



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

March 3, 2026

RE: SB 780 – UNFAVORABLE – Certificate of Public Convenience and Necessity – BURDEN Analysis (CHERISH Our Communities Act)

Dear Chair Feldman and Members of the Committee:

The Maryland Asphalt Association (MAA) represents approximately 110+ members, including 20 material producers, contractors, engineering firms, and associate members, supporting a 7,000-person workforce. MAA actively collaborates with regulatory agencies to advocate for the asphalt industry, ensuring fair regulations at both the state and federal levels. Additionally, we support adequate funding for Maryland's multimodal transportation system.

While Senate Bill 780 is tailored specifically to generating stations, MAA respectfully opposes it as broader state policy because it would impose new, complex, and subjective analytic burdens on fundamental regulatory processes that jeopardize business certainty and investment in Maryland.

Requiring detailed reports as a condition of obtaining a certificate of public convenience and necessity introduces significant procedural complexity and expanded data requirements beyond current standards. These reports would require baseline assessments of environmental and public health burdens and disparities in designated areas in order for a generating station project to proceed. The lack of clear thresholds or objective criteria for how these analyses must be evaluated by regulators creates uncertainty in permit outcomes and approvals, undermining investment decisions and long-range project planning.

Moreover, subjecting generating station certifications to expanded environmental justice analysis in this manner sets a broader regulatory precedent that invites similar burdens across other sectors. While environmental justice and community health are important considerations, using novel analytical frameworks without defined standards increases risks for business operations that depend on timely and predictable regulatory determinations. Maryland companies that plan large capital investments, including infrastructure and energy projects, must be able to assess regulatory risk; SB 780's approach could prolong review timelines, raise compliance costs, and discourage location or expansion of critical energy infrastructure within the State.

For these reasons, we urge the Committee to issue an unfavorable report on SB 780 and to consider alternative approaches that address environmental justice goals without compromising regulatory clarity and economic competitiveness.

Sincerely,

Tim E. Smith, P.E.
President
Maryland Asphalt Association