

SENATE BILL 1158

M1, C5

7lr3616

By: **Senators Middleton and Jennings**

Introduced and read first time: February 28, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Power Plant Research Program – Solar Generation**
3 **Facilities – Pollinator-Friendly Designation**

4 FOR the purpose of requiring the power plant research program to include in its research
5 an evaluation of the pollinator benefits that would occur under a certain standard or
6 plan implemented on the land on which a certain solar generation facility is located;
7 requiring the power plant research program to designate a certain solar facility as
8 pollinator friendly under certain circumstances; prohibiting the owner of a solar
9 generation facility from making certain claims unless the facility has received a
10 certain designation; requiring the owner of a certain solar generation facility to make
11 certain standards and plans available to certain entities; requiring the Department
12 of Natural Resources to adopt certain regulations; making stylistic changes; and
13 generally relating to the power plant research program.

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 3–303
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2016 Supplement)

19 BY adding to
20 Article – Natural Resources
21 Section 3–303.1
22 Annotated Code of Maryland
23 (2012 Replacement Volume and 2016 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



3–303.

(a) (1) The Secretary, in consultation with the Director of the Maryland Energy Administration and in cooperation with the Secretaries of the Environment, Agriculture, and Commerce and the Director of Planning and electric company representatives shall implement a continuing research program for electric power plant site evaluation and related environmental and land use considerations.

(2) (I) The Secretary shall seek from additional sources recommendations for related research to be included in the program.

(II) The additional sources shall include appropriate federal and State agencies, electric companies and technical, scientific, or educational institutions or organizations.

(3) (I) The Secretary, in consultation with the Director of the Maryland Energy Administration, shall institute effective procedures for coordinating environmental research assignments to prevent dissipation of money, time, and effort.

(II) To this end, the State's electric companies shall be reimbursed from the Fund for environmental research specifically required to satisfy application and permit requirements for any federal, State, or local regulatory agencies, if the electric company has requested reimbursement in advance and furnishes an outline of the program and its estimated cost so that the Secretary can budget it in advance.

(b) The program shall include:

(1) General biological and ecological baseline studies, including, but not limited to, appropriate environmental studies of the biology, physics, and chemistry of the Chesapeake Bay and tributaries; sediment and biological surveys to determine and identify essential marine organism nursery areas of the State's waters, including the Chesapeake Bay and tributaries; epibenthos; bottom species; crab; finfish and human use studies;

(2) Research to assist prediction, including but not limited to experimental research, field and laboratory, and the development and provision for physical, mathematical, and biological modeling tools to assist in determining and evaluating the effects of variation of natural waters resulting from electric generating plant operations including changes in temperature, oxygen levels, salinity, biocides, radionuclides, and "heavy" metals. This research also includes collection and organization of relevant information and data necessary to operate physical, mathematical, and biological modeling tools;

(3) Provisions for monitoring operations of electric power facilities located in the State. These provisions include but are not limited to a determination of actual distribution and effect of temperature, salinity, oxygen, radionuclides, "heavy" metals, and

1 biological effects; radiological; “heavy” metals and biocide effects; recreational and
2 commercial fishing gains and losses; and human health and welfare effects;

3 (4) Research and investigations relating to effects on air resources of
4 electric power plants and effects of air pollutants from power plants on public health and
5 welfare, vegetation, animals, materials, and esthetic values, including baseline studies,
6 predictive modeling, and monitoring of the air mass at sites of proposed or operating electric
7 generating stations, evaluation of new or improved methods for minimizing air pollution
8 from power plants and other matters pertaining to the effect of power plants on the air
9 environment;

10 (5) An environmental evaluation of electric power plant sites proposed for
11 future development and expansion and their relationship to the waters and air of the State;

12 (6) [Evaluation] **AN EVALUATION** of the environmental effects of new
13 electric power generation technologies and extraordinary systems related to power plants
14 designed to minimize environmental effects;

15 (7) Determining the potential for constructive uses of waste energy to be
16 released at proposed electric plant sites; [and]

17 (8) Analysis of the socioeconomic impact of electric power generation
18 facilities on the land uses of the State; **AND**

19 **(9) AN EVALUATION OF THE POLLINATOR BENEFITS THAT WOULD**
20 **OCCUR UNDER A POLLINATOR–FRIENDLY VEGETATION MANAGEMENT STANDARD**
21 **OR POLLINATOR HABITAT PLAN IMPLEMENTED ON THE LAND ON WHICH A**
22 **PROPOSED GROUND–MOUNTED SOLAR GENERATION FACILITY IS LOCATED.**

23 **3–303.1.**

24 **(A) THE POWER PLANT RESEARCH PROGRAM SHALL DESIGNATE A SOLAR**
25 **GENERATION FACILITY AS POLLINATOR FRIENDLY IF THE SOLAR GENERATION**
26 **FACILITY MEETS THE REQUIREMENTS OF THIS SECTION.**

27 **(B) A SOLAR GENERATION FACILITY MAY BE DESIGNATED BY THE POWER**
28 **PLANT RESEARCH PROGRAM AS POLLINATOR FRIENDLY IF:**

29 **(1) THE SOLAR GENERATION FACILITY IS:**

30 **(I) GROUND–MOUNTED; AND**

31 **(II) AT LEAST 1 ACRE IN SIZE; AND**

1 **(2) THE LAND THAT THE SOLAR GENERATION FACILITY IS LOCATED**
2 **ON IS PLANTED AND MANAGED IN ACCORDANCE WITH A POLLINATOR–FRIENDLY**
3 **VEGETATION MANAGEMENT STANDARD OR POLLINATOR HABITAT PLAN APPROVED**
4 **BY THE POWER PLANT RESEARCH PROGRAM.**

5 **(C) THE OWNER OF A SOLAR GENERATION FACILITY MAY NOT CLAIM THAT**
6 **THE FACILITY IS POLLINATOR FRIENDLY OR THAT THE FACILITY PROVIDES**
7 **BENEFITS TO POLLINATORS, SONG BIRDS, OR GAME BIRDS UNLESS THE FACILITY**
8 **HAS BEEN DESIGNATED BY THE POWER PLANT RESEARCH PROGRAM IN**
9 **ACCORDANCE WITH THIS SECTION.**

10 **(D) THE OWNER OF A POLLINATOR–FRIENDLY SOLAR GENERATION**
11 **FACILITY SHALL MAKE THE FACILITY’S POLLINATOR–FRIENDLY VEGETATION**
12 **MANAGEMENT STANDARD OR POLLINATOR HABITAT PLAN AVAILABLE TO:**

13 **(1) THE DEPARTMENT; AND**

14 **(2) THE MARYLAND, DC, AND VIRGINIA SOLAR ENERGY INDUSTRIES**
15 **ASSOCIATION OR OTHER NONPROFIT SOLAR INDUSTRY TRADE ASSOCIATIONS.**

16 **(E) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
17 **SECTION.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
19 1, 2017.