

CAC Members Present: Xavier Brown, Andrew Der, Matt Ehrhart, Bill Fink, Brenna Goggin, Donna Harris-Aikens, Verna Harrison, Charles Herrick, Ann Jurczyk (Vice-Chair), Anna Killius, Julie Lawson (Chair), David Lillard, Mike Lovegreen, Joe Maroon, Bill Matuszeski, Abel Olivo, Kate Patton, Daphne Pee, Charlie Stek, Dana Wiggins, and CAC Staff Jessica Blackburn, Adam Bray, and Alexa Maione

Speakers/Guests Present: Chris Beck, Aaron Berryhill, Sarah Elfreth, Peggy Kirk Hall, Amy Handen, David T. Maginnes, John Miller, Jennifer Starr, Ann Swanson, Fred Tutman, Robert Young, Kathy Stecker, Kate Fritz and Rachel Felver

Meeting presentations and materials are located at:

[Citizens Advisory Committee Quarterly Meeting \(May 2022\) | Chesapeake Bay Program](#)

Minute marks are in reference to the meeting's recording located at:

<https://youtu.be/WgDk10K4bRI>

Wednesday, May 18, 2022

The CAC Chair, Julie Lawson, called the meeting to order at 11:00 AM. She gave an overview of the agenda and highlighted the meeting's goals: to learn more about a key priority of the CAC Emerging Issues Subcommittee and continue the discussion on additions to CAC Bylaws and Member Expectations and Guidance.

CAC Business Meeting

CAC voted to approve the draft Feb 2022 meeting minutes as submitted. Julie shared the following announcements. The CBP DEIJ Coordinator will be hired through the DC Department of Energy and Environment. EPA leadership will chair the annual Executive Council meeting in DC that's expected to occur in mid-Sept to mid-Oct. The CBP Stewardship GIT is funding the diversity workgroup to research equity in the grantmaking process. Daphne Pee added that current initiatives are preparing and training leadership to have a better understanding of the background, goals, and capacity of the communities that are being engaged. Julie reminded CAC members to take the CBP demographic survey. The CBP has targets to increase the percentage of people of color (POC) in the Bay Program to 25% in 2025 and increase the percentage of POC in leadership positions in the Bay Program to 15% in 2025. The floor was then open for member

announcements. Ann Jurczyk shared that updated land use data for tree canopy assessments were released the day prior.

Member Spotlights

Two CAC members, Bill Fink, Clemens Food Group, PA, and Dana Wiggins, Virginia Poverty Law Center, Center for Community Outreach and Affordable Clean Energy Project, gave 10-minute presentations on their work and interests. The purpose of this session is to help the Committee better learn and understand each other's expertise and perspectives.

Large Scale Solar Development in the Chesapeake Bay Watershed

Anna Killius, CAC Emerging Issues Subcommittee Chair, showed a [powerpoint](#) (minute mark 00:48:20) to brief CAC members on the progress of large scale solar development in the watershed and the nexus regarding the effects on land use and water quality.

Part One: Research and Science

Peggy Kirk Hall, Director, Ohio State University Agricultural and Resources Law Center

Peggy Kirk Hall [presented](#) (minute mark 00:58:00) findings from the recent research publication she co-authored: [Land Use Conflicts Between Wind and Solar Renewable Energy and Agricultural Uses](#). Peggy shared that solar development opposition is typically tied to the high initial land consumption, concerns about local economic impacts, effects on prime soils, and NIMBYism - not in my backyard, local opposition. Competing policies between state agencies and state and local governments can also complicate solar development progress. Peggy stated that about 50% of rural communities tend to be in favor of large scale solar development when tax incentives are involved. Recommended best management practices are to protect prime soils, involve agricultural leaders in renewable energy decision making, plan via mapping, involve dual-use agricultural practices, and plan to decommission the panels after their life cycle. In regards to water quality, there is interstate debate on whether solar arrays should be considered pervious or impervious for stormwater purposes. This distinction will affect stormwater management models that are currently not adapted to this kind of development.

Discussion: CAC members were interested in understanding the primary drivers of solar development in rural areas, if the produced energy is exported, and to whom it benefits. Other questions were asked about synthesizing net water quality improvements of this changing land use, from agricultural land to solar production. Peggy mentioned more studies should occur to compare land uses. Members expressed interest in learning more about the models used for assessing solar development implications for water quality and stormwater management.

Part Two: Perspectives

Aaron Berryhill, Solar Program Manager, VA Energy

Melanie Davenport, Director, Water Permitting, VA DEQ

Chris Beck, Deputy Manager, MDE Climate Change Program

Robert Young, Energy Program Specialist, PA DEP

John Miller, Director of Development, Chaberton Energy

Aaron gave an [overview](#) (minute mark 2:06:00) of solar development in Virginia. He informed the CAC members that the Virginia Clean Economy Act of 2020 has been the primary driver of development. The act mandates that Dominion Energy and Appalachian Power are to retire carbon emitting sources of electricity by 2050, putting Virginia on a path to 100% clean energy by midcentury. In partnership with the University of Virginia, the Virginia Department of Energy conducted a Virginia Solar Survey to all VA localities. The most notable findings were that central and southside VA are receiving the highest number of solar development applications, rural and combined use localities are ahead on updating their solar policies, regulations, and permitting processes, and that erosion and sediment control is the most common criteria for evaluation included in reviewing utility-scale solar facility applications.

Melanie confirmed that in Virginia, solar panels and their base parts are considered impervious areas. This classification is to calculate the site's water quantity runoff and water quality calculations for the BayTMDL. She informed members that any land construction >1 acre must obtain a construction general permit. This permit must have an approved erosion and sediment control plan and an approved post construction stormwater management plan. A guidance document is currently underway to assist solar developers to stay in compliance.

Chris [presented](#) (minute mark 2:26:40) Maryland's renewable energy goals: a 60% reduction in state emissions by 2031 (from 2006 emissions), and a net-zero goal achieved by 2045. By 2030, 14.5% of generated energy must be by solar arrays. In MD, the Renewable Portfolio Standard (RPS) is the primary statutory obligation to increase electricity generation from renewables. MD identified these local drivers to achieve renewable energy: incentives and tax credits, ambitious economy-wide Greenhouse Gas (GHG) targets, removal of obstacles during project planning and permitting, supportive legislation, and expansion of the Net Energy Metering Cap. Chris reminded members that 1/3 of the nitrogen load in the Chesapeake Bay is from indirect airborne deposition of NOx.

Robert [reported](#) (minute mark 2:51:19) on Pennsylvania's grid-scale solar development. PA has a target of 10% in-state solar production by 2030. Stormwater management requirements are the only current solar permitting requirements. The factors driving solar development in PA are the increasing access to transmission infrastructure, availability of farmland, and the fact that PA is a net-energy exporter, so when assets come offline, they are predicted to be replaced with solar arrays. Since the release of the Pennsylvania Solar Future Plan issued in Nov 2018, there has been an exponential increase in proposed projects in the PJM New Services Queue. The PA Energy Programs Office is partnering with Penn State Extension to help local officials navigate this emerging energy sector.

John represented a private sector perspective with an [overview](#) (minute mark 3:05:27) of community solar development. Community solar benefits homeowners by subscribing to a low and fixed energy price, without needing solar panels on their roof. The largest limiting factor for siting a solar project is the proximity to transmission infrastructure. John went over the

stormwater permitting requirements set by the Maryland Department of the Environment. Requirements may be even more rigorous, depending on the individual county where the project takes place.

Discussion: CAC members were interested in learning more about the end of life processes of solar project sites. This includes decommissioning, recyclability, and long term impacts on soils. Members also had questions about natural vegetation - are states preserving forested lands and will pollinator habitat as a dual use be widespread.

Part Three: Solar Farm Tours

Friendship Community Solar Farm Construction site - Host: John Miller, Chaberton Energy
Nixon Farm - Host: Daniel Myung, Norwegian Energy Solutions & Services

Discussion: CAC members were interested in the economics of solar development, especially for the solar array owners. Questions were asked about the return on investment, maintenance of the site, and selling the energy at a fixed rate. Members were impressed by the attractiveness of owning solar arrays and leasing a site.



Photo Credit: Will Parson, Chesapeake Bay Program. A Chaberton Energy employee gives CAC members a tour of an active solar farm construction site.



Photo Credit: Will Parson, Chesapeake Bay Program. Daniel Myung of Norwegian Energy Solutions & Services shares with CAC members his experience in the solar industry.

Thursday, May 19th, 2022

Subcommittees met over breakfast.

Meeting Reconvenes

Julie Lawson, Chair, called the 2nd day meeting to order at 8:30 AM and opened the floor for members to share insights from the previous day's meeting. Chuck Herrick questioned how well pollinator habitats are able to be established, with concern for invasive species. Kate Patton brought up that land value may increase in areas where solar development is occurring. This could drive out farmers who lease land for growing seasons. Matt Ehrhart and Bill Fink also had concerns about decreasing land where food is grown.

Local Watershed Context

Fred Tutman, Patuxent Waterkeeper

Fred [shared](#) (minute mark 3:38:53) his experience engaging communities as a Patuxent Waterkeeper. He says if a movement belongs to a community then it is unsinkable, even when an outsider stops writing checks. In his experience, you must approach communities without an agenda, but rather listen to their needs, so they can actualize their own environmental goals. This

is how you break down the “5th wall” of engaging those who have not been invited to the environmental conversation. Oftentimes, an environmental organization comes to a community with a list of actions that need to be done. This may be interpreted as “the Chesapeake Bay matters” but the community may not feel like their own environmental needs matter. The second approach ends in a much lower likelihood of participation by that community.

Discussion: CAC members questioned how the EPA could overlook small scale wastewater treatment plants releasing untreated pollutants directly into the Patuxent and failing to report their effluents. Members were also interested in learning how to connect communities that are working on similar projects, so they can share knowledge and resources.

Conversation with Chesapeake Bay Commission Chair

The Honorable Sarah Elfreth, Senate of Maryland

Sarah spoke (minute mark 4:27:28) on how the bipartisan Chesapeake Bay Commission works and reported on available funding available for states from the Infrastructure Investment and Jobs Act. When working with members of bay states, she recommends focusing on the commonalities of all involved, and copying the successes of one state to the rest. The Commission considers where money will go furthest and have the greatest impact, regardless of state lines. She says a priority area is north of the Conowingo Dam.

Discussion: Members discussed the process and progress of funding various needs in the bay. This included guaranteeing that underserved communities will benefit from the Infrastructure Investment and Jobs Act, legislation addressing unprecedented public space visitation, and upcoming Farm Bill priorities.

CAC Member Discussion

Subcommittee chairs shared their discussions from the morning breakout sessions. Chuck Herrick, Stewardship and Engagement Subcommittee Chair, shared that the subcommittee discussed potential panelists for the upcoming September meeting, with a key priority to identify the inequities of the CBP grant processes.

Anna Killius, Emerging Issues Subcommittee Chair, reported that they have two followup items: (1) **survey CAC members to share their thoughts on how the panel went and where more information is needed;** and (2) **help draft a letter to the Executive Council on the nexus between solar development and water quality, urging them to convene jurisdictions for a conversation to identify gaps in knowledge.** The CAC reached consensus on key items to include in the letter to the Executive Council.

Matt Ehrhart, Water Quality Subcommittee Chair, stated that the subcommittee would like to contact EPA Region 3 Administrator, Adam Ortiz, to strategize outcomes regarding water quality in Pennsylvania. The subcommittee recommended inviting Adam Ortiz to the September quarterly meeting in DC.

Joe Maroon walked through updates to the CAC Bylaws and CAC Member Expectations and Guidance. **Proposed from Article III Section 3: Expenses is the deletion of “Documented**

long distance phone calls for official CAC business may be reimbursed.” Proposed is the addition of Article V: Principles, Values, and Code of Ethics. Additionally, members agreed to add the option for electronic/emailing voting to Article III, Section 5: Quorum and Voting. An official vote on these changes will occur at either a future meeting or via email.

A separate CAC Member Expectations and Guidance document was provisionally approved with a new section addressing participation. Daphne Pee questioned the true equity of CAC member participation given that members must have the time and money upfront to participate due to the way expenses are reimbursed afterward. Members support the suggestion to add clarity about what is included in the travel reimbursement vouchers and what costs are covered by the CAC budget.

Ann Jurczyk asked about stipends being given to CAC members who are not otherwise paid through their profession to attend quarterly meetings. Members discussed this challenge and a recently denied unsolicited request from the Alliance asking the EPA CBP to fund volunteer time with stipends. **Members agreed to send a letter to the Executive Council requesting stipends be available to qualifying volunteers of the Advisory Committees and other workgroups as appropriate.**

Jess updated the members that the Alliance will likely revise their COVID meeting protocols after May 31, 2022 and this will impact the requirements for in-person attendance at CAC meetings. **An anonymous survey will be sent for CAC members to react and offer suggestions to the revised COVID protocols.** The findings will be used for the planning of future meetings.

The members continued the discussion about replacing the word ‘citizen’ in their name with more inclusive language. Members discussed whether it is simply a name change or a larger discussion about a role change. Comments included: Members need to decide who and what it is they represent, but a name change does not need to be a role change. Are all CAC members on the same page about what their role is? Using the example of the Audubon Naturalist Society, Abel Olivio offered that the name should feel accessible and leave behind “legacy” words. The CAC Executive Committee will continue the discussion and consider sending a survey to the CAC members about the CAC name change.

With no further business, Julie Lawson, CAC Chair, adjourned the meeting at 12:09 PM.