

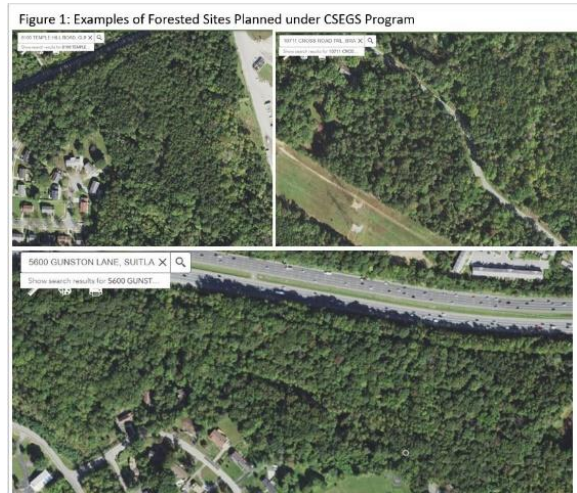
**Testimony of the Advocates for Herring Bay (AHB)¹
Regarding HB 440: Community Solar—Generating Capacity
Submitted by Kathleen Gramp, February 8, 2022**

Opposing HB 440 unless amended to address certain environmental concerns

In our view, an unconditional increase in the size of community solar projects, as proposed in HB 440, could adversely affect Maryland’s environmental resources. AHB urges the Committee to amend HB 440 to strike a better balance between Maryland’s solar energy goals and its other environmental and social priorities. Specifically, we ask that the Committee:

Put conditions on the receipt of net metering payments. Solar leaders like New Jersey allow net metered projects up to 5 megawatts (MW), but their program is paired with eligibility criteria. As a result of their conditions, all of New Jersey’s new community solar projects are being built on rooftops and other previously developed surfaces and promising to sell most of the electricity to low- and moderate-income subscribers. (New Jersey’s screening criteria are shown in Attachment 1.) *AHB recommends targeting HB 440’s net metering benefits² to projects built on previously developed surfaces, thereby preserving important natural resources, increasing the diversity of Maryland’s portfolio of in-state generation, and directing state financial incentives to projects that require those payments to be economically viable.*

Add conditions that protect forests and other ecologically valuable lands. As shown in Figure 1, some of Maryland’s community solar projects are being built on forested parcels; many others are on farms that include acreage with high ecosystem services values. By contrast, other solar projects that receive net metering benefits—such as residential rooftop systems—generate electricity without harming ecosystems. *AHB recommends that projects benefiting from HB 440 be prohibited from clearing ecologically valuable land.*



Affirm COMAR’s environmental regulatory regime for solar projects larger than 2 MW. Under state laws—including the Critical Area law—solar projects larger than 2 megawatts are subject to special state performance standards and permitting procedures. Counties like Anne Arundel have incorporated that benchmark into their zoning codes and other laws. *AHB strongly opposes any weakening of the environmental regulatory protections for projects larger than 2 MW, and urges the Committee to amend HB 440 to affirm that the legislation does not alter the current regulatory framework.*

Set a time limit on eligibility for the 5-megawatt cap. *HB 440 should expire in tandem with the expiration of the community solar pilot program.* Omitting a sunset date would be misleading for investors, because the legislature has not decided whether or under what conditions to extend the pilot program after 2024.

Thank you for considering our views. Please contact us if we can be of assistance on these issues.

¹ The Advocates for Herring Bay, Inc. is a community-based environmental group in Anne Arundel County.



² It is our understanding that the Senate sponsor of SB 110, the companion bill to HB 440, is proposing an amendment that would raise the cap on net metering benefits from 2 megawatts 5 megawatts of capacity.



Appendix C: Evaluation Criteria

The Evaluation Criteria chart below lists the various categories that the Board will consider in evaluating project Applications. Projects must score a minimum of 50 points total in order to be considered for participation in the Community Solar Energy Pilot Program. Projects that score above 50 points will be awarded program capacity in order, starting with the highest-scoring project and proceeding to the lowest-scoring project, until the capacity for each EDC territory is filled. The last project to be selected by the Board will be granted conditional approval for its full capacity.

| Evaluation Criteria | Max. Points (total possible points: 100) |
|---|--|
| Low- and Moderate-Income and Environmental Justice Inclusion Higher preference: LMI project | 25 |
| Siting Higher preference, e.g.: landfills, brownfields, areas of historic fill, rooftops, parking lots, parking decks, canopies over impervious surfaces (e.g. walkway), former sand and gravel pits, floating solar on water bodies at sand and gravel pits that have little to no established floral and faunal resources (*) Medium preference, e.g.: floating solar on water bodies at water treatment plants that have little to no established floral and faunal resources (*) No Points, e.g.: preserved lands, wetlands, forested areas, farmland Bonus points for site enhancements, e.g. landscaping, land enhancement, pollination support (**) Bonus points if project is located in a redevelopment area or an economic opportunity zone (**) *Note: Applicants with a floating solar project must meet with DEP prior to submitting an Application, and take special notice of DEP's siting guidelines. <i>The siting criteria for floating solar located at sand and gravel pits that have little to no established floral and faunal resources has been moved from "medium preference" to "higher preference" per a Board Order dated January 7, 2021.</i> **Note: bonus points will only be available for projects in the "higher" or "medium" preference siting categories. Projects in the "No Points" siting categories are not eligible for bonus points. | 20 Max. possible bonus points: 3 Max. possible bonus points: 2 |

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|--|----|
| <p>Community and Environmental Justice Engagement Higher preference: formal agreement, ongoing collaboration or effective partnership with municipality and/or local community organizations and/or affordable housing provider (per Section X, Questions 1, 2, and 3) Medium preference: consultation with municipality and/or local community organization(s) and/or or affordable housing provider (per Section X, Question 4) No Points: no collaboration or collaboration has not been proven</p> | 15 |
| <p>Product Offering Higher preference: guaranteed savings >20%, flexible terms* Medium preference: guaranteed savings >10%, flexible terms* Low preference: guaranteed savings >5% No Points: no guaranteed savings, no flexible terms* *Flexible terms may include: no cancellation fee, short-term contract</p> | 15 |
| <p>Other Benefits Higher preference: Provides jobs and/or job training and/or demonstrates co-benefits (e.g. paired with storage, EV charging station, energy audits, energy efficiency)</p> | 10 |
| <p>Geographic Limit within EDC service territory Higher preference: municipality/adjacent municipality Medium preference: county/adjacent county No Points: any geographic location within the EDC service territory</p> | 5 |
| <p>Project Maturity Higher preference: project has received all non-ministerial permits; project has completed an interconnection study</p> | 5 |