneficial intent is to promote more rapid implementation of renewable energy and energy storage with the ultimate goal of increasing in-state energy generation and reducing CO2 emissions, and meeting the goals of the Maryland Renewable Energy Portfolio Standards, or RPS.

My testimony will therefore be directed to the question of whether renewable energy is an effective way to provide energy and reduce CO2 emissions, and whether the RPS, as currently defined, is an achievable goal. I would like to clearly state that my arguments apply only to industrial scale solar and renewable energy, not small solar installations by individuals or farmers, which have completely different issues.

Current Status of Maryland Energy Generation and RPS Mandates

In Maryland currently in-state electricity generation is provided from 7 sources: 41% from nuclear, 41% from natural gas, 6.5% from coal, 5.2% from hydroelectric, 3.2% from solar, 1.5% from wind and 0.9% from biomass (**Fig 1**). The last four---hydro, solar, wind, and biomass are all considered renewable, so the renewable total is just over 10%. **(Fig 2)** Of these four, two are stable year to year---hydro, because you can't make more rivers, and biomass, because the amount of waste, wood chips, and switchgrass are not likely to increase. Both of these have been unchanged for the last 15 years.

That leaves wind and solar, but wind is currently only 1.5% and not likely to increase much because in most of Maryland wind is too weak and inconsistent to be useful. The RPS recognizes this and does not have any requirements for onshore wind but does assume that offshore wind can meet a substantial fraction of the renewable energy requirements by 2030---specifically 13.2%---but the current amount available is zero and President Trump just mandated by edict that no new offshore wind leases will be issued during his term in office, which will extend to 2029. **(Fig 3)**

In addition, offshore wind is dying on its own merits. Shell, BP, and Equinor---all large energy companies which have offshore leases and have planned to build major offshore wind installations, have announced that they are discontinuing their efforts. Gov. Phil Murphy of New Jersey, who has been a strong proponent of offshore wind, has recently discontinued all state financial support for it, which will effectively stop all implementation. Orstead, one of the two largest wind turbine makers in the world, recently announced that they are cancelling the leases they already hold for Ocean Wind 1 and Ocean Wind 2, two large projects off the East Coast, even though it meant they incurred a multimillion dollar penalty for doing so.

Offshore wind is a victim of its own prohibitive cost, and seems destined to disappear soon. It's unlikely to be available to meet any part of the RPS requirements. That means that when the RPS requirements say "renewable" the only source left that can increase is solar—there is nothing else. How likely is that to happen?

Solar Power---Realistic Issues

As already noted, solar currently accounts for 3.2% of Maryland's in-state energy, but has taken 15 years to get to that point from zero, and during the last four years is increasing at a rate of only 0.4% per year.
The RPS mandate for solar in 2030 is 14.5%. At the recent rate of increase it would take 28 years to go from 3.2% to 14.5%, not five..

What's more significant is the unfilled gap between the state's mandate of 50% renewable energy by 2030 and current reality. As we've already said, offshore wind is likely to remain at zero, and none of the other in-state sources of renewable energy can be increased significantly except for solar. But at its present rate of increase solar would only reach 5.2% by 2030. The total renewable energy available in-state from hydro, onshore wind, solar, and biomass would then be only 12.8%, one quarter of the RPS mandate, leaving a gap of 37.2%, or about 13,000,000 megawatt hours per year, to reach the 50% mandate. If solar can't do that, then the RPS is unachievable except by buying renewable energy from out of state, which the legislators profess to want to eliminate. Their policies are therefore internally contradictory.

The intent of SB0931 is to accelerate the rate of solar energy generation to help fill this gap and meet RPS goals. How realistic is it that SB0931 could accomplish this?

The amount of electricity generated from a solar installation today is estimated by the National Renewable Energy Laboratory (NREL) at 300 MwH per acre per year. To meet the gap stated above for reaching 50% renewable energy, we would therefore need 13,000,000/300 = 43,300 acres of land. Solar farms require large expanses of fairly flat land, and in Maryland that's mostly on the Eastern Shore, so the impact of SB0931 would disproportionally fall there. There are 900,000 acres of agriculturally zoned land on the Shore, so 43,300 acres would represent 5% of all farmland on the Shore. That would severely disrupt the agricultural economy.

What about the characteristics of solar itself – how useful is it as a source of power?

The most essential characteristic of solar is that it has a capacity factor of 20%. Capacity factor is the amount of power you get in actual use in a year divided by the nameplate capacity of the solar panel. The nameplate capacity is the amount of power the panel would generate if placed at the equator at high noon on a sunny day. That's not the real world. There are six factors which reduce the efficiency of solar panels in actual use:

1. It's dark half the time, so that reduces the power by 50%.
2. Even when it's daylight the power for two hours after sunrise and two hours before sunset is low-that reduces it another 33%.
3. The power decreases as you move north or south of the equator. Maryland, at 39 degrees latitude, has an average sun angle of 39 degrees from the vertical, which reduces power 18%.
4. The sun also moves 23.5 degrees north and south of the equator with the seasons. On December 21, the angle of the sun from the vertical in Maryland is 62 degrees, not 39, and the energy available is reduced by another 30%. That also means the capacity factor in December is only about 10%, not 20%, so it's hard to generate electricity in the winter months, when you need it most for heating.
5. In the middle of December the hours of daylight are only about 9.5, not 12, reducing it another 20%.
6. About 1/3 of the days in Maryland are cloudy, and output will be only 30-60% of sunny weather.

Put all of these together and you get a maximum of 20% as a yearly average - you can't improve on that, because it depends primarily on the motions of the sun.

That makes solar the least efficient method of energy generation there is. By comparison nuclear has a capacity factor of 93%, 4.6 times as great.

There are three other consequences of the 20% capacity factor. Because solar panels don't generate electricity 80% of the time, you have to have a complete backup system to substitute for it during the time it's not producing electricity. The only alternative available is natural gas or coal. But the 80% of the time you use natural gas or coal, you're producing CO2, so the entire thesis on which solar energy is based is false. Whenever you make solar power a substantial part of your system, you have to provide reliable power 80% of the time from fossil fuels, and the maximal reduction of CO2 emissions that can ever be achieved is 20% of the nameplate capacity—you could build a million acres of solar panels, and the system would still be generating CO2 80% of the time. No solar installation ever built can lower emissions more than 20% from the amount a fossil fuel plant would generate.

The second effect of the 20% efficiency is that you must pay for two complete systems to produce one stream of reliable power. The grid has to meet 100% of demand 100% of the time, otherwise you get blackouts and brownouts. Traditional sources of energy generation – coal, natural gas, nuclear, and hydro, all can stand on their own and and do that---you need only one system. Wind and solar always require two. The obvious question which arises is that if you need a fully competent system to backup solar, then why not use that all the time. Why do you need solar? The answer is you don't; it exists only because of the promise of lowering CO2 emissions and the mandates of legislatures that it has to exist and receive financial benefits to incentivize it.

Since you have to provide two systems, the cost of a system that includes solar power will always be at least twice as expensive as standalone systems. Proponents of solar power advertise that it's the cheapest, but that's a lie, and it's quite easy to prove with real world experience. The retail cost of electric power in Maryland today is about 16 cents per kilowatt hour, which is typical for most of the US. The current price of electricity in California, which gets 22% of its power from solar averages 35 cents per kilowatt hour. In Germany, which gets 50% of its power from renewable sources, the price is 40 cents per kilowatt hour and it's the highest in the world---that's two and a half times what we pay in Maryland.

In summary, the 20% capacity factor means that you only reduce emissions by 20% from a fully fossil fuel system, you need 2 complete systems to provide one energy stream, and the price of electricity generated is 2-2.5 times as great as fossil fuel or nuclear systems.

CO2 Emissions

Finally, you have to look at the global impact of CO2 emissions reduction in the entire US, not just Maryland, to judge the effectiveness of renewable energy. The emissions from a single country don't matter much in lowering CO2 emissions; it's only the total emissions of the world which is relevant, because the emissions from all countries constantly mix in the atmosphere---it's only the total which can affect global warming, so you have to examine how much the efforts in all of the US have affected the world.

If you examine the total impact of renewable energy in the United States during the last 23 years to determine its impact on global CO2 emissions and global warming, it's negligible **(Fig 4)**. From 2000 to 2023, the CO2 emissions of the United States decreased from 6000 million metric tons of CO2 per year (MMT) to 4800 MMTs. That's a 22% reduction in 23 years, or 1% per year. Of that total the majority was due to the substitution of natural gas for coal in energy generation, which has been ongoing for 20 years; the actual reduction due to renewable energy is only about 22 MMT per year, or 0.4% of the total per year **(Fig 5)**. During that same

period, China and India alone were increasing their CO2 emissions by 220 MMT per year, and the world totally was increasing at 650 MMT per year. The total world CO2 emissions in 2024 was 37,000 MMT, so the percentage effect that the US reductions had was 22/37,000 = 0.073%, less than one-tenth of one percent. That cannot possibly have had any impact on global warming. Maryland is only 0.6% of the US total, so it's contribution to CO2 reduction was what accountants refer to as "decimal dust", meaning it's completely insignificant. All the money we are spending on renewable energy ---both in Maryland and nationally---has had no meaningful impact on global CO2 production or global warming; what is even more important--it cannot possibly have any meaningful impact going forward. It represents nothing more than virtue signalling. The urgency which the Maryland legislature seems to feel to do something quickly to reduce CO2 emissions is misplaced. Nothing we are going to do will have any meaningful impact worldwide now or in the foreseeable future.

Battery Storage

Storage of renewable energy is also one of the objectives of this bill – building large battery facilities to store energy during peak production periods for solar, and then drawing on it when its dark. Unfortunately battery storage can't solve the problem, because it has inadequate capacity to store the large amounts of energy needed to sustain the grid for very long and it's prohibitively expensive. Battery backup is essential to smooth out short term fluctuations in wind and solar energy - the minutes to hours fluctuations, but it has nowhere near the capacity to provide sufficient power to make wind and solar single-source systems which can supply total power for a week or two. The capacity of the largest storage systems in the world can provide full grid power for only a few hours, and no system ever built can get you through one night, let alone a week or two of cloudy weather.

Some examples will suffice to prove this: The largest storage facility in the world is at Moss Landing, California. It has a capacity of 3000 MwH and a power rate of 750 Mw. Divide those two numbers and you see that it can supply full power for only 4 hours. The Hornsdale Power Reserve, built by Tesla a few years ago in Australia, and touted for its size, has a capacity of 193 MwH and can supply power at 150 Mw, lasting only 1.3 hours. There are several more examples, but all are the same, and none can come close to providing power for a sufficient time to make solar panels work as a sole system.

The second problem is that battery storage is prohibitively expensive and in practice unaffordable. The cost of storage is estimated at $300,000- $400,000 per MwH. Moss Landing, the largest, with a capacity Of 3000 MwH, cost between $900,000,000 and $1,500,000,000. Using a low estimate of $1 billion, that calculates to $333,333 per KwH. Maryland, which consumes about 4,000 KwH per hour on average, would therefore incur a cost of 4,000 x $333,333 = $1,333,000,000 to provide full grid power for one hour from batteries. If you only needed to backup renewable power, at 50% of the total, it would cost $666,666,000 per hour, and roughly $4 billion per night. Battery backup is a pipe dream.

Summary

1. Solar energy is the most inefficient form of energy there is, with a capacity factor of only 20%, compared to nuclear at 93%

2. It requires an entire second system to back it up, since it's unavailable for full power 80% of the time

3. It's the most expensive of all power sources, and costs 2 to 2.5 times as much as energy from fossil fuel or nuclear sources. The myth that it is cheap is based on the levelized cost of energy (LCOE) calculations. But LCOE is an artificial construct looking at solar power in isolation, not in a real system which has to provide power 100% of the time. It has no relevance to the real world.

4. Both solar and wind energy require huge tracts of land. We have already examined this in detail for solar – the requirements for wind are even greater.

5. Both wind and solar are intermittent, variable, and unpredictable – and tend to destabilize the grid as they approach 50% of total power because of their variability. Achieving total renewable energy power has never been possible in any demonstration system in the world – the maximum that can be achieved is about 50%, and then only with gas turbines, which can be ramped up and down quickly.

6. Finally, and most importantly, the only rationale for utilizing solar power, with all its disadvantages, is to lower CO2 emissions and their impact on global warming. If renewable energy does not do this, and it does not, then it has no reason to exist. Germany since 2011 has expended more than $500 billion on implementing Energiewende, and provides 50% of its power from renewable energy. The total reduction in emissions which that has provided is a decrease of 8.7 MMT per year. By comparison, the increase in emissions from the rest of the world is 650 MMT per year. The German yearly reduction is even smaller than the US reduction, and therefore completely insignificant.

Implications for Maryland's RPS and Conclusions

The goals stated in the RPS for 2030 – 50% renewable energy, a substantial contribution from offshore wind, and net zero by 2045---are not remotely possible, and these goals are misleading the public regarding the minimal amount of wind and solar energy actually delivered in Maryland despite 20 years of RECs, the ineffectiveness of solar energy in reducing CO2 emissions, and the true costs on their electricity rates of pursuing this course of action. Solar RECs are one of the principal reasons electricity costs are going up, because they require energy producers to generate 35% of their electricity from renewable sources in 2025. Most producers can't do this, so they purchase RECs to meet the requirement. The price of a REC is about the same as the wholesale price of a megawatt hour of electricity, so this requirement essentially doubles the wholesale price of electricity for the 35% of electricity that is required to be renewable. These costs are paid by the non-renewa,ble energy producers, but they are immediately passed on to ratepayers, raising their cost of electricity. In reality it is a hidden tax on ratepayers which is paid to those who generate renewable energy, doubling the income they get per megawatt hour of electricity.

Renewable energy in its entirety in the United States since 2000 has had a negligible effect on global CO2 emissions, could not possibly have had any effect on global warming or climate change, nor could it possibly have any effect in the foreseeable future. The principal rationale for the existence of renewable energy---reducing CO2 emissions---is a fraudulent promise.

The only reason renewable energy still exists is because of subsidies provided by states in the form of renewable energy certificates (RECS) and by tax credits and accelerated income tax depreciation at the Federal level. These subsidies provide developers of renewable energy with 2 to 3 times the income per kilowatt hour that conventional energy producers receive. This results in massive profits which continue to fuel the industry, and the lobbying and PR that sustain it. If the subsidies and tax benefits were to disappear, renewable energy would also disappear fairly quickly, because it cannot stand alone on its merits.

This is already happening with offshore wind, even before the subsidies are withdrawn.

The legislature is trying currently to deal with a two pronged crisis: scarce energy and higher prices. They don't realize that the policies they have implemented for the last decade in the RPS are the cause of the crisis, so they are trying to double down on the same plan. That is the sole purpose of SB0931. They should instead heed Albert Einstein's observation: "Insanity is doing the same thing over and over and expecting a different result."

Renewable energy began as an idealistic effort to counter CO2 emissions and their potential effect on climate change and has evolved into a fixed ideology that ignores reality. It long ago morphed into a massive scam that efficiently transfers money from taxpayers and ratepayers to renewable energy developers without providing a product that has any value. The Secretary of Energy of the United States, Chris Wright, who has been an energy executive all his life and knows the field exhaustively, recently commented that the pursuit of renewable energy was "lunacy" and is impoverishing our citizens. He is correct.

For those who think that CO2 emissions from energy generation should still be reduced, there are viable and affordable ways to do that, but renewable energy is not one of them. SB 0931 even if fully implemented, would do nothing to promote affordable or reliable energy, and in fact would do the opposite. What it also would do is inflict irreparable damage on agriculture, one of Maryland's most important industries.

Fig 1
MD Electricity Generation by Source
2008-2024

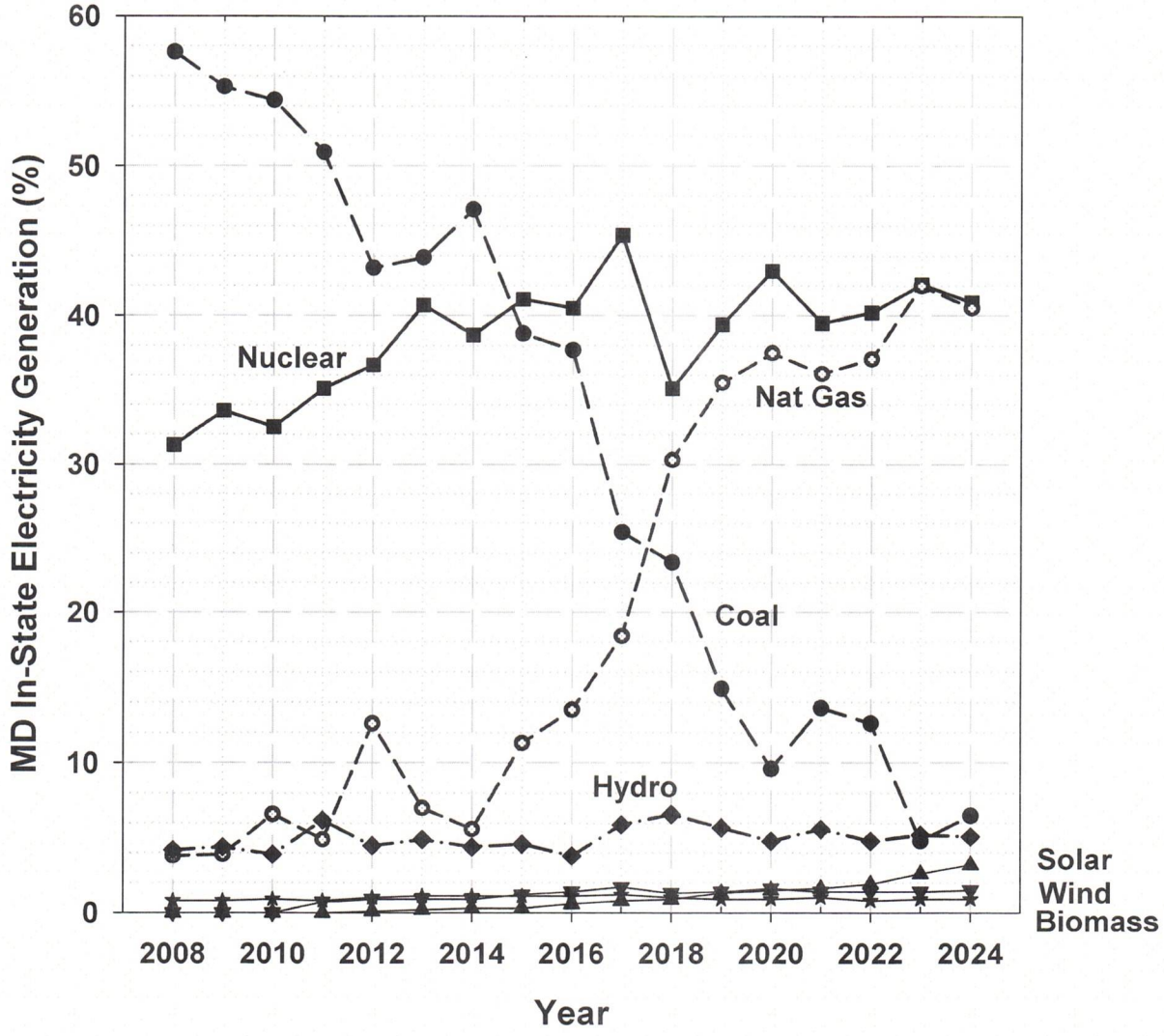


Fig 2
MD Renewable Electricity Generation
by Source
2008-2024

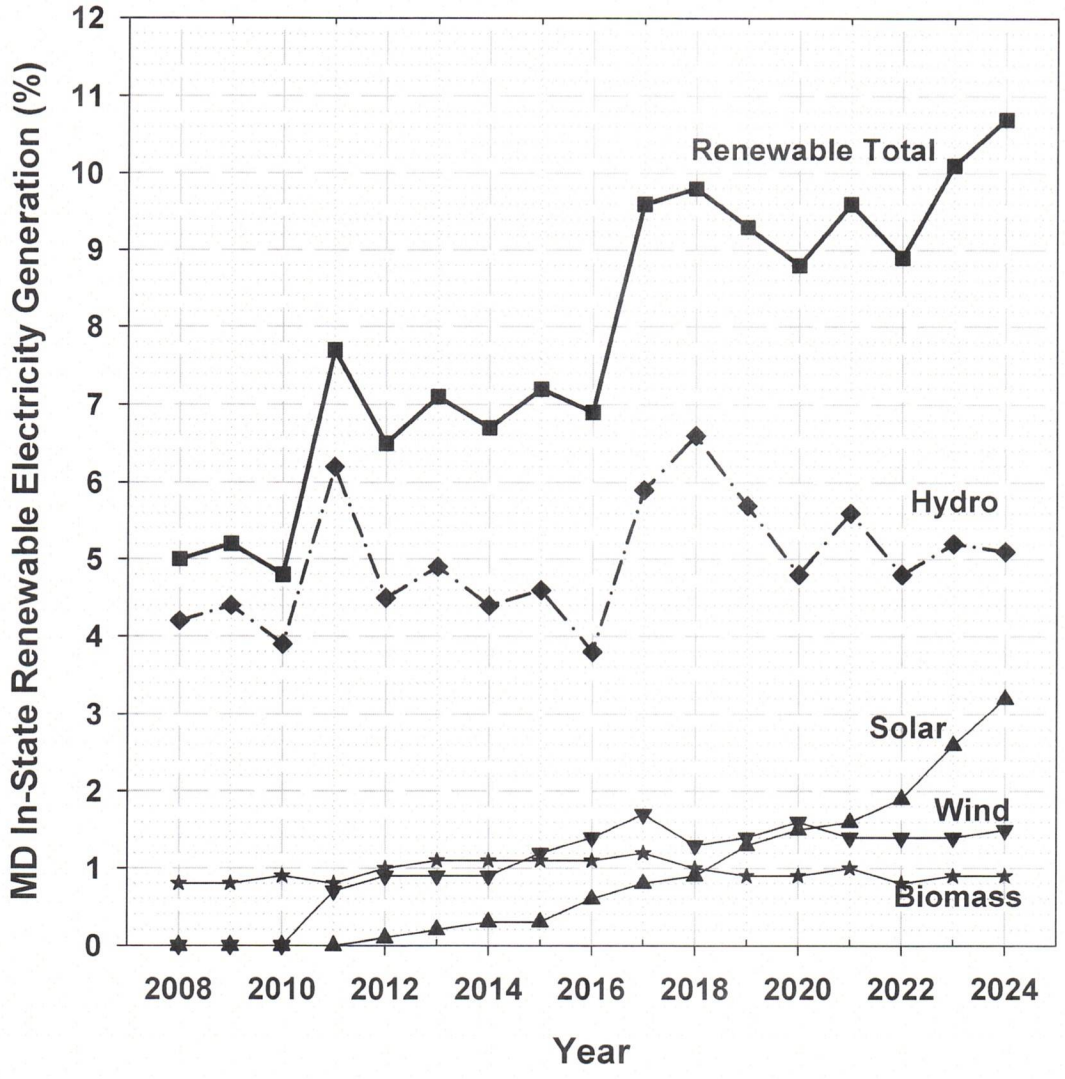
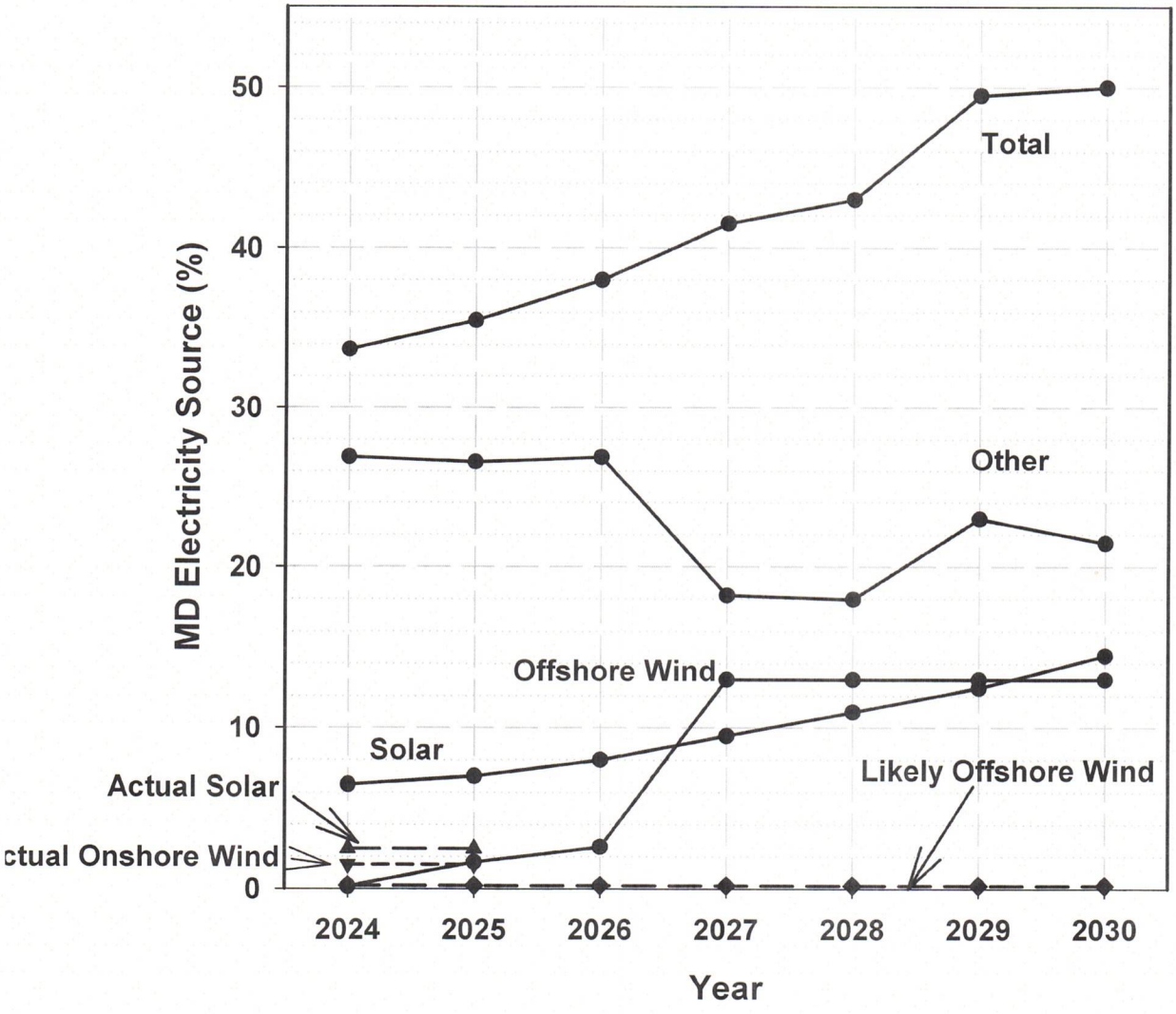


Fig 3
MD RPS Standards*
2024-2030



* Biomass and Geothermal are each less than 1% and have little chance of increase, so are not shown.

Fig 4
CO^2 Emissions Yearly
US, China, and India

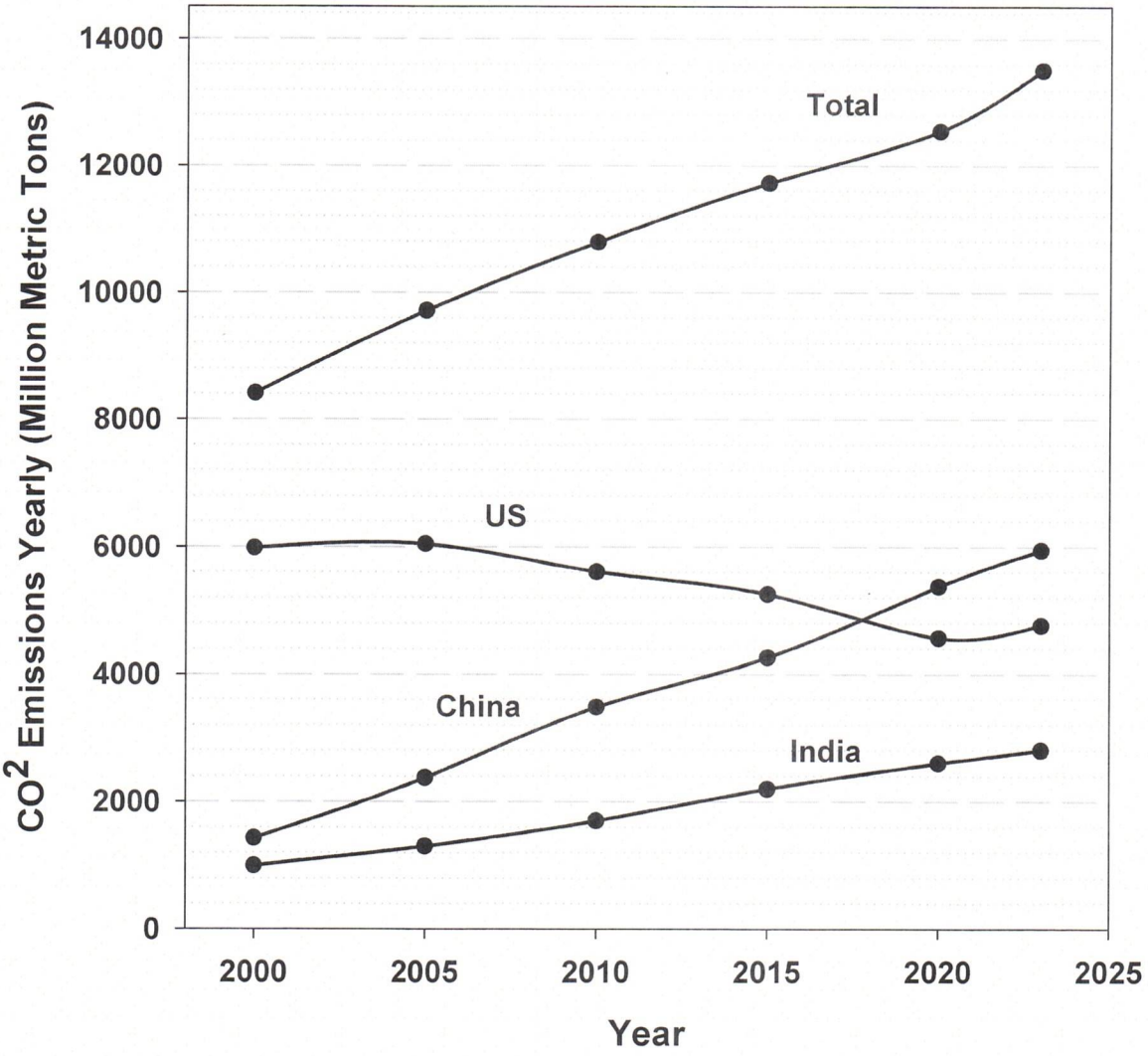
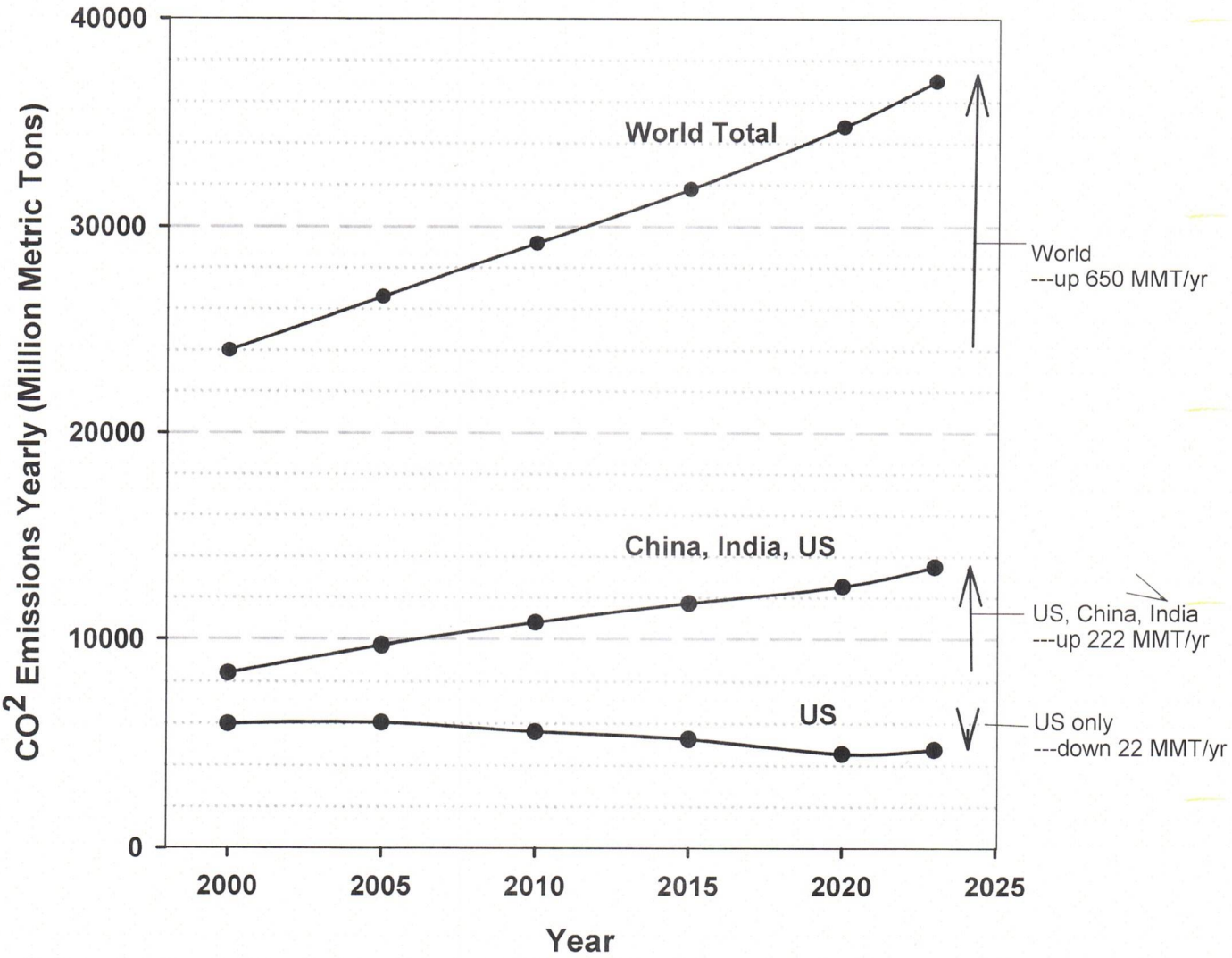


Fig 5
CO^2 Emissions Yearly
World Total



Conclusion - For whole world, CO^2 emissions 2000-2023 go up 30x more each year than US emissions come down from renewable energy use

LOO - HB1036-SB931 Public Utilities - Generating S

Uploaded by: irene barnes

Position: UNF

COUNTY COUNCIL OF DORCHESTER COUNTY
COUNTY OFFICE BUILDING
501 Court Lane, P.O. Box 26
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(410) 228-1700

GEORGE L. PFEFFER, JR., PRESIDENT
MIKE DETMER, VICE PRESIDENT
ROB KRAMER, JR.
WILLIAM V. NICHOLS
RICKY C. TRAVERS

JERRY JONES
COUNTY MANAGER

MACLEOD LAW GROUP LLC
COUNTY ATTORNEY

February 21, 2025

The Honorable C. T. Wilson, Delegate
Economic Matters Committee
231 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: **Letter of Opposition** – House Bill 1036, "Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)"

Dear Chairman Wilson and Committee Members:

On behalf of the Dorchester County Council, I respectfully offer its **opposition** for House Bill 1036 entitled, "Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)," for the purpose of altering the factors the Public Service Commission must consider before taking final action on a certificate of public convenience and necessity; establishing certain requirements for the construction of a certain solar energy generating station or energy storage device; requiring the Commission to conduct a certain study to establish a process by which the Commission may establish partnerships between electric companies and electricity suppliers for electricity generation projects; etc.

House Bill 1036 establishes a clear path for the preemption of local zoning authority by restricting and prohibiting local zoning laws that regulate the construction of certain solar energy generating station and energy storage devices. Further, this bill creates an exemption from personal and real property taxes for solar energy generating stations. The Renewable Energy Certainty Act undermines local taxing authority, local zoning authority, essential community input and protections. This bill does not contemplate essential safety measures affiliated with utility scale battery storage devices. In general, HB1036 disregards local land use, comprehensive planning, and economic factors that would otherwise allow counties to partner with the State to achieve renewable energy portfolio goals. This bill is in direct conflict with the County Comprehensive Plan and long-standing land use and property rights assurances provided by the Zoning Code which are consistent with the Comprehensive Plan. Therefore, we kindly request that you look **unfavorably** upon this bill.

Thank you for your time and consideration of this letter of **opposition**. If you have any questions, please contact the Council's Office at (410) 228-1700

Sincerely,

George L. Pfeffer, Jr.
President

cc: The Honorable Johnny Mautz, Senator
The Honorable Christopher T. Adams, Delegate
The Honorable Sheree Sample-Hughes, Delegate
The Honorable Tom Hutchinson, Delegate

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JERRY JONES
COUNTY MANAGER

MACLEOD LAW GROUP LLC
COUNTY ATTORNEY

February 21, 2025

The Honorable Brian J. Feldman, Senator
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

RE: **Letter of Opposition** – Senate Bill 931, "Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)"

Dear Chairman Feldman and Committee Members:

On behalf of the Dorchester County Council, I respectfully offer its **opposition** for Senate Bill 931 entitled, "Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)," for the purpose of altering the factors the Public Service Commission must consider before taking final action on a certificate of public convenience and necessity; establishing certain requirements for the construction of a certain solar energy generating station or energy storage device; requiring the Commission to conduct a certain study to establish a process by which the Commission may establish partnerships between electric companies and electricity suppliers for electricity generation projects; etc.

Senate Bill 931 establishes a clear path for the preemption of local zoning authority by restricting and prohibiting local zoning laws that regulate the construction of certain solar energy generating station and energy storage devices. Further, this bill creates an exemption from personal and real property taxes for solar energy generating stations. The Renewable Energy Certainty Act undermines local taxing authority, local zoning authority, essential community input and protections. This bill does not contemplate essential safety measures affiliated with utility scale battery storage devices. In general, SB931 disregards local land use, comprehensive planning, and economic factors that would otherwise allow counties to partner with the State to achieve renewable energy portfolio goals. This bill is in direct conflict with the County Comprehensive Plan and long-standing land use and property rights assurances provided by the Zoning Code which are consistent with the Comprehensive Plan. Therefore, we kindly request that you look **unfavorably** upon this bill.

Thank you for your time and consideration of this letter of **opposition**. If you have any questions, please contact the Council's Office at (410) 228-1700

Sincerely,

George L. Pfeffer, Jr.
President

cc: The Honorable Johnny Mautz, Senator
The Honorable Christopher T. Adams, Delegate
The Honorable Sheree Sample-Hughes, Delegate
The Honorable Tom Hutchinson, Delegate

MD SB931 Municipal opt-out Joint Comments.docx.pdf
Uploaded by: James Feinstein
Position: UNF

February 26, 2025

Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401
Maryland General Assembly

Re: ***Joint Comments regarding SB931 – Generating Stations – Generation and Siting (Renewable Energy Certainty Act)***

Dear Secretary Feldman:

Arcadia Power, Inc., Solar Simplified, Solstice, and Perch Energy Inc (collectively, the "Companies")[1][2][3][4] provide these comments in response to the introduction of the Senate Bill 931 - Generation and Siting Renewable Energy Certainty Act) introduced on January 28, 2025. We sincerely thank the Education, Energy, and Environment Committee (the "Committee") for considering our input and for facilitating public participation in this hearing.

The Companies submit these comments to address that critical issue, which emerged following the introduced bill SB931. In these comments, the Companies emphasize that the potential community solar auto enrollment program (hereinafter, "municipal auto-enrollment program") is fraught with complications and detrimental unintended consequences. The Companies thank the Committee for the opportunity to comment on this important matter.

[1] Arcadia is the largest community solar subscriber manager in the United States, serving more than 200,000 subscribers across 1,800 MW in thirteen states and the District of Columbia. This includes 200 megawatts across 54 projects in Maryland.
[2] Solar Simplified is an all inclusive customer lifecycle solution for Community Solar projects. We manage over 500MW of Community Solar projects across the country, including dozens of projects in Maryland, in their entirety from marketing and customer acquisition to billing, collection and subscription management guaranteeing full subscription and full collection to our developers and asset owners.
[3] Solstice was originally founded in 2014 as a nonprofit dedicated to expanding access to solar for underserved populations. In 2016, Solstice created a software to provide turnkey customer management services for community solar, with an acquisition strategy focused on community engagement and local partnerships. Solstice manages a portfolio of projects in Maryland, including several in the low-income carveout.
[4] Perch Energy is the second largest community solar subscriber management provider in the nation. Perch manages over 700MWs of community solar capacity across multiple states including
projects in Maryland.. s.

1. ***Opt-in community solar is the most cost-effective way for Maryland to reach both climate and environmental justice goals.***

While the Companies understand the potential allure of including an auto-enrollment program, the policy ultimately falls short of the ambitions of Maryland's nation-leading community solar program due to the adverse impacts the program would have on the opt-in community solar market. At its core, community solar opportunities promote customer choice, education, and engagement with the clean energy economy, all while expanding clean energy access to the state's low income population. Indeed, a vital operating element of community solar is the ability to direct the benefits of clean, distributed generation to customers – particularly renters and others who are unable to access rooftop solar or who are otherwise excluded from the clean energy economy. Because almost any customer who pays their utility bill is eligible for community solar, the program creates equal access for any household to reap the benefits of clean energy.

Customer choice is a natural function of equal access to the clean energy economy. Unlike municipal automatic enrollment, opt-in community solar requires active customer education and action before enrolling into the program. An educated customer who affirmatively chooses to enroll in a community solar project knows that they are a part of the clean energy economy, and that customer is directly and affirmatively choosing to support the development of clean energy in the state. Thanks to Maryland's focus on creating a community solar program that simultaneously deploys clean energy and emphasizes equity with the inclusion of a special incentive for projects that deliver at least 40% of their energy output to low income customers, opt-in customers will see significant savings thanks to their subscriptions.

The focus on a customer taking an affirmative action to enroll in community solar is not just important for its own sake. Customer choice is a vital feature of community solar for two additional reasons:

1. First, opt-in customers recognize that they are benefitting from a state program that is taking action against climate change while also reducing their electricity costs. The relationship that subscriber organizations like the Companies facilitate between the project developer, the state's community solar program, and the customer helps build broader support for Maryland's state-wide clean energy goals.
2. Second, opt-in community solar has a halo effect and provides a gateway to the clean energy economy. Opt-in community solar is a seamless introduction to beneficial electrification interventions since all a customer needs to enroll in the program is a utility bill. The Companies find that customers who elect to participate in community solar are then more likely to engage in other means of managing their energy usage than the average consumer and are more likely to layer on additional electrification interventions.

Indeed, opt-in community solar may be one of the lowest-cost means of driving the long-term beneficial electrification that will be critical to meeting the state's climate goals.

Additionally, the existing community solar program rules position opt-in community solar to be more successful in attaining the state's goals than municipal auto-enrollment enrollment. Opt-in community solar avoids the central issues of the auto-enrollment model: cherry-picking who will receive the benefits of community solar in a given municipality or implementing a program that will result in de minimis savings to customers. More detail on this issue may be found below in Sub-section 3. Rather, opt-in community solar ensures that customers know they are participating in the program and are receiving material bill savings.

2. ***Allowing municipalities to automatically enroll customers will result in ratepayer-funded windfall profits for developers while resulting in lower value for the state.***

The auto-enrollment model does not provide the same benefits and additional value to the customer or the state's energy goals as the opt-in structure currently in place, because automatically enrolled customers would be almost entirely unaware that they are enrolled in a community solar program. Moreover, auto-enrollment enrollment would not include the same investment in customer education associated with opt-in community solar.

Without these educational investments, the biggest beneficiary of municipal auto-enrollment enrollment are project developers. If the Committee were to allow automatic enrollment on a broad scale, that would reduce the cost to developers by eliminating the need to invest in educating and subscribing customers. The current structure of the community solar program would provide the same compensation in either case, creating an incentive to reduce or eliminate beneficial customer education and enrollment in favor of pursuing automatic enrollment opportunities that provide no similar benefit.

The unfortunate reality is that subscriber managers, and the customer engagement and education that the opt-in model creates, will be removed from the market should the Commission establish a municipal auto-enrollment program. The implementation of such a program would drive project developers en masse to partner with municipalities under an auto-enrollment mechanism, because the program requires no investment in customer education and subscription or the long-term management of these customers. Maryland would lose what opt-in community solar has provided to the market: the most efficient mechanism for expanding access to the clean energy economy across underserved communities, a track record of significant progress towards meeting the state's climate goals.

3. ***Municipal auto-enrollment will result in either officials selecting winners and losers OR de minimis savings for all low income customers***

If the Committee were to adopt an auto-enrollment program, it would effectively result in one of two negative outcomes. Either, to ensure that customers save the most money on their utility bill, municipalities would be forced to pick which customers benefit from solar projects – which will be winners and which will be losers. Or, if the municipalities do not select winner and loser customers, they will be forced to spread a finite amount of bill credits over a huge swath of customers, resulting in trivial bill savings for these customers. Neither of these options are desirable public policy outcomes.

If the municipality utilizes a customer selection process, they would create a process that is rife with potential for abuse. Municipal auto-enrollment puts the power to pick winners and losers (e.g., who is allowed to receive the benefits of community solar) entirely in the hands of a small group of government officials, who may be incentivized to favor specific constituencies. This opaque selection process would be subject to political gamesmanship with no accountability for how customers are selected.

If the municipality instead decides to socialize the bill credits among all low income customers, then these customers are likely to receive negligible utility bill savings. This means that municipalities could size subscriptions at minimal levels, resulting in a few cents in savings per month for each customer. This is not in the spirit of the Community Solar Energy Generating Systems (CSEGS) program, as limited savings to a large population is a less desirable policy outcome than targeted, impactful savings to customers who opt-in to the program.

4. ***Municipal auto-enrollment would lead to geographically discriminatory customer access and participation.***

The all or nothing nature of auto-enrollment offerings would also create geographical disparities in customer access. Given the socioeconomic makeup of many existing municipalities, these programs will be unable to focus on serving overburdened communities with the same reach and rigor that opt-in customer acquisition and management companies can.

Moreover, municipalities that already have energy offices will be disproportionately well-positioned to take advantage of all the existing community solar capacity in a given utility territory since the set-up and administration of such a program.

Take Montgomery County, for example, which has more than 380,000 households. If the County were to design an auto-enrollment program they could automatically enroll all 380,000 households, consuming approximately 2GW of CSEGS capacity. Under these circumstances, it

would be impossible for other customers, including low income customers and those residing in environmental justice communities outside of Montgomery County, to subscribe to community solar projects.

5. ***Other jurisdictions have grappled with similar issues and have refused to permit municipal auto-enrollment-style enrollment for community solar.***

There are currently no operating large-scale municipal auto-enrollment programs in any of the third party community solar markets nationwide. The largest community solar market, New York, considered allowing Community Choice ("CCA") auto-enrollment, and instead declined to move forward. The New York PSC has determined that:

> CCA programs may aggregate or otherwise integrate, *on an opt-in basis*, into their program, energy efficiency and distributed energy resources (DERs). In considering how to include a variety of products and energy planning and management activities within the CCA program, CCA Administrators should be open to contracting with different ESCO and DER providers for services.[5] (Emphasis added).

The Committee should follow a similar path and not allocate critical Staff time and resources to considering an auto-enrollment process only to reach the same conclusion as New York. The simple way to do this would be by explicitly allowing municipalities to enroll households in projects on an opt-in basis.

6. ***Billing and crediting and broader consumer protections need to be fully addressed before any auto-enrollment program can be pursued, given that municipal auto-enrollment enrollment will largely remove subscriber organizations from the market.***

Since the inception of Maryland's CSEGS program, the utilities have not delivered on their core responsibility to allocate community solar bill credits in a timely and accurate manner. Yet, the long-term success of the community solar program is contingent on the utilities performing their responsibilities of billing and crediting customers on a timely basis so that customers see the material impact of their community solar subscriptions.

Municipal auto-enrollment enrollment would dramatically reduce the billing oversight role of project owners and subscriber management organizations that have built out

[5] New York Department of Public Service. Order Modifying Community Choice Aggregation Programs. May ___ 2023. Page 2. https://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterCaseNo=14-m-0224

competencies in managing subscriptions, validating credits, ensuring timeliness, and providing other vital services. Since municipal auto-enrollment enrollment would effectively remove subscriber management organizations from the market, along with the benefits that they bring to subscribers, additional consumer protections would need to be implemented before municipal auto-enrollment enrollment is implemented to ensure utility accountability and retain high value for the customer.

To ensure this accountability, the Committee should not permit municipal auto-enrollment enrollment until they have implemented utility reporting standards on community solar performance metrics, Negative Revenue Adjustments ("NRAs"), and customer remedial bill credits for when utilities do not meet baseline performance metrics. Facing similar challenges, the New York Public Service Commission has directed Staff and stakeholders to develop, "billing and crediting performance metrics related to distribution utility billing and crediting of Community Distributed Generation (CDG); and (2) a negative revenue adjustment (NRA) mechanism tied directly to the utilities' CDG crediting and billing performances."[6][7]

A set of metrics, NRAs, and customer remediation solutions, have been proposed by Arcadia in tandem with the Coalition for Community Solar Access ("CCSA") and the New York Solar Energy Industry Association ("NYSEIA") in that market.[8] New York DPS Staff is expected to file a White Paper recommending the development of such metrics by the end of 2023. These metrics are intended to more appropriately align utility incentives with customer protection and satisfaction around community solar participation by penalizing the utilities for not hitting baseline performance, such as applying community solar bill credits to customers on a timely basis.

This additional accountability is necessary even in opt-in markets like New York and Maryland with robust project owners and subscriber management organizations to review billing and crediting. Because the result of auto-enrollment enrollment is the elimination of community solar subscriber management organizations like Arcadia, Solar Simplified, Solstice and Perch Energy from the market, the adoption of these metrics should similarly be a prerequisite in Maryland before any auto-enrollment program is implemented.

7. Customers enrolled in CSEGS via auto-enrollment enrollment would be subjected to substantial administrative burden and confusion.

Municipal auto-enrollment enrollment also has the potential to undermine existing community solar customers, which could erode faith in Maryland's growing community solar

[6] Case 19-M-0463, *In the Matter of Consolidated Billing for Distributed Energy Resources*, (October 14, 2022), at 1.
[7] In New York, the community solar is called "Community Distributed Generation" or "CDG".
[8] *Community Distributed Generation Performance Metrics and Negative Revenue Adjustments Industry Proposal*, NYSEIA/CCSA, April 2023. https://www.nyseia.org/policydocuments/utility-accountability-solar-crediting

market. Municipalities using auto-enrollment for the entire customer base could end up enrolling customers who have already signed a contract with another community solar provider, creating customer confusion and frustration in the process. A significant number of community solar customers have executed subscription agreements with a project owner with the understanding that they will be assigned to the first available project, but are not yet allocated to an active project because those projects are still under development.

This is a common industry practice. Nearly all community solar projects acquire customers before the project is energized and generating credits, thereby ensuring a full revenue stream upon achieving commercial operation. Because subscriber acquisition can take months, projects often start acquiring customers before they are actually generating credits.

Additionally, commercial operation is sometimes delayed before the project is energized and delivers credits to customers, due to construction, interconnection, supply chain delays, or billing interruptions. Once a project reaches operation and is generating electricity, the community solar project typically will still maintain a small waitlist of customers ready to backfill for anticipated customer attrition. Throughout that waiting period a municipality – and even the utility – will be unable to identify whether a customer is on such a list and may erroneously enroll them in an auto-enrollment program, complicating both community solar providers' ability to tailor their subscription size to maximize customer savings and ensure a pleasant experience.

I. CONCLUSION

The Companies appreciate the Committee's efforts to advance customer access to clean energy and savings. The Companies are also supportive of the Senate Bill 931. However, for the reasons described above, the Committee should not address, and certainly should not adopt, auto-enrollment mechanisms in this bill. The Companies look forward to participating in this process going forward.

Respectfully submitted on February 25, 2023,

/s/James Feinstein
James Feinstein
Policy Director
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Greenwood Village, CO 80111
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/s/Aviv Shalgi
Aviv Shalgi
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/s/Georgina Arreola
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testimony - public utility siting.pages.pdf
Uploaded by: Jane Seigler
Position: UNF

MARYLAND HORSE COUNCIL

P.O. Box 606 | Lisbon, Maryland 21797
www.mdhorsecouncil.org

One Common Bond: The Horse
One Common Voice: The Horse Council

In the Senate Education, Energy & the Environment Committee,
and the House Economic Matters Committee
February 28, 2025

Testimony of the Maryland Horse Council on SB 931 and HB 1036

Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

Unfavorable

The Maryland Horse Council (MHC) is a membership-based trade association that represents the state-wide horse industry in Maryland. Our members include horse farms; horse related businesses; equestrian competitors; trainers; individual enthusiasts; equine-assisted therapy programs; and breed, interest, and discipline associations. We represent over 30,000 Marylanders who make their living with horses, or who just own and love them.

Maryland is home to 16,000 horse properties occupying over 705,000 acres (almost 10% of Maryland"s total land area, and over 25% of Maryland"s agricultural land). There are horse properties in every county in the state. The retention of agricultural land is of the utmost importance to the members of the Horse Council. Additionally, well-maintained horse pastures are second only to forest in preventing excessive and harmful runoff into the Chesapeake Bay.

This proposed legislation puts equestrian agricultural land and its environmental benefits at risk, by removing utility siting decisions from local control, and effectively, from viable constituent input.

We urge an unfavorable report on SB 931/HB 1036.

Respectfully submitted,

THE MARYLAND HORSE COUNCIL
(844) MDHORSE (844-634-6773)
info@mdhorsecouncil.org

Final Testimongy for SB0931.pdf
Uploaded by: Janet Christensen-Lewis
Position: UNF

UNFAVORABLE

Senator Brian Feldman, Chair
Delegate C.T. Wilson, Chair
Members of the Senate Education, Energy and the Environment Committee &
House Economic Matters Committee

Dear Senators and Delegates,

My name is Janet Christensen-Lewis. I am here today in opposition to SB0931 and HB1036.

These bills directly contradict the mission of the Kent Conservation and Preservation Alliance (KCPA), the organization I represent as Chair of its Board of Directors. KCPA is dedicated to educating and advocating for the protection of agriculture, rural landscapes, and the historical and cultural significance of these landscapes to the well-being of communities in Kent County and throughout Maryland. I urge you to watch *Kent County's Storied Landscape: Place, Past, and Present*, a documentary produced in cooperation with Maryland Public Television that premiered on April 18, 2023, for context.

Maryland's legislators are failing to safeguard the well-being of the very residents they were elected to serve. While the complexities of energy policy may be lost on the average Marylander, the consequences are not—especially when they manifest as skyrocketing energy costs. In their rush to shape a future vision of sustainability, lawmakers have disregarded the present reality: these policies are eroding the standard of living for today's residents.

SB0931 and HB1036 are just the latest in a string of misguided energy policies. Maryland has propped up the solar and renewable energy markets since the introduction of the Renewable Portfolio Standard (RPS) in 2004. As part of this system, utilities are required to purchase Solar Renewable Energy Credits (SRECs) or pay Alternative Compliance Payments (ACPs), costs that are inevitably passed on to ratepayers. Additionally, as solar penetration increases, so does the need for expanded transmission infrastructure—another expense that falls on Maryland's residents and businesses through higher electricity bills. Market manipulation to favor one producer of energy over another inevitably leads to higher prices. This

legislation continues a troubling pattern of state overreach that disproportionately harms rural communities, where agriculture is not just an industry but a way of life, deeply rooted in Maryland's history and culture. Senator Feldman's and Delegate Wilson's legislation are yet another blow to these communities, furthering an agenda that prioritizes politically driven energy mandates over fundamental economic principles and the lives of citizens. The truth is, if solar energy were truly commercially viable, it would not require the crutch of federal subsidies and state mandates.

Senator Feldman and presumably Senate President Ferguson have chosen to side with the solar industry, disregarding the peoples' voices in rural counties and trampling on local land-use planning and taxation authority. These counties have spent years and money carefully drafting Comprehensive Plans and Land Use Ordinance, mandated by Maryland Law, to reflect the priorities of their residents—only to have those efforts overridden under the banner of climate change. The solar lobby insists that because the sun is abundant, solar energy is inherently cheap and affordable. This disregards real-world examples where regions with a high reliance on renewables—whether solar, wind, or both—face energy costs that are 2 to 2.5 times higher. Additionally, their rhetoric ignores reality: the solar industry's expansion depends on subsidies and mandates, allowing developers to offer lease payments that farmers cannot compete with, shutting them out of the land they need to sustain their livelihoods.

The consequences are clear. Solar development is consuming agricultural land—especially on the Eastern Shore, where some of the richest farmland in the nation exists. Year after year, legislators have stripped counties of their ability to protect these vital resources. Now, the Renewable Energy Certainty Act adds another layer of risk by fast-tracking unsafe and toxic battery storage projects in the same manner as solar energy generation. Let's not forget Moss Landing—the largest battery storage facility in California—was shut down twice in 2021 for overheating and, since catching fire on January 15, 2025, continues to release toxic fumes. Is this what the Maryland Legislature wants to foist onto rural communities?

The irony is that while the Legislature pushes bills that harm agriculture, it is simultaneously eliminating funding for land preservation.

SB0931 imposes a rigid, one-size-fits-all landscaping standard for solar projects, ignoring the unique character of each town and county. It treats the gateway to a historic town no differently than a remote back-road, disregarding the value of scenic landscapes and cultural heritage. Rural communities are not just empty spaces on a map; they are living, breathing histories—preserving traditions that define Maryland's identity. Yet, this bill sacrifices all of that for the sake of a flawed environmental agenda.

Adding insult to injury, Maryland's energy policies are not only ineffective but also financially reckless. SB0931 undermines local financial autonomy, stripping counties of revenue-generation authority while imposing unfunded mandates that force them to do more with less. And for what? The projected reduction in Maryland's contribution to global CO_2 emissions—between 0.16% and 0.2%—is so insignificant that it is statistically irrelevant. Worse yet, solar panels installed in Maryland are often manufactured in countries powered by coal, while the raw materials are extracted using fossil fuels. These policies are not reducing emissions; they are simply outsourcing them.

There is plenty of room to acknowledge that Maryland's current energy policies are failing without being a climate change denier. In fact, if Climate Change is high on your list of priorities, then Maryland's current energy policies should be of grave concern to you. If net-zero CO_2 emissions are truly the goal, then lawmakers should be asking hard questions about why billions invested worldwide have created little increase in the percent of the world's energy supplied by renewables and failed to produce measurable reductions in emissions. The lack of progress should give anyone pause.

Maryland's legislature, the solar lobby, and the NGOs that support them continue to celebrate each new solar mandate as a victory for "progressive" energy policy. But make no mistake—these policies are proving to be economically devastating.

Farmers and rural residents are being sacrificed in pursuit of an agenda that disregards the real-world consequences. In the end, unless the Legislature thoroughly evaluates current and future policies, Maryland will not only fail to achieve its net-zero targets but also risk destroying its farmland and agricultural economy, eroding the culture and historic character of local communities, losing the confidence of voters, stifling economic growth, and impoverishing its citizens.

2025 MGA - SB 931.pdf
Uploaded by: Lawrence Richardson
Position: UNF

ROBERT G. CASSILLY
Harford County Executive

ROBERT S. MCCORD
Director of Administration

February 26, 2025

Senator Brian Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Letter of Opposition on SB931 – Generating Stations – Generation and Siting (Renewable Energy Certainty Act)

Dear Chairman Feldman and Committee Members,

Senate Bill 931 establishes a clear path for the preemption of local zoning authority by restricting and prohibiting local zoning laws that regulate the construction of certain solar energy generating stations and energy storage devices. Further, this bill creates an exemption from personal and real property taxes for solar energy generating stations.

The Renewable Energy Certainty Act undermines local taxing authority, local zoning authority, essential community input and protections. This bill does not contemplate essential safety measures affiliated with utility scale battery storage devices. Should one of these stations or devices catch fire, they are extremely difficult to extinguish, release toxic gases as they burn, and toxins spread through water runoff from attempting to extinguish the fire.

In general, SB931 disregards local land use, comprehensive planning, and economic factors that would otherwise allow counties to partner with the State to achieve renewable energy portfolio goals. This bill is in direct conflict with the County Comprehensive Plan and long-standing land use and property rights assurances provided by the Zoning Code which are consistent with the Comprehensive Plan.

I respectfully request that the Education, Energy, and the Environment Committee report unfavorably on SB931.

Thank you.

Yours truly,

Robert G. Cassilly

STOP SB931_HB1036.docx.pdf
Uploaded by: Lillian Howard
Position: UNF

Senator Brian Feldman, Chair
Delegate C.T. Wilson, Chair
Members of the Senate Education, Energy and the Environment Committee &
House Economic Matters Committee

Dear Senators and Delegates,

I was born and raised on my family's farm along the Eastern Shore of Maryland, and have seen the land around me get developed consistently throughout my life, and each new shopping center, solar field, sports complex, and cookie-cutter neighborhood that takes over rich soil and open fields breaks my heart.

Let the counties decide for themselves what development is best for them. How can someone at the Public Service Commission in Baltimore, who may have never felt the healing powers of being out in nature and hearing the birds rather than the deafening sound of a highway or the polluted view of skyscrapers or solar fields, decide what is best for rural communities who live and breathe agriculture. The Eastern Shore of Maryland, and Maryland in general thrive off of farming, it is not only how they make a living, but it is their way of life. Taking away locals' voice in deciding what gets taken over by solar fields and what stays farmland is unconstitutional and inhumane, in my opinion.

If you can't see it from an agricultural point of view, look at it economically: agriculture is Maryland's largest commercial industry, and employs thousands of Marylanders, contributing billions of dollars to the state's economy. Taking away farmers' land, means taking away the economic growth farming provides to the state.

Without farmers, you wouldn't have food to eat. If you take away their land, you are also taking away food from your table and thousands of others' while also hurting the state's economy.

Farms make Maryland the incredible state that it is, please do not take away our greatest asset.

Why not redevelop the blighted areas in already developed towns and cities, instead of taking over hundreds of thousands of acres of our productive farmland and food supply?

Sincerely,
Lillian Howard
Cecil County, MD

2025_02_26_09_36_04.pdf
Uploaded by: Lory Ebron
Position: UNF

COMMISSIONERS FOR SOMERSET COUNTY
11916 SOMERSET AVENUE, ROOM 111
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COMMISSIONERS
CHARLES LAIRD, PRESIDENT
RANDY LAIRD, VICE-PRESIDENT
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DARRYL K. WEBSTER

COUNTY ADMINSTRATOR
RALPH D. TAYLOR

DEPUTY COUNTY ADMINISTRATOR
ERNEST J. LEATHERBURY, JR.

COUNTY ATTORNEY
KIRK G. SIMPKINS

February 26, 2025

Senator Brian Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

RE: Opposing SB0931 – Public Utilities – Generating Stations – Generation and Siting (Renewable Energy Certainty Act)

Dear Chairman Feldman,

I am writing you as the President of the Board of County Commissioners for Somerset County regarding Maryland Senate Bill 0931 to express our strong opposition to this bill. Effectively, this bill undermines the ability of our county has to regulate renewable energy as we believe is in our best interests for our county.

Our Planning Commission and Department of Technical and Community Services has done extensive research and conducted numerous meetings over the past 5 years for the siting and regulation of renewable energy in Somerset County, including a solar acreage limit of 1,800 acres, of which approximately 1,300 acres are already utilized by solar energy facilities.

It must be noted that aside from our smaller land size, our county is also disproportionally affected by the increasing Critical Area development requirements and the Critical Area itself. Passing this bill would not only place an undue and unfair hardship on Somerset County as a rural county, but also defeat all of the work done by our county to regulate and control renewable energy as we see best for our county.

Respectfully,

Charles Laird, President
Board of County Commissioners for Somerset County

Cc: Senator Carozza

SB0931_MCC_Testimony.pdf
Uploaded by: Marshall Cahall
Position: UNF

February 26, 2025

To: Education, Energy, and the Environment Committee

From: Marshal Cahall – Chesterville Bridge Farm, LLC

RE: Opposition of SB0931 / HB1036 - Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

As a 35-year-old third-generation farmer in Maryland operating a diverse agricultural business cultivating over 2,300 acres of land, utilizing both convention and organic production systems, I submit written testimony in opposition of SB0931 / HB1036 - Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act). This legislation would place an undue burden on rural counties, Maryland Farmland, and Maryland's Agricultural Industry as a whole, as well as codify the state's ability to preempt county and local zoning laws, thereby circumventing each county's comprehensive planning process.

The state of Maryland has created a challenging energy environment by simultaneously increasing energy demand and decreasing energy supply through years of legislation and policy decisions that have changed the energy industry and outlook. It's no secret, higher energy prices are hurting businesses and state residents across the board, and we're all feeling the pain of increasing costs. Increasing energy production and working towards clean energy production are important goals, but these goals have led to high prices and now seek to threaten our rural communities, family farms, and Agriculture - our state's largest commercial industry.

SB0931 / HB1036 would take away our county's rights to decide where solar panels could be sited in their communities, take away the rights of the county to appropriately tax these commercial energy generation facilities, and change rural communities forever. Counties spend a significant amount of time and resources every few years to complete comprehensive planning that shapes the future growth and allows residents voices to be heard – this bill would circumvent that process and eliminate the input of residents. The bill will also create an unfair advantage for solar companies competing with Maryland Farmer's for access to land, which will have a cascading effect on the rural businesses that are supported by those farmers.

While I support the effort to expand clean and affordable energy production in Maryland to meet the state's growing energy demand, it cannot be at the expense of rural communities, family farms, and Maryland's Agricultural Industry. SB0931 / HB1036 is a blatant example of state government overreach that will lead irrevocable harm to our state's rural communities. I respectfully oppose SB0345 / HB1036 and urge an unfavorable report by the Committee.

Sincerely,

Marshal Cahall

Chesterville Bridge Farm, LLC

I urge you to vote no on SB 0931 Renewable Energy

Uploaded by: Mary Schmid

Position: UNF

I urge you to vote no on SB 0931 Renewable Energy Certainty Act (RECA). I believe this is an extreme overreach by State government. County representatives are more than capable of establishing location and criteria for solar farms as they do in ALL other zoning uses and issues in their county. This bill has several concerns for us as follows:

- Poorly chosen sites could have many adverse impacts on adjacent property owners. Legislation should allow sites to be chosen based on impact to all affected stakeholders in the proximity to the solar farm site which is the opposite of this Bill.

- So much money has been spent to protect environmental issues and planning for communities in order to have balanced development in the future. The State has always granted the ability to local jurisdictions to determine what uses are permitted under which circumstances in their zoning areas. This Bill seeks to override local jurisdictions that clearly know what is best for their communities/constituents and threatens their goals of long range planning.

- The State is currently supporting solar farms with tax and other incentives. When these incentives are ultimately ended and/or solar farm technology is outdated, who is going to remove the infrastructure of these sites that are in our communities, on our neighborhood streets or scenic byways. The expense will ultimately fall on the taxpayers.

- It is unfair to have representatives from other jurisdictions determining what is best as far as solar farm locations in suburban or rural communities. What may work in western Maryland or Baltimore City might not work for communities on the eastern shore of Maryland or in central Maryland counties. It's easy to approve a solar farm when you don't have to live next to it and have property values, farm land, forests, and view sheds affected by it. Local jurisdictions should have the ultimate say in what gets approved and where.

I appreciate you taking a moment to reconsider the appropriateness of this Bill.

Thank you,
Mary Schmid
11022 Pfeffers Road
Kingsville, MD 21087

Opposition letter SB0931-HB1036.pdf
Uploaded by: Megan Fry
Position: UNF

Senator Brian Feldman, Chair
Delegate C.T. Wilson, Chair
Members of the Senate Education, Energy and the Environment Committee &
House Economic Matters Committee

Dear Senators and Delegates,

I am writing to ask for your support in keeping our farmland secure so that we can continue to cultivate the health of our communities both locally and nationally through food production. Most take for granted that these valuable acres often sought after for development are critical for food production. If we don't continue to preserve these acres we risk losing the greatest aspect of national security, food.

My family and I share a deep connection to agriculture, we are farmers working tirelessly every day to ensure our nation's food supply. We ourselves have risked everything to purchase the land we own, not as an investment to cash in one day or to have taken out from under us by the government, but to create a legacy where future generations continue the commitment, we make in securing our nation's food supply. We are already witnessing the development encroaching on our rural areas the pressure that creates. The significant pressure we have faced in recent years has been the impact of solar companies and the offers they are making to neighboring landowners. This drives up land rents and purchase value crippling a farmers' ability to compete for productive land. We realize that the likelihood of this farmland ever returning to productive use is nearly nonexistent once solar fields are erected. SB0931 and HB1036, which would accelerate this destruction, represent the greatest single threat to Maryland farmland and agriculture in the state's history.

As I write this, I can appreciate how for those so far removed from farming it is easy to take all these implications for granted. I am sure the overall impact these bills have to where your food comes from has not once crossed your mind. So long as you walk in the grocery store and there's food on the shelves to purchase, the origin likely doesn't matter to you. I am asking that you take some time to consider what our state looks like if significant acres of our farmland disappear to solar fields and development that comes with these projects. Vesting sole authority over the siting of farmland-destroying solar and battery storage projects with the Public Service Commission in Baltimore—rather than with local communities—disregards those most directly impacted.

Preempting local zoning, imposing a one-size-fits-all landscaping plan, and eliminating the local authority to tax for these sprawling projects—despite their immense cultural and historical impacts on farming communities—is unfair and unacceptable.

Maryland farms feed our local communities, the state's urban centers, our nation, and the world. Maryland farming is a major financial engine and employer for Maryland. Please reject SB0931 and HB1036,crafted by the lobbying interests that have no regard for our precious and irreplaceable farmland. These lands should not be sacrificed for unsightly solar panels and risky, environmentally harmful battery storage units.

I urge you to give an unfavorable recommendation.

Sincerely,
Megan Fry
Kent County

SB 931.pdf
Uploaded by: Randy Guy
Position: UNF

ST. MARY'S COUNTY GOVERNMENT

COMMISSIONERS OF ST. MARY'S COUNTY

James R. Guy, President
Michael R. Alderson, Jr., Commissioner
Eric S. Colvin, Commissioner
Michael L. Hewitt, Commissioner
Scott R. Ostrow, Commissioner

Senate Bill 931 - Public Utilities - Generating Stations – Generation and Siting (Renewable Energy Certainty Act)
OPPOSE

February 25, 2025

The Honorable Brian J. Feldman, Chair
Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: SB 931 - Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

Dear Chairman Feldman:

The Commissioners of St. Mary's County **OPPOSE** **Senate Bill 931 - Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)** which is being heard in the Education, Energy, and the Environment Committee

We urge an unfavorable report on Senate Bill 931. We do not support the introduction of this legislation and do not believe it would benefit the citizens of St. Mary's County. Thank you for your consideration as well as your attention to this matter.

Sincerely,
COMMISSIONERS OF ST. MARY'S COUNTY

James Randy Guy, President

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T:/Consent/2025/036

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SB931 Opposition Letter001.pdf
Uploaded by: Stephanie Jarrell
Position: UNF

Queen Anne's County

County Commissioners:
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Philip L. Dumenil, District 3
Christopher M. Corchiarino, District 4

THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY
The Liberty Building
107 North Liberty Street
Centreville, MD 21617

e-mail: QACCommissioners&Administrator@qac.org

County Administrator: Todd R. Mohn, PE
Executive Assistant to County Commissioners: Stephanie L. Jarrell
County Attorney: Patrick Thompson, Esquire

February 25, 2025

The Honorable Brian J. Feldman
Chairman, Education, Energy, and the Environment Committee
2 West Miller Senate Office Building
Annapolis MD 21401

RE: **SB931 – Renewable Energy Certainty Act (Public Utilities – Generating Stations – Generation and Siting) OPPOSITION**

Dear Chairman Feldman,

Please consider this letter of **opposition** for Senate Bill 931. This bill establishes a clear path for the preemption of local zoning authority by restricting and prohibiting local zoning laws that regulate the construction of certain solar energy generating station and energy storage devices. Further, this bill creates an exemption from personal and real property taxes for solar energy generating stations.

SB931 completely disregards the good faith collaboration in which Queen Anne's County participated along with state and county leaders, nongovernmental organizations, and solar industry leaders to advance Maryland's renewable energy goals through clear, effective, and balanced policies. The Renewable Energy Certainty Act undermines local taxing authority, local zoning authority, essential community input and protections. This bill does not contemplate essential safety measures affiliated with utility scale battery storage devices.

In general, SB931 disregards local land use, comprehensive planning, and economic factors that would otherwise allow counties to partner with the State to achieve renewable energy portfolio goals. This bill is in direct conflict with the Queen Anne's County Comprehensive Plan and long-standing land use and property rights assurances provided by QAC Zoning Code which are consistent with the Comprehensive Plan.

Thank you for the opportunity to **oppose** this legislation.

Respectfully,

QUEEN ANNE'S COUNTY
BOARD OF COUNTY COMMISSIONERS

Christopher M. Corchiarino, President

James J. Moran

Jack N. Wilson, Jr.

J. Patrick McLaughlin

Philip L. Dumenil

SB0931 Comments.pdf
Uploaded by: Tyler Wolf
Position: UNF

Ladies and Gentlemen of the state legislature-

My name is Tyler Wolf and I am a lifelong resident of Frederick County and a first generation farmer. I would like to voice my opposition to SB0931. I do understand that we live in a growing area with a growing need for electricity, however, I do not believe expanding solar on farmland is the answer to our problems. As a first generation and relatively beginning farmer, access to land is one of, if not the largest challenge I face. As solar arrays continue to devour the farmland in my area at an even higher rate than development, it makes land access more and more challenging.

While our growing population continues to need more energy, it also needs more food. Where is this food going to be produced if we devote too much of our land to energy generation? While the current percentage of land occupied by solar may not seem significant, the laws of supply and demand then make the remaining land more expensive and less affordable to our agricultural producers. Many people lament that the younger generation does not want to work hard and continue to farm, but this simply isn't true. There are many of us who would like to start, grow, or maintain farm operations, but have a hard time overcoming the challenges of land access. This causes many farm operations to stagnate, cease, or not begin in the first place. How are we supposed to keep farming as our land becomes overrun with homes and solar generation facilities? This is not a problem limited to young and beginning farmers, however. I have spoken with other, well-established farmers in my area who are facing the same challenges and wondering how to move forward.

I understand that power generation is a necessity, but I believe there are better ways to go about it. As I regularly drive around the 70/81 corridor in Hagerstown, I see countless warehouses being constructed on what was farmland. If we are going remove that land from production, why are we not developing programs to make it have multiple uses, and cover the roofs of these buildings with solar panels? It is already occupied ground that would then become useful for multiple purposes.

Ultimately, I believe the authority to approve solar projects needs to be at the county level, to ensure these projects fit the community, not from state legislators that may have several hundred miles between them and the areas where these facilities are proposed. Thank you for considering my concerns.

Tyler Wolf

BrianFeldman.BCATest.SolarSenBill0931Hrg2.28.25 2.

Uploaded by: Dan Seamans

Position: INFO

Boyds Civic Association
P.O. Box 285
Boyds, MD 20841

February 25, 2025

Senator Brian J. Feldman
2 West Miller Senate Office Building
Annapolis, Maryland 21401

RE: Maryland Senate Bill 931; House Bill 1036 - Renewable Energy Certainty Act
Testimony – House Economic Matters Committee Hearing 2/28/25, 1:30p

Senator Feldman,

Good day, my name is Dan Seamans, a resident of Boyds, MD since 1960, living on farmland and later in the Ag Reserve.

Like Members of the Boyds Civic Association and many other Montgomery County residents, I am opposed to any regulation allowing solar installations in the Ag Reserve on soil Types I or II.

The establishment of Montgomery County's Solar ZTA 20-01 in the Ag Reserve Zone in 2021 restricted solar installations on these Prime Soils, but allowed solar installations on Type III soils, also a USDA Prime Soil. The Mont. Co. Solar ZTA thereby provided a major concession to help facilitate solar energy production, while still preserving the purpose of the Ag Reserve. Other provisions of the Solar ZTA 20-01 restrict solar facilities in stream beds, on erodible slopes and where trees need to be removed, important environmental protections.

Maryland Legislation passed in 2022 intends to Regulate solar projects state wide via Maryland's Public Service Commission. It allows the solar projects size to increase from 2 MW to 5 MW and would allow installations on the best soils, Types I and II, in conflict with Mont. Co's Solar ZTA.

Current problems with solar projects, and restrictions on their construction, are fairly conclusively recognized to be caused by grid location and

capacity. Utility companies must approve a project's connection to their grid. A solar power project is best located within 0.25 to 0.40 miles from a power line of suitable capacity, due to conditions of electrical efficiency. Connection approvals have therefore been very limited in the Ag Reserve due to grid conditions there, rather than by Mont. Co's Solar ZTA 20-01.

Maryland and the MD Public Service Commission should seriously consider the conundrums involved in solar projects in Mont. Co's Ag Reserve. The goals of Montgomery Co.'s Solar ZTA was to protect the best soils in Ag Reserve **and** allow solar facilities. There should not be an override of its well-considered provisions.

The areas of soil Types I and II in the Ag Reserve do not contain the only available open spaces for feasible solar installations in the county. A few of these are:

1.) There is considerable open space on commercial rooftops and parking garages.
2.) There are many open spaces near high tension power lines county-wide that could upload power from larger or smaller solar production facilities.
3. There is enormous space in Rights of Ways under the network of high-tension power lines for solar installations tailored to conditions there.

Many locations exist where such facilities can be placed that are at, or nearer to, where the power is consumed, a more efficient distribution method.

Maryland should consider increased subsidies for home and commercial solar installations and subsidies for battery storage related to solar generated power. Stored power can mitigate weather-related fluctuations and provide supplemental power during times of peak usage.

In truth, I am enthusiastic about solar energy as a clean alternative to fossil fuels. I spent most of the last 45 years burning wood as renewable alternative heating, obtained from dead or dying trees in my woods. I recently curtailed it, due to its carbon foot print. Solar has become the leading alternative, especially with commercial recycling of panels occurring now.

However, allowing solar on the best soils in the Ag Reserve is not wise. Attempting to eclipse Mont. Co's Solar ZTA should not be prompted by current grid conditions in one locale, nor because the timeline set for achieving higher solar energy production is not on track at the moment.

Thank you for hearing this testimony.

Sincerely,

Dan Seamans,
President
Boyds Civic Association

SB931-AdvocatesForHerringBay-Information.pdf
Uploaded by: Kathleen Gramp
Position: INFO

Testimony of the Advocates for Herring Bay[1]
Regarding SB 931/HB 1036—Public Utilities – Generation and Siting
Submitted by Kathleen Gramp, February 26, 2025

Informational

The Advocates for Herring Bay (AHB) have an active interest in solar policy because of our dual focus on clean energy and promoting the health and sustainability of Maryland's ecological resources. We are submitting information for the record on two environmental concerns—forest and stormwater management—that are not addressed effectively by SB931/HB1036 or in current law.

Minimizing impacts on forests: Maryland lags behind states like New Jersey in mitigating the impacts of multi-acre solar arrays on forested land. For example, New Jersey's Solar Act of 2021 expressly precludes siting projects larger than 5 megawatts on designated forested lands without a waiver. Similarly, the list of surfaces eligible for New Jersey's community solar program excludes forested land. SB931/HB1036 does not address the potential impacts of solar projects on forested land.

The potential for impacts on Maryland's forests is real. A 2017 solar application would have cleared 240 acres but was disapproved based on wetlands issues. Attachment 1 shows three recent projects being built on parcels that are completely forested, including a 22-acre area that is part of Maryland's Habitat Connectivity Network. Those and other forest-related projects are in areas that experienced the greatest forest loss over the 2013-2018 period, according to a 2022 study by the Hughes Center on Agro-Ecology.[2]

Legislative options for minimizing the loss of ecologically valuable forests could include enacting provisions similar to those in SB983/HB827 regarding forest clearance,[3] adopting New Jersey's waiver approach, or directing the state to screen projects using Maryland's maps of Ecosystem Services Values.[4]

Ensuring best practices for stormwater and erosion control. Maryland's solar-specific stormwater law and guidelines were written more than a decade ago, before the state began experiencing more intense rain events stemming from climate change. They also predate research on best practices by the National Renewable Energy Laboratory (NREL), Penn State, and Virginia Tech.

Recent studies show that well-drained soils and deep-rooted vegetation under and between the panels can reduce runoff.[5] For that "green infrastructure" to be effective, stormwater estimates and strategies must account for the effects on runoff from the solar panels (which may vary in their impacts), the absorptive capacity of soils before and after construction, and the permanent groundcover at each site.[6] Attachment 2 highlights ways that soil characteristics and the absorptive capacity of ground covers could affect runoff.

Legislative options for ensuring best practices could include enacting provisions similar to those in SB983/HB827 (as amended)[7] or directing the state to update its solar-specific stormwater guidelines to incorporate best practices for estimating and managing runoff at each site, including methods that account for the effects of solar panels, soil characteristics, and ground covers on runoff. While SB931/HB1036 includes discrete directives regarding grading, mowing, herbicide applications, and bonding to ensure vegetation is maintained for the first 3 years of the project, it does not require doing the holistic analyses or using the resources shown to be effective in minimizing runoff from solar projects.

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[1] The Advocates for Herring Bay, Inc. is a community-based environmental group in Anne Arundel County.
[2] See Technical Study of Changes in Forest Cover and Tree Canopy in Maryland, November 2022.
[3] See SB 983/HB 827 as introduced, Section 7-207.4 on page 5, lines 18-24.
[4] See MD Department of Natural Resources background on Ecosystem Services Value.
[5] See Penn State University, Solar Farms with Stormwater Controls Mitigate Runoff, Erosion, July 18, 2024.
[6] See NREL's overview of the PV-SMaRT program.
[7] See bills as introduced, Section 7-207.4 on page 5, lines 25-31. It is our understanding that those provisions will be amended to clarify that the standards shall the consider effects of soil characteristics and ground covers on runoff.

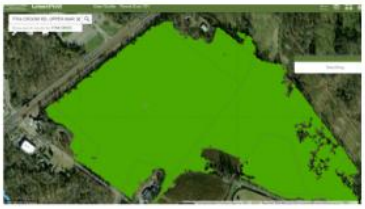
Attachment 1: Examples of Solar Projects Sited on Forested Parcels
Maps of ecosystems services values are from MD DNR's [Greenprint GIS]

7704 Croom Rd, Upper Marlboro MD (pending PSC review)

5 megawatts

Aerial image of parcel
Pre-construction

Highest Ecosystem Services Values
Greens- $900 to $2,800/acre/year
Blues – $2,700 to $3,600+/acre/year



MD Habitat Connectivity Network
Shaded in green

5505 Kirby Road, Clinton, MD (in service)

1.32 megawatts

Aerial image of parcel
Pre-construction

Aerial image of parcel
Post-construction

Highest Ecosystem Services Values
Greens- $900 to $2,800/acre/year
Blues – $2,700 to $3,600+/acre/year

10711 Cross Trail Road, Brandywine, MD (in service)

0.875 megawatts

Aerial image of parcel
Pre-construction

Aerial image of parcel
Post-construction

Highest Ecosystem Services Values
Greens- $900 to $2,800/acre/year
Blues – $2,700 to $3,600+/acre/year

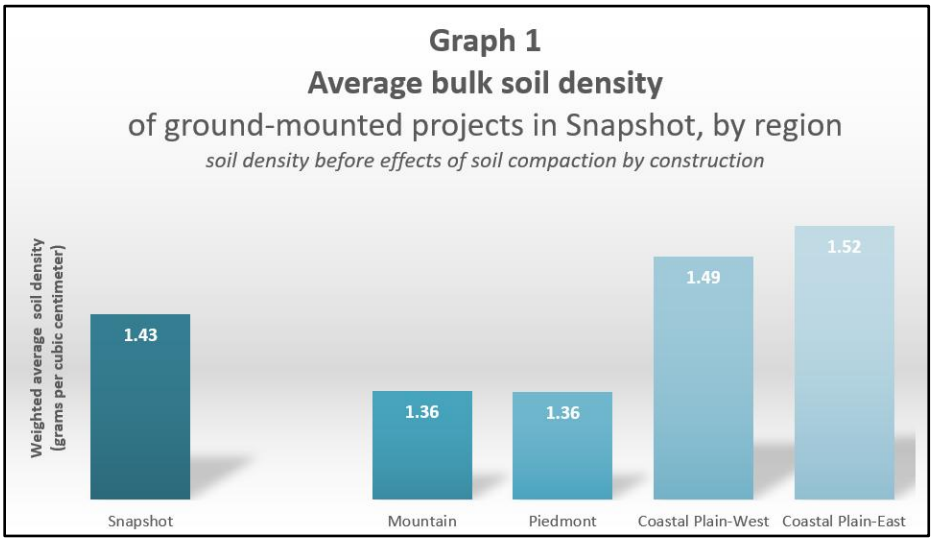
Attachment 2: Overview of Solar Stormwater Runoff Estimates and Issues

Presentations at an April 2023 conference convened by the Chesapeake Bay Program addressed some of the challenges and opportunities for managing stormwater runoff from solar arrays.[8] The conference included a review of a federally funded modelling effort known as "PV-SMaRT," which is being developed by the National Renewable Energy Lab (NREL) and the Great Plains Institute (GPI) to estimate the key drivers of runoff from solar projects.[9]

Policymakers can use the PV-SMaRT calculator to gauge how estimated runoff may differ under varied environmental conditions.[10] Key inputs to the model include the density and depth of the soil, the type of ground cover under the arrays, and rainfall in a 24-hour period. All of the data presented in this Attachment assume that solar panels have an average width of 10 feet and are installed in rows 25 feet apart.

To apply the model to conditions in Maryland, AHB developed a "snapshot" of the types of soils under existing ground-mounted solar arrays using the U.S. Department of Agriculture's (USDA's) Web Soil Survey.[11] Because of data limitations, it was not possible to account for every ground-mounted solar project in the state. However, AHB's Snapshot covers over 1,700 acres of solar arrays spread across 20 counties and may provide reasonable parameters for estimating stormwater runoff using the PV-SMaRT calculator.[12]

Graph 1 summarizes USDA's data on the weighted-average bulk density of the soils at the sites shown in the Snapshot. Because of the data limitations, this analysis aggregates the county-level results into broad geographic regions.[13] Several sites had slopes higher than 10 percent, notably those on brownfields, but all of the runoff estimates presented here assume lower slopes. USDA's data also suggest that soil depths will exceed the 60-inch metric used in the PV-SMaRT calculator.

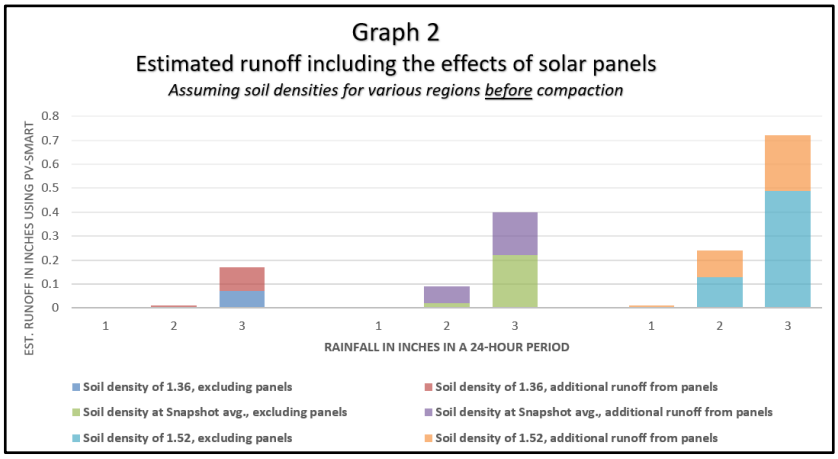


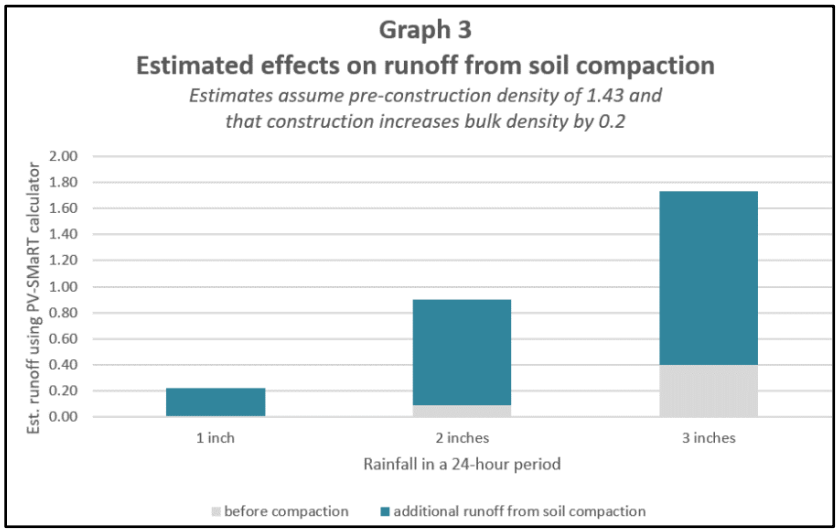
[8] See the proceedings of the April 2023 Scientific and Technical Advisory Committee's conference on Best Management Practices to Minimize Impacts of Solar Farms on Landscape Hydrology and Water Quality
[9] See Great Plains Institute, Best Practices: Photovoltaic Stormwater Management Research and Testing (PV-SMaRT), January 2023.
[10] NREL's overview of the PV-SMaRT program includes a link to the PV-SMaRT calculator.
[11] See USDA Web Soil Survey.
[12] See Advocates for Herring Bay, Solar Soil Snapshot, 2024.
[13] For this analysis, the "Mountain" region includes Allegany, Garrett, and Washington Counties; "Piedmont" includes Baltimore, Carroll, Frederick, Harford, Howard, and Montgomery Counties; "Coastal Plain-West" includes Anne Arundel, Charles, and Prince George's Counties; and "Coastal Plain-East" includes Caroline, Cecil, Dorchester, Kent, Queen Anne's, Talbot, Wicomico, and Worcester Counties.

The following graphs summarize estimates of potential stormwater runoff trends in Maryland using the PV-SMaRT calculator and data from AHB's Snapshot. Unless otherwise noted, the estimates assume that the ground cover under the solar panels is turf grass. In addition, the estimates of runoff account for mitigation benefits of the "disconnection" distances between rows of panels. That is, the amounts shown are the incremental amounts of runoff not addressed by the vegetation between rows.

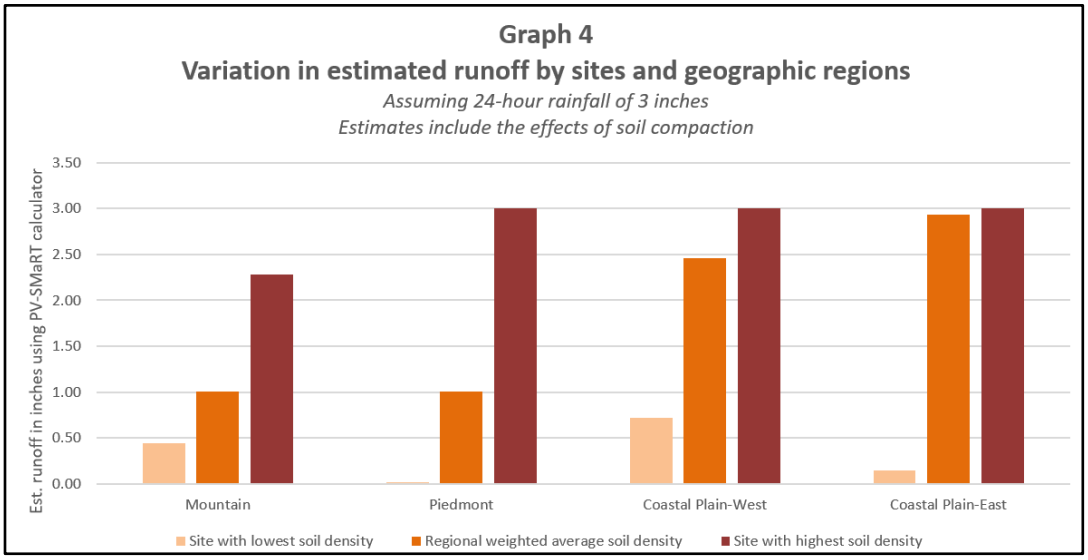
- Graph 2 shows the importance of including the solar panels in the calculation of impervious surfaces, especially as Maryland experiences more intense rain events;
- Graph 3 attests to the importance of accounting for the effects of bulk soil density on stormwater runoff, especially after any soil compaction resulting from construction[14];
- Graph 4 illustrates the importance of accounting for the geographic diversity of soil densities among projects and regions of the state; and
- Graph 5 shows variations in the amounts of runoff that can be absorbed by different types of ground covers under the solar panels.

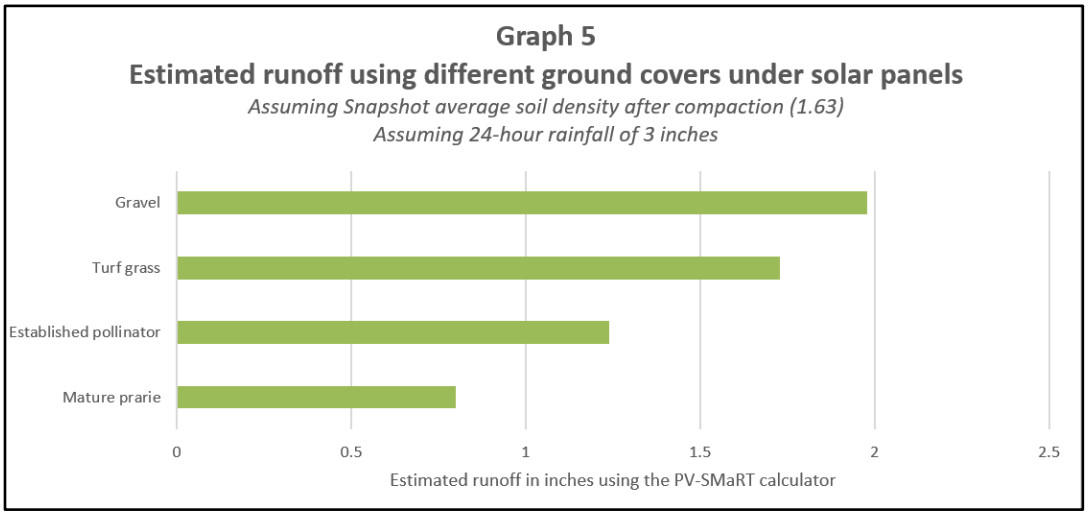
Finally, sustaining the infiltrative capacity of vegetation over the multi-decade life of solar projects will require continuous monitoring and maintenance. Patchy growth—which increases stormwater runoff—is already an issue for some existing Maryland solar projects (see Figure 1).





[14] This analysis assumes that compaction will increase soil density by 0.2, the amount estimated by the Center for Watershed Protection for "construction, no grading." See Stormwater Center, Compaction of Urban Soils.


Graph 4
Variation in estimated runoff by sites and geographic regions
Assuming 24-hour rainfall of 3 inches
Estimates include the effects of soil compaction
Est. runoff in inches using PV-SMaRT calculator
3.50
3.00
2.50
2.00
1.50
1.00
0.50
0.00
Mountain
Piedmont
Coastal Plain-West
Coastal Plain-East
Site with lowest soil density
Regional weighted average soil density
Site with highest soil density


Graph 5
Estimated runoff using different ground covers under solar panels
Assuming Snapshot average soil density after compaction (1.63)
Assuming 24-hour rainfall of 3 inches
Gravel
Turf grass
Established pollinator
Mature prarie
0
0.5
1
1.5
2
2.5
Estimated runoff in inches using the PV-SMaRT calculator

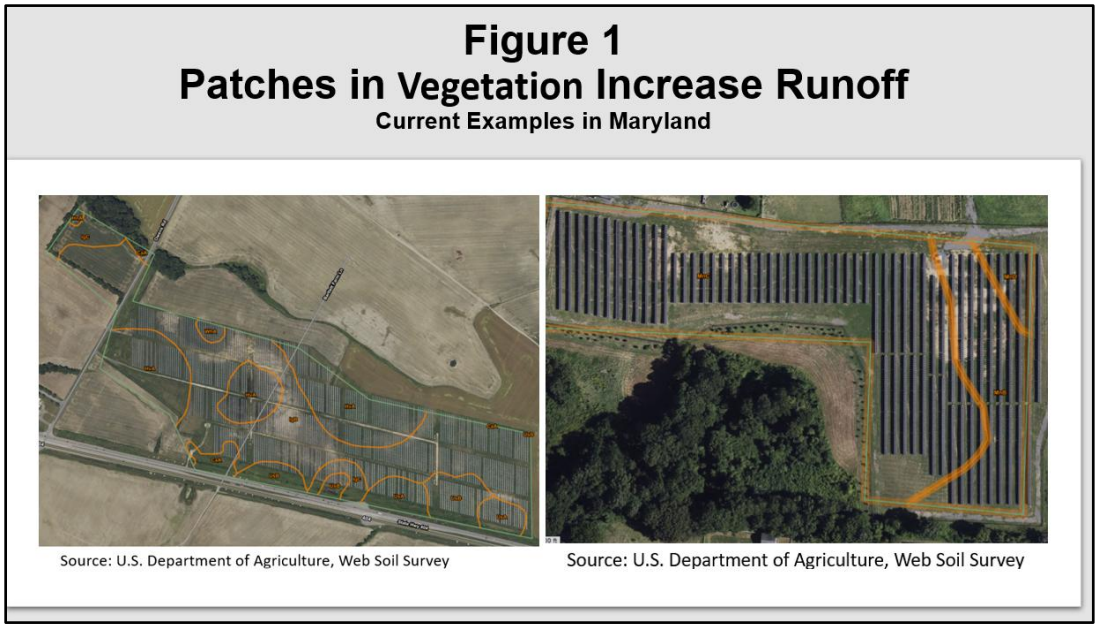


Figure 1
Patches in Vegetation Increase Runoff
Current Examples in Maryland
Source: U.S. Department of Agriculture, Web Soil Survey
Source: U.S. Department of Agriculture, Web Soil Survey

25-0225 L Feldman - SB931.pdf
Uploaded by: Laura Hurley
Position: INFO

WICOMICO COUNTY, MARYLAND
P.O. BOX 870
SALISBURY, MARYLAND 21803-0870
410-548-4696
FAX: 410-548-7872

February 25, 2025

Education, Energy, and the Environment Committee
Attn: The Honorable Brian J. Feldman, Chair
2 West Miller Senate Office Building
Annapolis, MD 21401

RE: SB 931-Renewable Energy Certainty Act

Dear Chairman Feldman and Committee Members,

The Wicomico County Council supports the amendments proposed by the Maryland Association of Counties (MACo) for Senate Bill 931, which are enclosed for your reference. We believe these amendments will ensure that local governments retain meaningful oversight over solar energy generation systems and related infrastructure, consistent with our County Comprehensive Plan, by addressing key concerns in the current bill.

As currently drafted, the Renewable Energy Certainty Act undermines our community's local taxing authority, zoning control, and resident input, while also failing to address critical safety measures related to utility-scale battery storage devices. Furthermore, Senate Bill 931 overlooks important local land use practices, comprehensive planning, and economic considerations that have enabled productive state and county partnerships in achieving renewable energy portfolio goals. It also conflicts with long-standing land use and property rights assurances established in our Zoning Code.

The Wicomico County Council remains committed to protecting local interests and ensuring that community values and safety are prioritized in all renewable energy initiatives. We appreciate the opportunity to share our perspective and support the proposed amendments as submitted by MACo as a balanced and effective path forward.

Sincerely,

WICOMICO COUNTY, MARYLAND

John T. Cannon, Council President

Enclosure

cc: Wicomico County Council
Wicomico County Delegation
Wicomico County Executive
Bunky Luffman, Director of Administration

MACo Amendments to HB 1036 / SB 931

Amendment #1:

On page 2, after line 7, INSERT,

A PERSON MAY NOT EXERCISE A RIGHT OF CONDEMNATION IN CONNECTION WITH THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION.

Amendment #2:

On page 4, after line 29, INSERT,

(4) "PROJECT AREA" MEANS THE LIMIT OF DISTURBANCE. A PROJECT AREA MAY BE ONE OR MORE CONTIGUOUS PARCELS OR PROPERTIES UNDER THE SAME OWNERSHIP OR LEASE AGREEMENT.

(5) "SOLAR ENERGY GENERATING SYSTEM" MEANS A GROUND-MOUNTED SOLAR ARRAY AND ANCILLARY EQUIPMENT, AND ACCESSORY BUILDINGS OR FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND TRANSMIT POWER. A SOLAR ENERGY GENERATING SYSTEM DOES NOT INCLUDE PROJECTS WHICH ARE BUILT OVER ROADS, PARKING LOTS, OR ROADWAY MEDIANS. THE SIZE OF A SOLAR ENERGY GENERATING SYSTEM IS DETERMINED BY THE PROJECTS INTERCONNECTION AGREEMENT.

Amendment #3:

On page 5, after line 17, INSERT,

(3) THE PROJECT HAS ALL OTHER APPLICABLE FEDERAL, STATE, AND LOCAL APPROVALS.

Amendment #4:

On page 5, lines 18-20, after "(D)" STRIKE the lines in their entirety and INSERT,

"IN ACCORDANCE WITH COMAR 20.79.01.05, 90 DAYS BEFORE SUBMITTING AN APPLICATION FOR APPROVAL UNDER THIS SECTION, THE APPLICANT SHALL PROVIDE IMMEDIATE NOTICE OF THE APPLICATION TO:

Amendment #5:

On page 6, in line 17 after "(F)" STRIKE the lines through page 8, line 16 in their entirety and INSERT,

FOR SOLAR ENERGY GENERATING SYSTEM APPLICATIONS SUBJECT TO THE CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY (CPCN) PROCESS, THE FOLLOWING STANDARDS WILL APPLY:

(1) ALL SOLAR ENERGY GENERATING SYSTEMS SHALL BE SUBJECT TO THE SOLAR ENERGY GENERATING SYSTEM SITING STANDARDS.

(2) GROUND MOUNTED SOLAR ENERGY SYSTEMS 5 MEGAWATTS AND ABOVE SHALL NOT BE PERMITTED ON ANY LOT, PARCEL, OR TRACT OF LAND THAT;

- **IS LOCATED WITHIN A PLANNED GROWTH AREA AS IDENTIFIED IN A LOCAL JURISDICTION'S ADOPTED COMPREHENSIVE PLAN, OR;**
- **IS ZONED FOR MEDIUM DENSITY RESIDENTIAL, HIGH DENSITY RESIDENTIAL, OR MIXED-USE WITH A RESIDENTIAL COMPONENT, OR;**
- **IS LOCATED WITHIN AN AREA DESIGNATED FOR HOUSING IN;**
- **MD. CODE ANN., TITLE 05, HOUSING AND COMMUNITY DEVELOPMENT, OR;**
- **MD. CODE ANN., TITLE 34, SUBTITLE 03, LAND USE.**

(3) GROUND MOUNTED SOLAR ENERGY SYSTEMS BELOW 5 MEGAWATTS MAY BE PERMITTED ON A LOT, PARCEL, OR TRACT OF LAND WITHIN A PLANNED GROWTH AREA AS IDENTIFIED IN A LOCAL JURISDICTION'S ADOPTED COMPREHENSIVE PLAN IF;

1. **THE SITING OF THE FACILITY DOES NOT OBSTRUCT OR HINDER EXISTING, PLANNED, OR ANTICIPATED INFRASTRUCTURE THAT IS NECESSARY TO SERVE FUTURE HOUSING OR MIXED-USE PROJECTS, INCLUDING WATER, SEWER, AND COMPREHENSIVELY PLANNED ROADWAYS.**
2. **THE SITING OF THE FACILITY DOES NOT OBSTRUCT OR HINDER THE DESIGN AND DENSITY OF A FUTURE HOUSING OR MIXED-USE PROJECT.**

3. **DOES NOT OCCUPY MORE THAN 10% OF THE LOT, PARCEL, OR TRACT OF LAND.**

(4) THE APPLICANT SHALL PROVIDE NOTIFICATION OF ALL SOLAR ENERGY GENERATING SYSTEMS WITH THE LOCAL GOVERNMENT EMERGENCY RESPONSE SERVICES. THE REGISTRATION SHALL INCLUDE A MAP OF THE SOLAR FACILITY NOTING THE LOCATION OF THE SOLAR COLLECTORS AND THE PANEL DISCONNECT. FACILITIES MUST PROVIDE SITE ACCESS AND CIRCULATION FOR EMERGENCY VEHICLES.

(5) A LOCAL GOVERNMENT SHALL APPLY A STANDARD PROCESS FOR THE REVIEW AND APPROVAL OF SITE DEVELOPMENT PLANS FOR SOLAR ENERGY GENERATING SYSTEMS OVER 5MW, INCLUDING THE REVIEW AND APPROVAL OF THE SITE PLAN BY THE PLANNING COMMISSION.

(6) A LOCAL GOVERNMENT SHALL REQUIRE A STANDARD PROCESS FOR THE ADMINISTRATIVE REVIEW AND APPROVAL OF SOLAR ENERGY GENERATING SYSTEMS THAT ARE 5MW OR LESS.

(7) SETBACKS FOR SOLAR ENERGY GENERATING SYSTEMS WILL BE MEASURED FROM THE NEAREST SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS OR FACILITIES THAT GENERATE, MAINTAIN, OPERATE, MANAGE, DISTRIBUTE, AND TRANSMIT POWER TO THE PROPERTY BOUNDARY. A LOCAL GOVERNMENT MAY ESTABLISH LESS RESTRICTIVE SETBACKS, BUT SETBACKS FOR SOLAR ENERGY GENERATING SYSTEMS MAY NOT EXCEED:

1. **100 FEET FROM ALL PROPERTY LINES, EXCLUDING PROPERTY LINES THAT BISECT THE INTERIOR OF A PROJECT AREA;**

2. **150 FEET FROM NEAREST WALL OF RESIDENTIAL DWELLING**

3. **FENCING SHALL NOT BE PLACED CLOSER THAN 50 FEET FROM THE EDGE OF A DEDICATED, PRESCRIPTIVE, OR COMPREHENSIVELY PLANNED PUBLIC ROAD RIGHT OF WAY.**

4. **WITH THE EXCEPTION OF EQUIPMENT REQUIRED BY THE LOCAL UTILITY FOR INTERCONNECTION INTO GRID INFRASTRUCTURE, NO SOLAR ARRAY OR ACCESSORY EQUIPMENT, BUILDINGS, OR FACILITIES SHALL BE LOCATED WITHIN A DEDICATED, PRESCRIPTIVE, OR COMPREHENSIVELY PLANNED PUBLIC ROAD RIGHT OF WAY.**

(8) VISUAL IMPACTS OF SOLAR FACILITIES ON PRESERVATION AREAS, SUCH AS RURAL LEGACY AREAS, AGRICULTURAL PRESERVATION AREAS, PUBLIC PARKS, SCENIC RIVERS AND BYWAYS,

DESIGNATED HERITAGE AREAS, HISTORIC STRUCTURES OR SITES LISTED ON OR ELIGIBLE FOR THE NATIONAL REGISTER OF HISTORIC PLACES OR A COUNTY REGISTER OF HISTORIC PLACES, MUST BE MITIGATED. A VIEWSHED ANALYSIS MUST BE SUBMITTED AS PART OF THE LOCAL GOVERNMENT APPLICATION TO ASSURE THAT VISUAL IMPACTS ARE MINIMIZED THROUGH SOLAR PANEL PLACEMENT, HEIGHT, LANDSCAPING, AND SCREENING.

(9) LANDSCAPE BUFFER - A LOCAL GOVERNMENT MAY REMOVE OR RELAX ANY OF THE FOLLOWING STANDARDS IN AREAS WHERE THE APPLICANT CAN REASONABLY DEMONSTRATE THAT SUCH REQUIREMENTS WOULD HAVE LESSER OR NO VISUAL BUFFER VALUE.

1. **A LANDSCAPE BUFFER THAT IS A MINIMUM OF 35 FEET WIDE MUST BE PROVIDED ALONG ALL PROPERTY LINES OR ALONG THE EXTERIOR BOUNDARY OF THE SOLAR ENERGY GENERATING SYSTEM. ALTERNATIVE LANDSCAPE BUFFER LOCATIONS MAY BE PROPOSED WITHIN THE BOUNDARY OF THE PROJECT SITE WHERE THE ALTERNATIVE BUFFER LOCATION MAXIMIZES THE EFFECTIVENESS OF THE SCREENING EFFORT. THE BUFFER MUST BE DESIGNED TO PROVIDE FOUR-SEASON VISUAL SCREENING OF THE SOLAR ENERGY GENERATING SYSTEMS AND INCLUDE MULTI-LAYERED, STAGGERED ROWS OF OVERSTORY AND UNDERSTORY TREES AND SHRUBS THAT ARE A MIX OF EVERGREEN AND DECIDUOUS VEGETATION, WITH AN EMPHASIS ON SPECIES THAT ARE NATIVE TO THE AREA. ALL PLANT MATERIAL SHALL CONFORM TO THE PLANT SIZE SPECIFICATIONS AS ESTABLISHED BY THE AMERICAN STANDARD FOR NURSERY STOCK ANSI Z60.1 AND SHALL BE PLANTED TO THOSE STANDARDS. A LOCAL GOVERNMENT MAY REQUIRE A LANDSCAPE BUFFER OF UP TO 50 FEET WHERE DEEMED NECESSARY TO MEET THE REQUIREMENTS OF (F)(8) ABOVE.**

2. **THE LANDSCAPE BUFFER MUST BE INSTALLED AS EARLY IN THE CONSTRUCTION PROCESS AS PRACTICABLE AND PRIOR TO ACTIVATION OF THE SOLAR ENERGY GENERATING SYSTEMS.**

3. **THE SIZE OF TREES AND SHRUBS AT THE TIME OF PLANTING MUST ACCOMMODATE ADEQUATE SCREENING OR BUFFERING BY THE END OF 5 YEARS OF PLANTING. VEGETATION USED TO ESTABLISH A VISUAL SCREEN MUST NOT BE TRIMMED TO STUNT UPWARD AND OUTWARD GROWTH OR TO OTHERWISE LIMIT THE EFFECTIVENESS OF THE VISUAL SCREEN.**

4. **IF FENCING IS PROPOSED, A LANDSCAPE BUFFER MUST BE PLACED BETWEEN THE FENCE AND THE PUBLIC VIEW. IF WIRE MESH IS USED, IT SHALL BE BLACK OR GREEN VINYL. NO BARBED OR RAZOR WIRE MAY BE**

USED ON FENCING AROUND THE SOLAR ENERGY GENERATING SYSTEM. FENCING SHALL BE INSTALLED AT THE INTERIOR EDGE OF THE LANDSCAPE BUFFER OR IMMEDIATELY ADJACENT TO THE SOLAR ENERGY GENERATING SYSTEM.

5. **IF FOREST OR HEDGEROWS EXIST WHERE SCREENING OR BUFFERING IS REQUIRED, IT MUST BE PRESERVED TO THE MAXIMUM EXTENT PRACTICABLE AND SUPPLEMENTED WITH NEW PLANTINGS WHERE NECESSARY TO PROVIDE THE DESIRED SCREENING OR BUFFERING. EXISTING NONINVASIVE VEGETATION MAY BE USED FOR MEETING THE LANDSCAPE BUFFER REQUIREMENT, SUBJECT TO MEETING THE REQUIREMENTS UNDER (F)(9) I-IV) AND (F)(8).**

6. **ALL LANDSCAPING, SCREENING, AND BUFFERING MUST BE MAINTAINED WITH A 90 PERCENT SURVIVAL THRESHOLD FOR THE LIFE OF THE SOLAR ENERGY GENERATING SYSTEMS VIA A MAINTENANCE AGREEMENT THAT INCLUDES A WATERING PLAN. A LOCAL GOVERNMENT MAY ELECT TO REQUIRE A COST ESTIMATE AND LANDSCAPE SURETY. SUCH A SURETY WILL BE APPROVED AND HELD BY THE LOCAL GOVERNMENT FOR UP TO THREE YEARS AND UPON INSPECTION, MAY RELEASE UP TO 50% AND THEN BE HELD FOR TWO ADDITIONAL YEARS TO DETERMINE THE PLANT MATERIAL HAS BEEN MAINTAINED IN GOOD HEALTH. THE LOCAL GOVERNMENT RESERVES THE RIGHT TO INSPECT AND REQUIRE REPLACEMENT OF PLANT MATERIAL.**

(10) GRADING

1. **GRADING SHALL BE MINIMIZED TO THE MAXIMUM EXTENT PRACTICABLE TO PRESERVE AGRICULTURAL SOILS AND PREVENT SOIL EROSION.**

2. **TOPSOIL SHALL NOT BE REMOVED FROM PARCEL.**

3. **TOPSOIL MAY BE TEMPORARILY STOCKPILED TO ACHIEVE GRADE BUT SHALL BE WHOLLY REPLACED TO ACHIEVE VEGETATIVE STABILIZATION.**

(11) AFTER THE SEEDING OR PLANTING OF VEGETATION, THE USE OF HERBICIDES TO CONTROL VEGETATION IS STRONGLY DISCOURAGED AND MAY ONLY BE USED FOR THE PURPOSE OF CONTROLLING INVASIVE SPECIES IN COMPLIANCE WITH DEPT OF AGRICULTURE'S WEED CONTROL PROGRAM.

(12) FOR PROJECTS OR PORTIONS OF PROJECTS NOT USED FOR AGRIVOLTAICS, NATIVE POLLINATOR PLANT SPECIES OR NATIVE MEADOW SPECIES SHALL BE PLANTED AND MAINTAINED THROUGHOUT THE SOLAR PROJECT'S LIFE. THE SEED MIX SHALL INCLUDE A DIVERSITY OF SPECIES WITH VARIED BLOOM TIMES. MOWING SHALL BE LIMITED AND PERFORMED ON A SCHEDULE THAT PROMOTES THE ESTABLISHMENT OF THE NATIVE PLANTINGS, CONTROLS INVASIVE SPECIES, AND AVOIDS IMPACTS TO WILDLIFE (POLLINATING, NESTING, ETC.).

(13) EXCEPT AS REQUIRED FOR SAFETY, EMERGENCY, OR BY APPLICABLE FEDERAL, STATE, OR LOCAL AUTHORITY, NO VISIBLE LIGHT SHALL EMANATE FROM THE SOLAR ENERGY GENERATING SYSTEMS FROM DUSK TO DAWN DURING OPERATIONS.

(14) LOCAL GOVERNMENTS SHALL APPLY ENVIRONMENTAL SETBACKS AND BUFFERS CONSISTENT WITH THE REQUIREMENTS APPLIED TO COMMERCIAL OR INDUSTRIAL LAND USES.

(15) HEIGHT- MAXIMUM HEIGHT OF 15 FEET FOR ALL SOLAR ENERGY GENERATING SYSTEMS AND ACCESSORY STRUCTURES, UNLESS PROVIDING AGRIVOLTAICS WITH FARMING OPERATIONS BENEATH SOLAR PANELS. THIS DOES NOT APPLY TO THE EQUIPMENT NECESSARY FOR UTILITY INTERCONNECTION.

(16) DECOMMISSIONING AND RESTORATION OF THE PROPERTY

(I) THE PROPERTY OWNER OR APPLICANT MUST PROVIDE A COPY OF THE DECOMMISSIONING AND RESTORATION PLAN TO THE LOCAL GOVERNMENT PRIOR TO LOCAL GOVERNMENT APPROVAL. A LOCAL GOVERNMENT MAY ELECT TO ADOPT DECOMMISSIONING AND RESTORATION REQUIREMENTS CONSISTENT WITH THOSE ESTABLISHED BY THE PSC.

A BOND OR OTHER FINANCIAL ASSURANCE SHALL BE REQUIRED TO ASSURE COMPLETE REMOVAL OF A SOLAR ENERGY GENERATING SYSTEM IN AN AMOUNT EQUAL TO AN ESTIMATE OF THE COSTS ASSOCIATED WITH THE REMOVAL OF THE SOLAR ARRAY. THE FINANCIAL ASSURANCE SHALL BE AUTOMATICALLY RENEWABLE. A FINANCIAL ASSURANCE PROVIDED TO SATISFY THE CONDITIONS OF THE MARYLAND PUBLIC SERVICE COMMISSION'S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY MAY SATISFY A LOCAL GOVERNMENT FINANCIAL ASSURANCE REQUIREMENT PROVIDED IT COMPLIES WITH THE FOREGOING AND IS ENFORCEABLE BY THE LOCAL GOVERNMENT.

THE FINANCIAL GUARANTEE MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR GRADING PERMIT, WHICHEVER IS APPLIED FOR FIRST. NOTICE MUST BE PROVIDED TO THE PSC AND THE LOCAL GOVERNMENT WITHIN 30 DAYS OF THE SALE OR TRANSFER OF

THE LEASE OR PROPERTY AND A NEW FINANCIAL GUARANTEE MUST BE PROVIDED BY THE NEW LEASE HOLDER OR PROPERTY OWNER.

WHEN THE SOLAR ENERGY GENERATING SYSTEM CEASES TO GENERATE ELECTRICITY FOR SALE, DOES NOT INPUT ELECTRICITY INTO THE ELECTRIC GRID FOR 12 CONSECUTIVE MONTHS (UNLESS NOTICE FOR REPOWERING IS FILED WITH THE PSC,) OR THE LEASE FOR THE SITE EXPIRES, ALL LOCAL APPROVALS WILL TERMINATE AUTOMATICALLY. THE PROPERTY OWNER OR APPLICANT SHALL UPDATE THE DECOMMISSIONING PLAN COST ESTIMATE AND CORRESPONDING APPROVED FINANCIAL INSTRUMENT EVERY FIVE YEARS AFTER THE PSC'S APPROVAL OF THE FIRST DECOMMISSIONING PLAN TO ADJUST FOR INFLATION AND ANY OTHER NECESSARY CHANGES. REMOVAL OF THE SOLAR ENERGY GENERATING SYSTEM WILL BEGIN WITHIN 90 DAYS AFTER TERMINATION OF THE APPROVAL, AND RESTORATION OF THE PROPERTY TO THE CONDITION THAT EXISTED PRIOR TO THE INSTALLATION OF THE SOLAR ENERGY GENERATING PANELS AND ACCESSORIES WILL BE COMPLETED WITHIN TWELVE MONTHS OF THE START OF SOLAR PANEL REMOVAL. RESTORATION WILL INCLUDE THE REMOVAL FROM THE PROPERTY OF ALL ABOVE-GROUND FACILITIES, AS WELL AS ALL UNDERGROUND FOOTINGS, SUPPORTS, WIRES, MATERIALS, FENCES, ROADS, AND BERMS. ONLY LIKE-KIND TOPSOIL MAY BE USED FOR RESTORATION.

(II) THE PROPERTY OWNER OR OWNER OF THE SOLAR ENERGY GENERATING SYSTEM MUST PROVIDE NOTICE TO THE LOCAL GOVERNMENT AND THE PSC WHEN THE LEASE FOR THE SITE EXPIRES, WHEN THE SOLAR FACILITY CEASES TO GENERATE ELECTRICITY FOR SALE, OR DOES NOT INPUT ELECTRICITY INTO THE GRID FOR 60 DAYS OR LONGER, UNLESS DUE TO ROUTINE MAINTENANCE ACTIVITY.

(17) COMMUNITY MEETINGS

1. **SOLAR DEVELOPERS SHALL HOLD AT LEAST ONE PUBLICLY ADVERTISED COMMUNITY MEETING WITHIN 10 MILES OF THE PROPOSED SOLAR ENERGY GENERATING SYSTEM AND WITHIN THE SAME COUNTY PRIOR TO APPLYING FOR A CPCN TO COLLECT COMMUNITY FEEDBACK AND PROVIDE OPPORTUNITIES FOR THE SOLAR DEVELOPER TO ADDRESS CONCERNS PRIOR TO FILING FOR A CPCN OR LOCAL APPROVAL.**

2. **IN UNDERSERVED OR OVERBURDENED COMMUNITIES AS DEFINED BY MDE, SOLAR DEVELOPERS SHALL HOLD AT LEAST ONE PUBLICLY ADVERTISED COMMUNITY MEETING WITHIN 10 MILES OF THE PROPOSED SOLAR ENERGY GENERATING SYSTEM AND WITHIN THE SAME COUNTY, AND ONE VIRTUAL MEETING, PRIOR TO APPLYING FOR A CPCN TO COLLECT COMMUNITY FEEDBACK AND PROVIDE OPPORTUNITIES FOR THE SOLAR DEVELOPER TO ADDRESS CONCERNS PRIOR TO FILING FOR A CPCN OR LOCAL APPROVAL.**

3. **PUBLIC NOTICE OF THESE COMMUNITY MEETINGS SHALL BE POSTED AT LEAST 14 DAYS PRIOR TO THE MEETING DATE. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO PLACE A PUBLIC NOTICE SIGN WITHIN 10 FEET OF EACH PROPERTY LINE WHICH ABUTS A PUBLIC ROAD. IF THE PROPERTY DOES NOT ABUT A PUBLIC ROAD, A SIGN SHALL BE PLACED IN SUCH A MANNER SO THAT IT MAY BE MOST READILY SEEN AND READ BY THE PUBLIC. THE SIGN(S) SHALL BE AFFIXED TO A RIGID BOARD AND MAINTAINED AT ALL TIMES BY THE APPLICANT UNTIL THE MEETING IS HELD. THE DATE, TIME, LOCATION, AND DESCRIPTION OF THE PROPOSED SOLAR DEVELOPMENT SHALL BE INCLUDED ON THE SIGN OF THE MEETING SHALL BE INDICATED ON THE SIGN(S).**

4. **THE SOLAR DEVELOPER SHALL DOCUMENT THE PUBLIC COMMENTS AND INCLUDE THE COMMENTS IN THEIR APPLICATIONS FOR LOCAL GOVERNMENT AND CPCN APPROVAL.**

Amendment #6:

On page 8, STRIKE lines 17 through 26 in their entirety and INSERT,

(G) (1) FOR SOLAR ENERGY GENERATING SYSTEM APPLICATIONS ABOVE 2 MEGAWATTS, LOCAL JURISDICTIONS MAY NOT ESTABLISH SOLAR ENERGY GENERATING SYSTEM SITING POLICIES MORE RESTRICTIVE THAN THOSE ENUMERATED IN SECTION (F).

(2) LOCAL GOVERNMENTS SHALL PROCESS THE APPLICATION FOR SOLAR ENERGY GENERATING SYSTEM APPLICATIONS BELOW 5MW AS PERMITTED USES SUBJECT TO ADMINISTRATIVE PROJECT REVIEW STANDARDS.

(3) ACCESSORY USE ON SITE NET METERING SOLAR ENERGY GENERATING SYSTEMS SHALL NOT BE SUBJECT TO THESE ENUMERATED PROVISIONS BUT MUST COMPLY WITH LOCAL LAND USE AND BUILDING CODE REQUIREMENTS.

Amendment #7:

On page 8, line 27, through page 9, line 2, STRIKE in its entirety.

Amendment #8:

On page 9, line 7 through page 11, line 25, STRIKE in their entirety.

Explanation: The Public Service Commission is in the process of establishing a permitting and regulatory framework for expediting the safe development of utility scale battery storage in Maryland. This language conflicts with this effort and will further delay the rollout of energy storage infrastructure.

Amendment #9:

On page 21, after line 27, INSERT,

SECTION 5. THE PUBLIC SERVICE COMMISSION, IN CONSULTATION WITH THE POWER PLANT RESEARCH PROGRAM AND COUNTIES, SHALL EXPLORE THE FEASIBILITY OF ESTABLISHING A LIMIT ON THE TOTAL AMOUNT OF PRIME AGRICULTURAL LANDS OCCUPIED BY SOLAR DEVELOPMENT IN EACH COUNTY. THE PUBLIC SERVICE COMMISSION SHALL DELIVER AN INTERIM REPORT BY DECEMBER 1ST, 2025, AND A FINAL REPORT BY DECEMBER 1ST, 2026.

2-28-25 SB 931 Public Utilities -Generating Statio

Uploaded by: Nancy Soreng

Position: INFO

LEAGUE OF WOMEN VOTERS® OF MARYLAND

TESTIMONY TO THE SENATE EDUCATION, ENERGY AND THE ENVIRONMENTCOMMITTEE

SB 931– Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)

POSITION: Information Only

BY: Linda Kohn, LWVMD President

Date: February 28, 2025

Although the League of Women Voters of Maryland is a strong supporter of expanding the production of electricity with technology that does not contribute to climate pollution, we have never studied the topic of solar siting on a statewide basis. We recognize that various parts of the state may have differing views on what is appropriate and desirable for their communities so **we are taking no position on SB 931.**

However, one of our local Leagues, the League of Women Voters of Montgomery County Maryland, has studied that topic extensively as it relates to siting solar in the Agricultural Reserve. Excerpts from two facts sheets they published on the subject follow this testimony. We believe the experience and insights in these documents may provide you with a better understanding of some of the issues related to solar siting and assist you in your deliberations of this SB 931.

When you take a look at the following documents you will see that the policy makers and the stakeholders in Montgomery County underwent an extensive process to develop the current Zoning Text Amendment that outlines the parameters for siting solar on agricultural land. LWVMD is not in the position to say whether those parameters make sense for the entire state, but LWV Montgomery County asked us to make sure that you are aware that at least one jurisdiction in Maryland has already studied this issue and enacted zoning laws based on much public input and their unique feature, the Agricultural Reserve.

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The following is an excerpt from the League of Women Voters of Montgomery County December 2021 Fact Sheet: PRESERVING THE AGRICULTURAL RESERVE

PROPOSED SOLAR DEVELOPMENT

In January 2020, a zoning text amendment, ZTA 20-01 Community Solar in the Agricultural Reserve (AR), was proposed to revise the AR zoning code "to allow the blending of solar arrays with farmland on a small portion of the Agricultural Reserve." The measure was to allow up to 1,800 acres of AR zoned land to be utilized for commercial solar production. Also included was a proposal to increase the amount of solar energy allowed to be generated as an accessory use to farming from 120% of the onsite consumption to 200%.

Responses to the proposed ZTA 20-01 were complex and divergent except for one point of agreement: the production of solar energy is a timely and urgent goal. All interest groups reiterated the need for locating solar energy sources in the county and for using those sources to contribute clean energy to the county's energy grid, especially given that the county is not well suited for wind or nuclear energy. Nevertheless, conservationists and farmers disagreed with environmentalists and solar developers on how this should be accomplished.

The arguments surrounding ZTA 20-01 clearly reflect different opinions about the Agricultural Reserve's purpose and illuminate the complexity of locating solar arrays, especially on farmland, a dilemma many communities across the country are facing. When ZTA 20-01 was first introduced, the goal was to site solar fields on 1,800 acres of any class of soil. Additionally, the ZTA proposed the co-development of solar and farming; solar production in the Agricultural Reserve would be a "blending of solar arrays with farmland. Farmland and solar can go together.... Visionary farmers are pioneering 'dual use' of land beneath solar arrays by cultivating pollinator friendly wildflowers...grazing sheep and growing vegetable crops for local food and grapes for local wine." The science of combining farming and solar on the same plot of land is called agrivoltaics ("agri" comes from agriculture; photovoltaics are the conversion of light into energy) and is a new, rapidly growing research area.

Arguments Against ZTA 20-01

The strongest opposition to locating solar arrays in the Agricultural Reserve comes from farmers and conservationists who want to maintain the master plan zoning of the land for farming as the primary use. The opposing arguments include:

1) The Agricultural Reserve has been a bastion of climate protection for 40 years; it improves air quality through vegetative cover, provides water quality protection particularly in sensitive headwater areas, sequesters carbon through forestation and cover crops, supports managed growth and controls the public costs of urban sprawl.
2) Local food production has taken on new urgency as the potential for the reserve to meet the need for table crops increased during the pandemic.
3) Some farm owners currently collect solar energy on their farms to supply the farm's energy needs. This use of solar is considered "accessory" to farming and is provided for in the current zoning ordinance as "limited use." Limited use is available to additional farms in the reserve.
4) Landowners who lease farmland likely will opt to install solar for annual rent payments greater than tenant farmers' payments. Fifty-seven percent of land farmed in the reserve is rented, not farmed, by its owner—so farmers renting land and would-be farmers searching for land to rent will lose out if forced to compete for land access with the deep-pocketed solar industry. Land rents being offered by the solar industry are sometimes more than 20 times higher than what many land-leasing farmers currently pay.

5) Opening the Agricultural Reserve to non-farm uses threatens the legal tools that have protected the reserve so far. ZTA 20-01 lowers the bar and could lead to additional acres being targeted by the zoning amendment. Opening the reserve to non-farming uses encourages other challenges to primary farmland use.

Support for ZTA 20-01

1) State policymakers project that if the state adopts a 100% clean energy standard, Montgomery County's share of solar will likely be around 2,500 megawatts, based on our population. Producing 2,500 megawatts requires between 12,500 and 20,000 acres of solar arrays. Farmland in the Agricultural Reserve is needed to provide enough space to meet this goal.
2) Solar installation on county rooftops is inadequate to meet the goal of 2,500 megawatts. According to data from the National Renewable Energy Laboratory, rooftop solar could only account for 25- 50% of the county's share of solar energy under a 100% clean energy standard. The county has issued approximately 9,300 permits for residential rooftop solar. With 390,000 housing units, the county has a long way to go and the clock is ticking. Rooftop solar is limited by rooftop space available and the time it takes to scale up the placement of solar panels on rooftops.
3) The solar projects allowed by ZTA 20-01 do not require any public money; they are privately financed on private land zoned AR.
4) Because the Agricultural Reserve is not zoned for commercial development, the land is considerably cheaper than most land in the county. Installation of solar energy collectors on inexpensive open land offers solar developers' greater profits on their investments.

Outcome of the Debate

After much deliberation and adoption of several amendments in the Planning, Housing, and Economic Development Committee, ZTA 20-01 was presented to the County Council and council members agreed they required more input from "stakeholders." A town meeting was called in November for solar installers, farmers and supportive organizations to speak to the pertinent issues. This discussion resulted in the formation of a workgroup consisting of individuals representing the stakeholders. Assisted by council staff, the stakeholder workgroup met to discuss in greater detail the issues surrounding solar on farmland and proposals to amend ZTA 20-01. Stakeholders and council members were asked to submit amendments in writing to council staff so that proposed amendments could be organized and posted online.

ZTA Provisions Adopted

The working group recommendations adopted by the council in February of 2021 included that commercial solar be permitted as a Conditional Use on a limit of 2% of the Agricultural Reserve and that the hearing examiner in the Conditional Use process require proof that the proposal has been submitted to the Office of Agriculture for comment. The hearing examiner's decision must consider the recommendations of the Office of Agriculture.

Additional features of the text amendment include:

1) The installation must have secured written authorization for acceptance of the power to be generated by the local utility servicing the area in which the generating field is installed.
2) The land having soil classifications I and II may not be used for solar installation.
3) Topsoil may not be removed from the site.
4) Except for pad areas for transformers and electrical equipment, the use of concrete is prohibited.
5) The types of solar generation materials are limited and must be removed within one year of discontinuation of use.

6) The area under the solar panels must be actively used for farming or agricultural purposes including pollinator-friendly plants, grazing farm animals and/or other agrivoltaic plant material.
7) Conservation of trees, scenic views, stream buffers, and wetlands is required and 15% slopes, susceptible to high levels of erosion, may not be utilized for solar installation.
8) The Planning Department must prepare an impact report after two years with input from community stakeholders and the Office of Agriculture.
9) The amount of solar energy allowed as an accessory use to farming was raised from 120% to 200% of onsite use.

State regulations apply to solar generation throughout Maryland. Among these regulations is the percentage of green energy to be supplied by the utility companies. Potomac Edison, the utility servicing most of the Agricultural Reserve, is meeting its current renewable energy requirements as reflected in its tariff document filed with the state and is only accepting applications that are placed on a waiting list. This limitation impacts not only commercial installation, but accessory use as well. There is a significant possibility that the required level of green energy will be increased in the near future and some farmers are looking at solar installation as a way to boost income from their farms.

Ongoing Solar Concerns

One of the basic assumptions that undergirds ZTA 20-01 is that farmland used for solar installations will continue to be productive as farmland. The County Council has authorized a pilot program to determine the viability of co-developing land for solar and farming. The agrivoltaic pilot is proposed for the Poolesville golf course property owned by the Montgomery County Revenue Authority. The pilot proposes a 1- to 2-acre solar array that will promote different types of agricultural production under the solar panels. The National Renewable Energy Laboratory has been contracted to assist in planning the types of solar collection and approaches to agriculture to ensure a meaningful pilot. There is no evidence that solar and farming are compatible in the Agricultural Reserve. In fact, copious research and reams of abstracts about agrivoltaics, nationally and internationally, support the idea that the science is new, burgeoning, and short on examples where the two simultaneous uses of farmland can be brought to scale.

A second concern emerging from the debate around placing solar arrays in the Agricultural Reserve is whether the county is opting for rezoning farmland in a rush to meet clean energy goals without a broader inquiry into where and how solar might be implemented throughout the entire county. The proposed use of farmland in the Agricultural Reserve for solar generation is only one of the many alternative uses to agriculture that have been proposed for the area. The initial and the ongoing actions taken by the county government to preserve the land for farming are described below.

The following is an excerpt from the League of Women Voters of Montgomery County December 2024 Fact Sheet: THE AGRICULTURAL RESERVE: CHALLENGES AND ISSUES

Solar Projects in the Agricultural Reserve

ZTA 20-01, Montgomery County Council's most recent ordinance governing SCS in the Agricultural Reserve (and other county AR zones) is known as Zoning Text Amendment 20-01, Solar Collection System, AR Zone Standards.

The ZTA revised use standards to allow for larger facilities in the AR zone and amended provisions for site plan approval in the AR zone and other zones. It includes the following:

- An SCS is allowed as a conditional use of two megawatts or as an accessory use to farming where the system produces up to 200% of baseline energy use on-site (does not require site plan approval).
- The area under the solar facility must satisfy one of the following: designated pollinator-friendly,

maintained in a manner suitable for grazing farm animals, or maintained for other agrivoltaics plant material.

- Cumulatively, on all AR-zoned land, a maximum of 1,800 acres of land may be covered by solar panels.
- SCS are restricted from being sited on soils classified category 1 and 2 (USDA); from stream buffers and wetlands; and on slopes steeper than 15%. Topsoil may not be stripped from the site.
- Forest Conservation requirements must be met.
- Use of concrete is prohibited except for transformers and electrical equipment.
- Written authorization from the local utility company that allows the SCS to be connected to the utility grid must be submitted.
- Facilities in the AR zone that are not developed as accessory to farming must comply with the zoning conditional use process which includes obtaining site plan approval from the County Hearing Examiner and Planning Board.
- An SCS must be removed within 12 months of the date when the use is discontinued.
- Montgomery Planning must submit an annual impact report to the County Council.

Montgomery Planning Impact Report on SCS in the AR Zone

In response to the requirement of ZTA 20-01 that an annual report on the impact of the SCS in the AR Zone be submitted to the County Council, Montgomery Planning presented its December 28, 2023, report, which includes "a recommendation to the County Council on whether the solar program should be contained, expanded, or discontinued based directly on any measurable and substantive impacts."

The Planning Board's report includes the following:

A. The Planning Board has recommended two projects for conditional use approval:

1) Riggs Road/Free Fein Solar, 5011 Riggs Road, Gaithersburg, MD. Approved to construct a two-megawatt SCS on approximately 7.73 acres (4.9 acres for the solar array and 2.8 acres for the access drive). Located on Category III, IV, and V soils. Construction has not begun. Project will not prohibit equestrian facilities, has little impact on the environment, and applicant will install pollinator plantings below the solar arrays.

2) Gregg Road Solar, 4434 Gregg Road, Brookeville, MD. Approved to construct a two-megawatt SCS on approximately 12.84 acres (8.77 acres for the solar array and four acres for a Forest Conservation area). Project will be on Category III and IV soils, include pollinator plantings, and screening of site. Forest Conservation Plan has been submitted. No final approval yet from the hearing examiner.

B. Hurdles for SCS in the AR Zone:

1) Two-megawatt limitation and the exemption of solar installations on Category I and II soils.

2) Utility approval for a project to connect to the grid. Available capacity to absorb new electric generation by local power circuits does not always exist. (The AR is at the edge of the service areas for all three electricity providers—PEPCO, BG&E, and Potomac Edison.)

3) Two-megawatt limit requires upgrades to regional power stations which are expensive and sometimes unprofitable. Size restrictions also discourage investment in small projects when larger capacity projects may be available elsewhere.

C. Recommendations for SCS in the AR Zone:

1) Advised the County Council to improve coordination with utility companies.

2) Recommended increased size from two megawatts to five megawatts to match the state cap.

3) Recommended conversion of SCS to "limited use." Currently the "conditional use" designation requires a process for approval that is rather costly and lengthy.

FirstEnergy LOI SB931 - Renewable Energy Certainty

Uploaded by: Timothy Troxell

Position: INFO

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Letter of Information - Senate Bill 931
Public Utilities - Generating Stations - Generation and Siting (Renewable Energy Certainty Act)
Education, Energy, and the Environment Committee
Friday, February 28, 2025

Potomac Edison, a subsidiary of FirstEnergy Corp., serves approximately 285,000 customers in all or parts of seven Maryland counties (Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, and Washington). FirstEnergy is dedicated to safety, reliability, and operational excellence. Its ten electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Ohio, Pennsylvania, New Jersey, New York, West Virginia, and Maryland.

Thank you for the opportunity to provide this Letter of Information on SB931. Potomac Edison / FirstEnergy appreciates the bill's intent to enhance Maryland's renewable energy landscape and support community solar initiatives. However, we believe that a few targeted amendments are necessary to ensure its smooth implementation.

Recommended Amendments:

1. Adjusting the Implementation Timeline related to Utility Consolidated Billing
    - This bill is proposed to take effect before Maryland's Utility Consolidated Billing system is operational. Given the complexity of integrating these new processes, this will create significant implementation challenges.

    - **Potomac Edison / FirstEnergy recommends pushing the effective date to April 2026.**

    - This mirrors New Jersey's approach of allowing a transition period of 4 months between Utility Consolidated Billing and Auto-Enrollment. This phased approach will provide utilities, solar organizations, and stakeholders the necessary time to align systems, reducing administrative burdens and potential disruptions.

2. Refining the Community Solar Credit Banking Process (Page 16, Lines 10-21)
    - The provision allowing community solar organizations to bank credits for one year before allocating to one or more subscribers presents operational challenges. If allocation does not occur, then banked credits will be purchased by the utility under the existing process of purchasing output from qualified facilities.

    - Again, learning from New Jersey's approach, **Potomac Edison / FirstEnergy recommends:**
        - **Allow banking in the first 12 months and then freezing the bank at month twelve.**
        - **Cashing out any excess generation in months 13+.**
        - **Process the cashing out of any remaining bank at the end of month twenty-four.**

    - This would ensure flexibility while maintaining a predictable structure for credit allocation.

3. Clarification of Utility Interaction with Subscriber Organizations (Page 16, Lines 28-30)
    - **Potomac Edison / FirstEnergy recommends the bill explicitly state that utilities are required to only work with one Subscriber Organization (SO) per project to avoid administrative confusion.**

    - Without this clarification, multiple entities could attempt to solicit customer enrollment or unenrollment, creating conflicts, potential oversubscription issues (exceeding 100% capacity), and inconsistent customer status updates. Ensuring a single point of interaction per project will enhance efficiency and reduce operational risks for all involved.

SB931 presents a strong framework for advancing Maryland's clean energy goals, but careful refinements are needed to align implementation with utility systems, ensure operational efficiency, and optimize credit banking processes. By adopting these amendments, Potomac Edison / FirstEnergy believes this legislation will be better positioned to support Maryland's renewable energy transition without undue administrative burdens.