

HOUSE BILL 1099

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3lr2516
CF 3lr2514

By: **Delegates Jacobs, Arentz, McComas, T. Morgan, Otto, and Schmidt**

Introduced and read first time: February 10, 2023

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Electricity – Solar Energy Generating Stations – Fire Suppression**

3 FOR the purpose of prohibiting the Public Service Commission from authorizing, and a
4 person from undertaking, the construction of a solar energy generating station that
5 uses a battery–based energy storage device unless the device will be, and is designed
6 to be, protected by a certain automatic fire suppression system; and generally
7 relating to solar energy generating stations.

8 BY repealing and reenacting, with amendments,

9 Article – Public Utilities

10 Section 7–207(a)

11 Annotated Code of Maryland

12 (2020 Replacement Volume and 2022 Supplement)

13 BY adding to

14 Article – Public Utilities

15 Section 7–207(h)

16 Annotated Code of Maryland

17 (2020 Replacement Volume and 2022 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Public Utilities**

21 7–207.

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

23 **(2) “AUTOMATIC FIRE SUPPRESSION SYSTEM” MEANS A FIRE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



SUPPRESSION SYSTEM THAT IS ABLE TO CONTAIN AND SUPPRESS A FIRE WITHOUT HUMAN INTERVENTION.

[(2)] (3) “Brownfields site” means:

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

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

(iii) mined land.

[(3)] (4) (i) “Construction” means:

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

2. the entry into a binding agreement or contractual obligation to purchase equipment exclusively for use in construction in the State or to undertake a program of actual construction in the State which cannot be canceled or modified without substantial loss to the owner or operator of the proposed generating station.

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

(5) “ENERGY STORAGE DEVICE” HAS THE MEANING STATED IN § 7–216 OF THIS SUBTITLE.

[(4)] (6) (i) “Mined land” means the surface or subsurface of an area in which surface mining operations will be, are being, or have been conducted.

(ii) “Mined land” includes:

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

2. land excavations;

3. workings; and

4. overburden.

[(5)] (7) “Qualified generator lead line” means an overhead transmission

1 line that is designed to carry a voltage in excess of 69,000 volts and would allow an
2 out-of-state Tier 1 or Tier 2 renewable source to interconnect with a portion of the electric
3 system in Maryland that is owned by an electric company.

4 **(H) (1) THE COMMISSION MAY NOT AUTHORIZE, AND A PERSON MAY NOT**
5 **UNDERTAKE, THE CONSTRUCTION OF A SOLAR ENERGY GENERATING STATION THAT**
6 **USES A BATTERY-BASED ENERGY STORAGE DEVICE UNLESS THE BATTERY-BASED**
7 **ENERGY STORAGE DEVICE WILL BE, AND IS DESIGNED TO BE, PROTECTED BY AN**
8 **AUTOMATIC FIRE SUPPRESSION SYSTEM.**

9 **(2) THE AUTOMATIC FIRE SUPPRESSION SYSTEM REQUIRED FOR A**
10 **PROPOSED SOLAR ENERGY GENERATING STATION THAT USES A BATTERY-BASED**
11 **ENERGY STORAGE DEVICE SHALL BE SUBJECT TO APPROVAL BY THE STATE FIRE**
12 **MARSHAL.**

13 **(3) THIS SUBSECTION DOES NOT APPLY TO A SOLAR ENERGY**
14 **GENERATING STATION WITH A NAMEPLATE CAPACITY OF LESS THAN TWO**
15 **MEGAWATTS.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2023.