



The State of Maryland

Executive Department

EXECUTIVE ORDER
01.01.2026.16

Responsible Data Center Development in Maryland: Protecting Ratepayers, Empowering Communities, and Ensuring Transparency and Accountability

- WHEREAS, Maryland is receiving a growing number of proposals for large-scale data centers requiring substantial, near-continuous supplies of electricity and water, as well as significant investments in generation, transmission, distribution, and other public infrastructure;
- WHEREAS, Experience from across the PJM region demonstrates that, absent appropriate safeguards, transparent planning, and cost-allocation requirements, the costs and risks associated with serving such facilities may be shifted to ordinary customers, while host communities may bear significant land-use, environmental, public-health, and infrastructure impacts without adequate opportunities for meaningful participation in decisions affecting them;
- WHEREAS, Public trust depends on transparency, so that Marylanders know what projects are proposed, what they have committed to, and whether those commitments are kept, and developers are likewise entitled to a predictable process with expectations published in advance;
- WHEREAS, A majority of Maryland's counties have adopted temporary moratoria on data center development and have asked the State for guidance, and the General Assembly has commissioned a Data Center Impact Analysis Report whose findings should inform the State's approach;
- WHEREAS, Voluntary industry pledges are non-binding, and speculative proposals, undisclosed end users, duplicative interconnection requests, and shifting job predictions leave communities exposed unless developer commitments are specific, public, and enforceable;
- WHEREAS, The State of Maryland has enacted among the strongest large-load protections in the country through the Next Generation Energy Act of 2025 and the Utility RELIEF Act of 2026, alongside statutory commitments on greenhouse gas emissions and protections of its water,

air, land, and the Chesapeake Bay, and will not permit those protections to be circumvented, diluted, or outrun;

WHEREAS, Data centers depend on reliable energy, water, communications, and other critical infrastructure, and the increasing interdependence between these systems can create cybersecurity, physical security, and resilience risks with consequences for public safety, economic security, and national security;

WHEREAS The development of large-scale data centers may create additional security and resilience needs for the critical infrastructure and public services that support them, and Maryland residents, local governments, and utility customers should not bear costs reasonably attributable to addressing those additional needs; and

WHEREAS The Administration is committed to ensuring that Marylanders do not bear increased energy costs or reliability risk from large-scale data center demand; that Marylanders participate in any economic benefits stemming from these projects, including job creation; that communities have a voice in whether and how projects proceed; that Maryland's environment is protected; and that the State's engagement with developers is transparent and accountable, through a single, coordinated framework with a public record of every project and commitment.

NOW, THEREFORE, I, WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER, EFFECTIVE IMMEDIATELY:

A. PURPOSE AND POLICY.

1. It is the policy of the State that data center development proceed in Maryland only in a manner consistent with the Maryland Data Center Framework established in Section D of this Order (the "Framework"), and that the State's engagement with data center projects, including permits, approvals, incentives, and other discretionary support, be informed by each project's demonstrated alignment with the Framework.
2. It is further the policy of the State that its engagement with developers be conducted in the open, with expectations published in advance and every project's commitments recorded publicly, so that projects that meet those expectations can proceed efficiently, projects that do not are identified early, and developers and the State alike are held accountable.

B. DEFINITIONS.

1. "Dashboard" means the Maryland Data Center Dashboard established in Section G of this Order.
2. a. For purposes of this Order, "data center" means a facility, or campus of facilities, in the State principally used to house networked computing, data storage, and telecommunications equipment, together with associated power and cooling infrastructure, with a projected or actual peak electric demand of 25 megawatts or more, including an expansion of an existing facility that adds 25 megawatts or more of peak electric demand, or the definition of "Large Load Customer" defined at Md. Code Ann., Public Utilities § 7-232.

b. For the purposes of this Order, "data center" does not include a facility owned or operated by, or principally dedicated to the research, clinical, or institutional mission of, an accredited institution of higher education, a health care institution, or a facility operated by or principally serving a State agency or the United States Department of Defense, as confirmed by the Chair on a project-by project basis upon the recommendation of the Task Force.
3. "Developer" means any person or entity that proposes, owns, develops, or operates a data center, including any parent, affiliate, anchor tenant, or site-selection agent acting on its behalf.
4. "Non-disclosure agreement (NDA)" means a legally binding contract between two or more parties to prevent the release of certain confidential information. An NDA does not include an agreement required to access confidential information needed to participate in an administrative, regulatory, or legal proceeding, an agreement by which State agency requesters access Critical Energy/Electric Infrastructure Information (CEII) pursuant to 18 C.F.R. § 388.113, or an agreement necessary to meet statutory or legal obligations.
5. "Executive Department agency" means any unit of the Executive Branch under the direction of the Governor.
6. "Framework Determination" means the Task Force's written finding under Section E of this Order regarding a project's alignment with the Framework set forth in Section D of this Order.

7. "Host jurisdiction" means each county and municipality in which a data center is proposed to be located or that would provide water, wastewater, or emergency services to a data center.
8. a. "State engagement" means any discretionary action by an Executive Department agency with respect to a data center project, including the review, timing, conditioning, and issuance of State permits and approvals; State incentives, tax credits, exemptions, grants, loans, and financing; State land, infrastructure, and site-selection assistance; letters of support; advocacy on a project's behalf before PJM Interconnection, LLC ("PJM"), the Federal Energy Regulatory Commission ("FERC"), a utility, or any other body; and any other discretionary support.

b. "State engagement" does not include participation in any proceeding or stakeholder process before the Public Service Commission, PJM, FERC, or any other body to protect the interests of the State or its ratepayers, including positions on rules, tariffs, market design, or planning matters of general applicability and positions adverse to, or seeking conditions on, a project; or communications with a developer, utility, PJM, FERC, or any other body to obtain information or to administer this Order.
9. "Statement of Commitments" means the signed instrument described in Section E.3 of this Order.
10. "Task Force" means the Maryland Data Center Accountability Task Force established in Section C of this Order.

C. Maryland Data Center Accountability Task Force.

1. *Establishment.* There is a Maryland Data Center Accountability Task Force ("Task Force"), administered and staffed by the Governor's Office (the "Office"), to coordinate the State's review of data center projects, administer the Framework set forth in Section D of this Order, and serve as the State's single point of contact on data center development.
2. *Membership.* Members of the Task Force shall include:
 - a. The Chair of the Task Force, designated by the Governor;
 - b. Director of the Maryland Energy Administration, or the Director's designee;
 - c. Secretary of Commerce, or the Secretary's designee;
 - d. Secretary of Labor, or the Secretary's designee;
 - e. Secretary of the Environment, or the Secretary's designee;
 - f. Secretary of Natural Resources, or the Secretary's designee;
 - g. Secretary of Agriculture, or the Secretary's designee;

- h. Secretary of Planning, or the Secretary's designee; and
 - 1. Other members invited to participate at the discretion of the Chair.
- 3. *Cooperation.* All Executive Department agencies shall cooperate with and assist the Task Force and the Office in carrying out this Order, including by designating a senior liaison within 30 days upon the Task Force's request.
- 4. *Duties.* The Task Force shall:
 - a. Administer the Framework and the review process set forth in Section E of this Order;
 - b. Publish Framework Guidance explaining how the criteria in Section D of this Order will be applied, what developers should submit, and the form of the Statement of Commitments, taking into account the Data Center Impact Analysis Report;
 - c. Maintain the Maryland Data Center Dashboard established under Section G of this Order;
 - d. Administer the Coordinated Review Pathway set forth under Section F of this Order;
 - e. Support local governments under Section J of this Order;
 - f. Coordinate the agency actions set forth in Sections H through K of this Order;
 - g. Coordinate with neighboring states, including through the PJM Governors' Collaborative; and
 - h. Recommend to the Governor actions to strengthen the State's data center standards and the enforceability of the Framework.

D. The Maryland Data Center Framework: Principles and Evaluation Criteria.

- 1. *Structure and Application.* The Framework consists of the five principles set forth in this Section and the criteria that accompany each. The principles articulate the outcomes the State expects every developer to achieve; the criteria are the considerations the Task Force may weigh, among other factors, in determining whether a project achieves them. No single criterion is dispositive, and the Task Force shall weigh the criteria holistically in light of the project's scale, location, phase, and commitments; may consider any other relevant factor or alternative means of achieving a principle; and may amend, repeal, or establish criteria at the Chair's discretion. The criteria supplement, and do not replace or excuse compliance with, any statutory or regulatory requirement, and the Task Force

shall apply them consistently and explain in each Framework Determination how they were weighed.

2. *Principle 1: Ratepayer and Grid Protection.* Marylanders must not bear increased energy costs or reliability risk resulting from data center energy consumption. In determining whether a project achieves this principle, the Task Force shall consider, among other factors:
 - a. Whether the developer has an energy plan, consistent with guidance issued under Section Hof this Order, that provides for: (1) the project's full incremental energy needs without imposing costs on other ratepayers, whether through new generation co-located with or in the same Locational Deliverability Area as the project, demand response, or other approaches; (2) the extent to which the project relies on new, additional clean generation matched to the project's consumption over time; and (3) the project's consistency with the State's clean energy and emissions commitments;
 - b. Whether the developer bears the full cost of the infrastructure and services the project requires, consistent with the Next Generation Energy Act of 2025 and the Utility RELIEF Act of 2026, and accepts guarantee or collateral requirements, minimum-bill, exit-fee, or similar protections against stranded costs from default, downsizing, or departure;
 - c. Whether the developer commits to curtailment or flexible-load participation during emergency and pre-emergency conditions and does not seek treatment as critical load, other than for a discrete portion of load that the Task Force finds directly supports public health, public safety, or national security functions; and
 - d. Whether the developer has accurately reported the project's load to its utility and the Task Force, and has registered the project with the Public Service Commission's Large Load Registry once the Registry is established; whether the stated load is supported by an identified end user, executed agreements, or other evidence that the project is not speculative; and whether the developer has disclosed any duplicate or parallel interconnection or siting requests for the same project elsewhere.
3. *Principle 2: Economic Benefit for Marylanders.* Marylanders must share in the economic benefits generated directly and indirectly by

data center projects. In determining whether a project achieves this principle, the Task Force, informed by the Department of Commerce and the Department of Labor, shall consider, among other factors:

- a. The number and quality of construction and permanent jobs the project will create, including whether they pay family-sustaining wages and benefits, and the project's contribution to the State's lighthouse sectors;
 - b. Whether the developer has a local hiring plan, uses Registered Apprenticeship programs and skilled construction labor, and invests in local workforce pipelines, including through the use of project labor agreements;
 - c. Commitments that strengthen the State's technology and research ecosystem, such as compute access for Maryland public research institutions, research partnerships, facility access for Maryland universities and startups, or purchasing and investment commitments supporting Maryland firms; and
 - d. The net fiscal impact on the State and host jurisdiction after accounting for incentives and public costs, and whether economic commitments are measurable, time-bound, publicly reported, and subject to periodic review.
4. *Principle 3: Community Voice.* Communities must have a decisive voice and remain central to decisions about whether and how data center projects proceed within their jurisdictions. In determining whether a project achieves this principle, the Task Force shall consider, among other factors:
- a. Whether the developer engaged the host jurisdiction and its residents early, before seeking any State approval or incentive, and continues to engage at significant milestones; provides accurate project information in plain language; maintains a point of contact for the host community for the life of the project; and has documented how community input shaped the project;
 - b. Whether the developer has negotiated, or is negotiating in good faith, a community benefits agreement with the host jurisdiction addressing matters such as phasing, noise, lighting, traffic, air quality, buffers, emergency services□ financial contributions measured against the benchmark in the Guide to Data Center Development for Maryland Local

Governments under Section J of this Order, additional commitments upon expansion, binding employment commitments, reporting, successor obligations, remedies, decommissioning, and periodic review; and

- c. Whether the project is consistent with the host jurisdiction's comprehensive plan and zoning and the developer has obtained, or has a credible path to obtaining, all required local approvals.

5. *Principle 4: Environmental Protection.* Maryland's water, air, land, and climate commitments must be protected. In determining whether a project achieves this principle, the Task Force, informed by the Department of the Environment and the Department of Natural Resources, shall consider, among other factors:

- a. Whether adequate water is available without adverse effect on existing users, water quality, or sensitive natural resources; whether the developer has analyzed cooling options to minimize consumption, including non-potable sources; and whether it publicly discloses water use and efficiency metrics;
- b. The project's air quality impacts, including the number, fuel, emissions tier, and operating hours of backup generators and their cumulative impact with proximate facilities; the extent to which the developer minimizes diesel backup generation; and whether it commits to fence-line monitoring and, where warranted, buffers;
- c. Whether stormwater and discharges are managed to protect the Chesapeake Bay watershed; whether the project is sited on previously developed or brownfield land consistent with the State's Smart Growth policies; and whether it avoids and mitigates impacts on overburdened communities;
- d. Whether the developer has a decommissioning plan, supported by financial assurance, for the removal of equipment, responsible disposal of electronic waste, and restoration or reuse of the site, and whether the project's greenhouse gas emissions are consistent with the State's statutory reduction requirements; and
- e. Whether the selected site contains prime soils or soils of statewide importance, is involved in active agricultural production, and whether there are nearby alternative placements that minimize agricultural impact.

6. *Principle 5: Transparency and Accountability.* Data center development must be transparent to the public, and developers must be accountable for the commitments they make. In determining whether a project achieves this principle, the Task Force shall consider, among other factors:
 - a. Whether the developer has disclosed its parent company, any person or entity that controls it, and, to the extent known, any anchor tenant that will use a majority of the facility's capacity;
 - b. Whether the developer has executed a Statement of Commitments, consented to its publication on the Dashboard, and committed to annual public reporting and verification under Section G of this Order; and
 - c. Whether the developer has been accurate and complete in its representations to the State, host jurisdictions, and utilities, including on load, timing, end users, and jobs, and its record on commitments for other projects.

E. Project Review and Framework Determinations.

1. *Intake and Baseline Assessment.* A project is subject to review under this Section upon the earliest of an application or written request by the developer for any State engagement; a referral by a member agency, the Public Service Commission, or a host jurisdiction; or a voluntary request by the developer for a Framework Determination, which may be made at any time. Within 60 days of intake, the Task Force shall complete a preliminary baseline assessment against each principle, notify the host jurisdiction, and list the project on the Dashboard.
2. *Developer Engagement.* Within 30 days of notification and listing, the Task Force shall initiate contact to meet with the developer, to communicate expectations and identify the information and commitments necessary to achieve each principle.
3. *Statement of Commitments.* The Task Force shall invite the developer to submit a Statement of Commitments, in the form prescribed in the Framework Guidance, that: (1) sets out for each principle the developer's specific, measurable commitments, including to the host jurisdiction, and the milestone for each; (2) consents to publication on the Dashboard and to annual reporting under Section G of this Order; (3) provides that the commitments run with the life of the project and bind any successor or assignee; and (4) is signed by an officer authorized to bind the developer.

4. *Framework Determination.* After receiving a complete Statement of Commitments, or after the developer's declination to meet, the Task Force shall issue a written Framework Determination finding the project "Aligned," where it achieves each principle; "Conditionally Aligned," where it will achieve each principle upon fulfillment of specified commitments by specified milestones; or "Not Aligned," where it does not achieve one or more principles or the developer has declined to submit a Statement of Commitments or necessary information. Each Determination shall state findings on each principle, explain how the criteria were weighed, and identify any conditions; the Task Force shall consider comments from the host jurisdiction and the public before issuing it; and the Determination and Statement of Commitments shall be published on the Dashboard, subject to Section G.5 of this Order.
5. *Reconsideration and Reassessment.* A developer may request reconsideration within 30 days of a Determination by submitting additional information or commitments, and the Task Force shall act within 30 days. The Task Force may reassess each project at significant milestones, including security of necessary permits, commencement of construction, and commercial operation; upon any material change, including in ownership, anchor tenant, load, energy plan, water source, or site; annually upon receipt of the annual report; and upon credible information that a commitment has not been kept or a representation was materially inaccurate. Following reassessment, the Task Force may revise the Determination and shall publish a performance status of "Performing," "Under Review," or "Non-Performing."
6. *Projects Not Seeking a Determination.* A developer that does not seek a Framework Determination remains subject to all applicable law but is not eligible for the Coordinated Review Pathway or the other State engagement described in Section F.3 of this Order, and the Dashboard shall so indicate.

F. Framework Compliance and Coordinated Review.

1. *Consideration by All Executive Department Agencies.* To the fullest extent consistent with law, every Executive Department agency shall consider a project's Framework Determination, Statement of Commitments, and performance status in exercising any discretion with respect to State engagement, including the priority, timing, sequencing, and conditions of State permits and approvals; eligibility for and the terms of State incentives, grants, loans, and financing; State land, infrastructure, and site-selection assistance; letters of support and advocacy on a project's behalf before PJM, FERC, a utility, or any other body; and any other discretionary

support. To the extent permitted by law, an agency may incorporate commitments in a Statement of Commitments as conditions of a permit, approval, or other State engagement within its authority.

2. *Coordinated Review Pathway.* The Task Force shall establish a Coordinated Review Pathway available to any project with a Framework Determination of "Aligned" or "Conditionally Aligned." Under the Coordinated Review Pathway, Executive Department agencies shall review their respective applications concurrently with local permit approvals and report their timelines and the status of each approval to the Dashboard.
3. *Projects Not Aligned.* For a project with a Determination of "Not Aligned" or a status of "Non-Performing," or for which no Determination has been sought, to the fullest extent consistent with law: no Executive Department agency shall provide the Coordinated Review Pathway, facilitation, letters of support, or advocacy on its behalf; agencies shall defer substantive review until the developer documents all required local land use approvals, consistency with the host jurisdiction's comprehensive plan, and any required water appropriation or wastewater discharge authorization; the Department of Commerce shall not recommend, certify, or approve any discretionary State incentive for the project; and the Dashboard shall display the project's status and the basis for it.
4. *Incentive Agreements.* To the fullest extent consistent with law, the Department of Commerce and every other Executive Department agency that awards a discretionary incentive, grant, loan, or financing to a data center project shall require, as a condition of application, a Determination of "Aligned" or "Conditionally Aligned" and incorporate the Statement of Commitments into the incentive agreement as enforceable terms, with milestones, reporting, clawback provisions, successor assumption, and a performance review at least every five years; and report to the Task Force any failure to satisfy those terms.

G. Transparency, Accountability, and Public Trust.

1. *Maryland Data Center Dashboard.* The Task Force shall create and maintain a publicly accessible Maryland Data Center Dashboard ("Dashboard") as the State's public record of data center development, updated no less than monthly, and administered by the Office in consultation with the Department of Commerce and the Maryland Energy Administration. For every project subject to review under Section E of this Order, the Dashboard shall include the project's location, host jurisdiction, and legislative districts; the developer, its parent company, and any disclosed anchor tenant;

projected peak demand, water use, and a summary of the energy plan; its registry status with the Public Service Commission's Large Load Registry, once established; each State engagement requested and its status, responsible agency, timeline, and decision; the baseline assessment, Determination, and any reassessment, with rationale; the Statement of Commitments and performance status; annual reports; any community benefits agreement the host jurisdiction elects to publish; the developer's community point of contact; and a means for the public and host jurisdictions to comment. The Dashboard may also present aggregate statewide information on projects at each stage, their projected energy demand and water use, and performance against commitments, including aggregate Large Load Registry information published by the Public Service Commission, once established.

2. *Prohibition on NDAs.* No Executive Department agency shall enter into, renew, or extend an NDA with a data center developer, operator, or site-selection agent concerning a proposed or existing data center project. An agreement executed before the effective date of this Order shall be honored but not renewed or extended.
3. *Developer Disclosure and Attestation.* As a condition of a Determination of "Aligned" or "Conditionally Aligned" and, to the extent permitted by law, of any State engagement, a developer shall disclose to the Task Force, and consent to publication of, its identity, parent company, controlling entities, and anchor tenant; the project's projected energy demand, water use, and energy plan; and any duplicate interconnection or siting requests for the same project, and shall attest to the accuracy and completeness of each submission.
4. *Annual Reporting by Data Centers.* The Maryland Energy Administration and the Department of the Environment, in consultation with the Department of Commerce and the Department of Labor, shall establish a standard annual report form using standardized metrics, such as power usage effectiveness and water usage effectiveness, so that reported information can be compared across facilities and verified against what was represented at permitting. Each Statement of Commitments shall include a commitment to file the report on an annual basis, or more frequently as the Task Force specifies, and Executive Department agencies shall, to the extent permitted by law, require it as a condition of State engagement. The report shall include monthly electricity and fuel consumption, sources, peak demand, and backup-generator operating hours; monthly water withdrawal and consumption by source and use; construction and operations employment, wages, local hiring, and apprenticeship utilization; payments under any

community benefits agreement; efficiency, on-site generation, and environmental protection measures; projected demand for the following year; any change in ownership, control, or anchor tenant; and progress against each commitment. The Maryland Energy Administration and the Department of the Environment may verify reports against utility, Public Service Commission, PJM, and permit records, and a determination by the Task Force of a material misstatement shall trigger reassessment under Section E.5 of this Order.

5. *Task Force Transparency and the Public Information Act.* The Task Force shall publish on the Dashboard its meeting schedule and summaries, the Framework Guidance, every Determination, each agency's performance against its timelines under the Coordinated Review Pathway, and the time elapsed for each project from intake to baseline assessment and to Determination. Task Force members and staff shall act consistent with the Maryland Public Ethics Law and shall not participate in reviewing a project in which they have a financial interest. The Dashboard and all publications under this Order shall be administered consistent with the Maryland Public Information Act, including its protections for trade secrets and confidential commercial information; a developer asserting protection shall identify the specific information and basis, and the Task Force shall note on the Dashboard where information has been withheld and why.
6. *Annual Report to the Governor.* The Task Force shall submit to the Governor, and publish on the Dashboard, an annual report by December 1 of each year beginning in 2027, developed by the Maryland Energy Administration with the Departments of the Environment and Commerce, that includes the status, Determination, and performance of each data center project and, for operating facilities, actual energy and water consumption, employment, and environmental impacts; the aggregate impact of operational and pipeline data centers, to the extent practicable, on the State's electric system, water resources, and economy; the Task Force's performance in reviewing projects and performance improvement recommendations where necessary; and recommendations for legislative, budgetary, regulatory, or administrative actions, including any authority needed to strengthen the enforceability of the Framework and an evaluation of the State's incentives supporting data center development. The Task Force shall also submit an interim report to the Governor on implementation of this Order.

H. Ratepayer and Grid Protection.

1. *Energy Plan Guidance.* The Director of the Maryland Energy Administration, with the Task Force, shall issue guidance and a template for the developer energy plans considered under Section D of this Order, describing approaches by which a developer may provide for a project's incremental energy needs without imposing costs on other ratepayers. The plan may include new clean generation, co-located or contracted within the same PJM Locational Deliverability Area and offered into PJM's markets; the project's own or aggregated demand response offered into PJM's capacity market; on-site generation; and alternatives to diesel backup generation, with a written explanation if determined to be infeasible. The guidance shall make clear that these approaches are illustrative, that a developer may propose any alternative that achieves the principle, and that an energy plan will be evaluated by its outcome for ratepayers rather than its conformity to any approach. The Director may explore additional pathways to the same end with the Public Service Commission, PJM, institutions of higher education, and other stakeholders, reporting to the Energy Subcabinet and the Task Force.
2. *Advocacy Before the Public Service Commission and Regional Bodies.* The Director shall, on behalf of the Administration and in coordination with the Task Force, engage with and advocate before the Public Service Commission, PJM, and FERC for rules, tariffs, and orders that, consistent with the Next Generation Energy Act of 2025 and the Utility RELIEF Act of 2026: ensure that data center customers pay the full cost of the infrastructure and services required to serve them, including through minimum-bill, exit-fee, creditworthiness, collateral, and minimum-term protections; allocate to the responsible data center customers the costs of any PJM Reliability Backstop Procurement, including upon insolvency or default; provide for curtailment of data center load before other customers during emergency conditions except to the extent its demand is covered by new capacity that qualifies under applicable Public Service Commission, PJM, and FERC rules, and prevent its classification as critical load, except for a discrete portion of load demonstrated to directly support public health, public safety, or national security functions; require accurate registration of large loads with the Large Load Registry and PJM and remove speculative projects from interconnection queues through fees, deposits, milestones, and disclosure of duplicate requests; advance flexible-load, demand-response, and clean-capacity participation; establish a ratepayer protection or grid investment mechanism funded by data center contributions, including a security pool against stranded costs from speculative or canceled loads; and require data centers to fund

new clean generation or storage dedicated to their operations to the greatest extent feasible.

3. *Large-Load Interconnection Working Group.* The Director shall convene a Large-Load Interconnection Working Group under the Energy Subcabinet, including the electric utilities and, at their election, the Public Service Commission, the Office of People's Counsel, and PJM, to review the utilities' practices and methodologies for studying the system impacts of data centers and other large loads, estimating and allocating the resulting costs, and screening speculative requests, and to identify and resolve issues that impede the efficient interconnection of projects that meet the Framework. The Working Group shall report its findings and recommendations to the Task Force.

I. Economic Benefit for Marylanders.

1. The Department of Commerce and the Department of Labor shall jointly issue guidance describing the information the Task Force will consider under Section D.3 of this Order, including standard methods for measuring jobs, wages, local hiring, Registered Apprenticeship utilization, and net fiscal impact, and model provisions for local hiring plans and workforce investment commitments. The Department of Labor shall coordinate with local workforce development boards, community colleges, and Registered Apprenticeship sponsors in each host jurisdiction to connect data center employment and training commitments to Maryland workers.
2. In administering the sales and use tax exemption for qualified data center personal property and every other incentive for which a data center project may apply, the Department of Commerce shall, to the extent permitted by law, incorporate the requirements of this Order into its application and certification procedures, and shall report to the Task Force each application received and each certification issued.

J. Community Voice and Support for Local Governments.

1. *Local Government Guide.* Local governments are often the first public bodies a developer approaches and bear a data center project's most direct consequences. The Task Force, through the Department of Planning and in coordination with the other member agencies, shall publish a Guide to Data Center Development for Maryland Local Governments focused on what counties and municipalities should consider when approached by a developer, including:

- a. How a jurisdiction can determine in advance whether, where, and under what conditions it will consider data center development; what to ask a developer at first contact, including questions about the end user, electricity demand and water needs, energy plan, and timeline; and how to identify speculative proposals, including through Transmission Security Agreements (TSAs);
 - b. How data center load affects local ratepayers, utility infrastructure, and water supply, and how the Next Generation Energy Act of 2025, the Utility RELIEF Act of 2026, and Public Service Commission tariffs allocate costs;
 - c. Land use tools, including model zoning provisions that define data centers as a distinct use, conditional-use review, setbacks, and standards for noise, lighting, and buffering, together with traffic, emergency-services, and environmental considerations;
 - d. Fiscal considerations, including the interaction of State and local incentives, long-term analysis of any tax abatement, reopener terms, and service costs, together with a recommended community investment benchmark per megawatt of peak demand informed by other states, a model community investment fund, and eligible investments such as infrastructure, housing, workforce training, schools, childcare, and broadband;
 - e. Community benefits agreements and Development Rights and Responsibilities Agreements, including model terms addressing measurable standards, binding employment commitments, reporting, successor obligations, remedies, decommissioning, and periodic review, and the risks of non-disclosure agreements and how to limit any such agreement to information protected under the Maryland Public Information Act;
 - f. The State approvals a project will require, how local approvals interact with State review under Section F of this Order, and how to engage the Task Force; and
 - g. Other information deemed relevant and necessary by the Task Force.
2. The Task Force shall develop the Guide in consultation with the Maryland Association of Counties, the Maryland Municipal League, regional planning organizations, utilities, organized labor unions,

community organizations, and the Office of People's Counsel, and update it annually.

3. *Weight Given to Local Decisions.* Consistent with Section F of this Order, the Task Force and Executive Department agencies shall give weight to the host jurisdiction's land use decisions and comments. A project that has been denied a required local approval shall not receive a Determination of "Aligned" or "Conditionally Aligned" while that denial stands.

K. Environmental Protection.

1. *Developer Guidance and Permit Review.* The Department of the Environment shall issue guidance for developers describing the permits it administers that a data center may require; the information it will need to evaluate water supply, cooling alternatives, stormwater, discharges, and backup-generator emissions; and its expectations under Section D of this Order. In exercising its authority over water appropriation, discharge, stormwater, and air quality permits for data center projects, the Department shall, to the extent permitted by law, require demonstration that adequate water is available without adverse effect on existing users, system reliability, water quality, or sensitive natural resources; require analysis of cooling options, including closed-loop and air-cooled systems and reclaimed water, to reduce potable water use; require ongoing public disclosure of water withdrawal and consumption; ensure that stormwater and discharges protect the Chesapeake Bay watershed; encourage fence-line air quality monitoring and vegetative buffers; work with host jurisdictions and the State's environmental justice bodies to identify stressors in overburdened communities; and ensure compliance with State greenhouse gas requirements.
2. *Regulatory Reviews and Brownfield Siting.* The Department of the Environment shall evaluate, and report to the Task Force, whether its regulations governing backup-generator emissions should be updated to address newer technologies or emissions controls, including whether Tier 4 or equivalent standards should apply, the cumulative impact of multiple generators at a facility or proximate facilities, and the deployment of backup generators as grid resources; and shall assess whether its water appropriation regulations, reporting requirements, and guidance accurately reflect the water demands of data centers and other large users, including consumptive use, reuse, drought conditions, and cumulative effects on aquifers, surface waters, and public water systems, reporting to the Task Force the actions it identifies as necessary. The Department, with the Departments of Natural Resources and

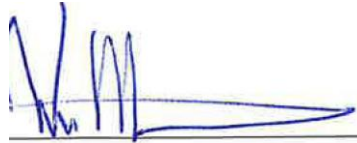
Commerce and the Maryland Energy Administration, shall identify mechanisms to expedite permitting for clean generation and storage that serve data centers on brownfield and previously developed sites, including through the Voluntary Cleanup Program.

L. General Provisions.

1. This Order shall be implemented consistent with all applicable statutes and regulations, and shall not contravene any State or federal law or affect the State's receipt of federal funding. Nothing in this Order shall be construed to supersede, modify, or contravene any statute or regulation; to require or authorize any agency to deny, delay, or condition a permit or approval on any ground not authorized by law, or to withhold any benefit to which a person is entitled to by law; or to direct any authority vested by law in the Public Service Commission, the Office of People's Counsel, or any other independent unit.
2. This Order does not create any right or benefit, substantive or procedural, enforceable as law or in equity by any party against the State, its agencies or units, or its officers, employees, or agents.
3. This Order operates prospectively. A Framework Determination, Statement of Commitments, or performance status, or the absence of one, shall inform only State engagement for which a developer applies or makes a written request after the effective date of this Order, whether or not the project has other applications pending or approvals in hand on that date. An application for a State permit, approval, or authorization that was submitted to an Executive Department agency on or before the effective date, in a form the receiving agency determines was administratively complete, shall be governed by the laws and procedures in effect at the time it was submitted. A permit, approval, authorization, or incentive certification issued on or before the effective date of this Order is not affected by this Order, and its renewal, or a modification that does not increase the project's peak electric demand, water use, or permitted emissions, is not a new application for the purposes of this paragraph. This paragraph does not limit the application of Section G.2 of this Order; the listing of any project on the Dashboard on the basis of publicly available information; or the application of any statute, regulation, tariff, or order. A developer may request a Framework Determination under Section E.1 of this Order at any time.
4. If any provision of this Executive Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the

Executive Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are severable.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in the City of Annapolis, this 23rd Day of September 2026.



Wes Moore
Governor

ATTEST:



Susan C. Lee
Secretary of State

