



**Background:** Maryland, and Governor Moore, have some of the most aggressive climate change and renewable energy targets in the country. Based on current market conditions, these targets are unlikely to be reached without additional state intervention and support. The 2019 Clean Energy Jobs Act increased the renewable portfolio standard requirement to 50% by 2030, of which at least 14.5% must come from solar. The 2021 Renewable Energy Portfolio Standard Report, which is the most recent, concluded that there was a “significant shortfall in available SRECs” as over \$77M was paid out as Alternative Compliance Payments.

Complicating efforts to achieve Maryland’s stated goals for solar energy, local policies can currently be enacted to supersede any authority and opportunity to develop solar energy resources. The goals as set by the elected representatives of this state can be functionally nullified by County politics, as very small groups within those counties are having an outsized influence on diminishing solar capacity in the State. Illinois was faced with a similar challenge, and the State stepped in to pass legislation to ensure that their climate change goals will be met.

**Goal:** CHESSA is seeking to increase the speed of solar deployment in Maryland by removing barriers to the siting and permitting of projects to ensure the state will meet its renewable energy goals and remain a leader in renewable energy and climate activism.

**Challenges:** Siting for solar projects vary wildly from county to county. Many counties are now opting to pass overly restrictive solar ordinances or are simply banning ground mounted solar altogether. Furthermore, due to capacity limits on existing three phase circuits, counties which have reasonable siting and permitting laws are nearing the available utility interconnection capacity within their borders.

**Solution:** Responsible siting / permit reform that will result in increased solar deployment in the State.

**IL Legislation:** In 2021 Governor Pritzker signed the Climate and Equitable Jobs Act that requires the state to get to 100% carbon free by 2050. A major component to meet this goal was the deployment of wind and solar resources. Following passage, multiple counties passed bans on solar permitting, or passed ordinances which were so restrictive they were essentially a ban.

In response to the dichotomy between the aggressive state goals on the roadblocks being put in place at the local level, Public Act 102-1123 was proposed and enacted.

[102-1123 \(ilga.gov\)](https://ilga.gov/legislation/102/acts/1021123.htm)



## Proposed Legislation

- The State of Maryland finds that solar energy development is presumptively in the public's interest and benefit.
- The Maryland Energy Administration shall:
  - Work in coordination with the Departments of Natural Resources, Agriculture, and Environment, as well as the Public Service Commission to create guidelines for solar siting.
  - Set a percentage of agricultural zoned land in each county that shall be made available for solar development in order to facilitate the State's energy goals.
  - MEA shall receive application fees of \$500 for the first 1MWac and \$250 per MWac for each additional MWac for all solar projects, to be paid prior to receipt of a final building permits.
    - Authorities having jurisdiction (AHJs) shall be responsible for receiving confirmation of this payment prior to issuance of a building permit.
- AHJs must adopt plans that allow for energy development in both rural and developed areas, and shall provide this plan to the Maryland Energy Administration, Maryland Department of the Environment and Public Service Commission. These plans must take into account state goals for energy development, environmental protection, as well as available information on transmission lines and capacity. They must also minimize additional pollution load or negative health impacts to overburdened and underserved communities as determined by the Maryland Department of the Environment's environmental justice screen.
  - Plans must be submitted by December 31, 2024.
  - Counties shall not pass restrictions to solar projects more onerous than for new commercial or residential building developments.
  - The Maryland Energy Administration, Maryland Department of the Environment and Public Service Commission, may request changes to each County plan which must be adopted.
- **Standards that AHJs must follow immediately upon passage:**
  - May not establish siting standards for supporting facilities that preclude development of commercial solar energy facilities.
  - May not adopt zoning regulations that disallow, permanently or temporarily, commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.
  - An AHJ may require vegetative screening for a solar project but may not otherwise enforce or require more onerous landscaping requirements than exist for non-solar development.
  - May not include references to soil restrictions so long as the project follows best management practices in areas with prime soils.
  - May not adopt zoning regulations that limit, permanently or temporarily, the number of, or density of, commercial solar energy facilities from being developed or operated in any district zoned to allow agricultural or industrial uses.
  - These provisions may be superseded by siting guidelines as provided by MEA.



- **Ground mounted Solar Projects greater than 1MWac shall be required to meet the following restrictions:**
  - Ensure topsoil remains onsite, require native vegetative mix and other appropriate protections to maintain soil integrity.
  - Consider water run-off, pollution, and unnecessary soil compaction in the design and construction of projects.
  - Comply with the Forest Conservation Act.
  - Incorporate green infrastructure to manage stormwater runoff.
  - Discourage the use of herbicide to control vegetation.
  - Protect nearby natural resources and wildlife habitat of special significance.
  - Construct arrays with co-benefits for crops, such as pollinator habitats, and animal husbandry whenever practical.
  - Non agrivoltaic projects shall be required to specify a seed mix underneath the solar array of native vegetation and pollinators in coordination with the Maryland Department of the Environment and require the submittal of a vegetation management plan.
  - Coordinate with all applicable State Agencies.
  - Provide the results of the United States Fish and Wildlife Service's Information for Planning and Consulting environmental review or a comparable successor tool that is consistent with any applicable United States Fish and Wildlife Service solar wildlife guidelines that have been subject to public review
  - Host a Public Meeting and provide notice to the County as well as all parcels within ¼ mile of the project area
    - When developing projects in overburdened and underserved communities, as determined by the Maryland Department of the Environment's environmental justice screening tool, additional public outreach and community consultation will be required.
  - Projects must demonstrate compliance with the above prior to receipt of a final building permits.
- **Additional Provisions**
  - Update the Public Utilities Article that allows projects above 2MWac but below 5MWac to have the option to permit either through the local process or through the PSC CPCN process.
  - Counties must require Battery Storage permitting standards to be established by January 1, 2026 in accordance with the statewide energy storage program.
  - This does not apply to projects submitted prior to legislation.
  - Require Counties with local ordinances that are more restrictive to get into compliance within 120 days.
  - Requires approval if the request is in compliance with the Act.