



Citizens Environmental Commission (CEC)
Meeting Minutes
May 27, 2024
Virtual and In-Person Meeting (Recorded)

Members in Attendance: Sally Hornor, Steve Miller, Caroline Baier-Anderson, Scott Eden, Jesse Iliff, and Judy Billage

County Liaison: Environmental Policy Director Erik Michelsen

Members Absent: Kirvin Bonner, Ashleigh Diaz, Camera Thomas and Ammar Hanif

Members of the public in attendance included: Lloyd Lewis, Pat Huecker

Call to Order and Introductory Remarks: Chairperson Hornor called the CEC meeting to order at 6:05 p.m. from the DPW conference room at Riva Road with Environmental Policy Director Erik Michelsen. Commissioners Miller and Baier-Anderson were also present in the conference room. All others participated in the meeting via Zoom.

Meeting Minutes: The Chair asked if there were any changes to the March meeting minutes. There were none and they were approved unanimously.

Agenda Topics: The following topics were discussed during the meeting:

a. **Solar Power Facilities.** Assistant Planning and Zoning Officer Lynn Miller from the Dept. of Planning and Zoning (OPZ) spoke about rules affecting the approval of new solar farms in the County and the challenges of integrating solar production on agricultural and industrial properties. The State has set a goal of having a certain amount of energy produced by solar in the overall energy portfolio. They can't achieve that if each of the local governments put too many restrictions in their code. For instance, Anne Arundel County has a provision in the code that requires solar facilities to be 10 miles apart from each other, although there are examples now where that has not been followed. If it were to be strictly applied, it would preclude the County from being to effectively site solar facilities. The new laws primarily preempt the zoning code's restrictive requirements. Solar providers seeking approval for projects between 2 – 5 MW must now apply for a Certificate of Public Convenience and Necessity (CPCN) from the State Public Service Commission before submitting their site development application to local planning and zoning. Miller clarified that the County's development requirements for site plans, landscaping, and conservation are still in place. She also said that the County could still be a party to the CPCN process, offer testimony, and request conditions be put on the project., More information can be found on the Maryland Public Service Commission website: <https://www.psc.state.md.us/#> where one can find the schedule of hearings for the application requests. Miller spoke a little

about a proposed project on a 26-acre parcel near the intersection of Sands Road and Ed Prost Road and some of the pros and cons of the location which is in an agriculture preservation area. The hearing will be in July. She also discussed a new Bill passed this past year that would divvy up a certain percentage of the solar energy goals among all the counties and let the Counties help plan on how the goals would be met. The County would like to see solar go in industrial areas and on rooftops, instead of rural/agricultural area, but there is not a lot of industrial-zoned area and the County does not have a good idea of where rooftop solar is now. They are still in the learning process and trying to strike a balance between solar energy siting and land preservation. Miller was asked if she could provide some more information about some of the other projects that are being proposed (location and size) and where they are in the process. She said they would send the information to Michelsen.

b **Stormwater Management.** The CEC recently sent a letter to County Executive (CE) Pittman asking him to resurrect the Stormwater Work Group (copy attached). Michelsen subsequently reached out to Inspections and Permits (I&P) Asst Director (Site & Development) Raghu Badami, PE, to have him provide the CEC with an update on stormwater management issues. A video of his presentation can be found on the CEC website for the May 27th meeting. Some of the key takeaways from his presentation follow:

1. An organization chart was shown and each of the responsibilities of the four offices under Badami's leadership was described, as well as the assigned manning for each.
2. I&P is looking at how they can make process changes instead of Code changes to help improve some development administration challenges. One example is adding a Program Manager position to the Forestry Division. Another is to possibly re-classify some positions in the engineering group. They are trying to eliminate silos and communicate better not only within I&P but outside of I&P such as with the DPW Bureau of Watershed Restoration and Protection. Engineers are periodically doing site visits with inspectors to see how stormwater best management practices (BMP) are working in the field so problems can be identified and fixed.
3. The Forestry Division is responsible for helping to decide where fees paid in lieu of forest preservation requirements as part of development are spent and are actively looking for sites that can be reforested. There are presently two mitigation sites totaling about 14 acres.
4. A slide of all the fourteen Blue Notices that have been issued was shown and they are posted on the I&P website. Blue Notices issue guidance on various topics having to do with design, construction maintenance and enforcement involving development. At some point, the County's Stormwater Management Practices and Procedures Manual will need to be updated, but not yet. One of the most recent Blue Notices had to do with how to better manage stormwater runoff from development sites after the clearing has been done and all the ground cover has been removed. The new procedures will help to contain more runoff and ensure a slower runoff release rate from the site. I&P is working more closely with the Soil Conservation District on improved procedures like controlling runoff from steep slopes during construction. A slide was

shown that had the number of annual erosion and sediment site inspections and the failure rates.

5. The stormwater Strike Task Force is addressing downstream effects associated with development runoff. There have been changes to how the pre-existing conditions are documented from the site to the point of investigation to help with analysis of changes during construction and afterwards. In some cases, developers have been asked to do some off-site remediation and in other cases, I&P is working with DPW/BWPR to see if remediation is available through a watershed project.

6. Pre-construction (precon) Meeting. Before any ground breaking is done on the site, there must be a precon meeting following a newly published checklist.

7. I&P is looking at dedicating two inspectors for stormwater management who would be responsible throughout the project, participate in hand-off meetings and be involved in inspections during the warranty period.

8. An initiative to allow stormwater management hybrid design is being considered. I&P is looking at combining the requirement for micro-scale practices for ESD with stormwater management ponds for better quantity management. Badami said micro-scale practices are not as effective for quantity management.

At the conclusion of Badami's presentation, Commissioner Iliff asked if lessons learned from the on-site meetings with engineers and inspectors was being compiled and whether that information could be provided to the CEC? Badami said they were not at the point of putting together a lessons learned presentation yet, but he'll keep it on his to do list. Miller asked about the status of stormwater facility Handoff Meetings between the developer and the HOAs and whether the checklists were being updated to include some of the provisions of HB 107 concerning Reserve Studies or to possibly add the stormwater remediation fee credit approval to the handoff process? Badami reminded everyone that the Handoff Meeting was a policy and not in code and they were working with developers to implement it. He said he would look at HB 107 and he also mentioned that I&P was having a meeting with OPZ to look at some changes in HOA documents.

e. **_Septic Sub-committee Report.** Due to the late hour of the meeting, Commissioner Baier-Anderson said she would provide an update at the next meeting so Michelsen could discuss the County's new Environmental Subcabinet announced by CE Pittman on April 22, 2024. Michelsen has been charged with facilitating discussions among its members.

d. **Environmental Subcabinet.** Michelsen said the purpose of the initiative is to bring together representatives of all the County offices involved with environmental projects to enhance crosstalk, share information, and facilitate more collaboration as appropriate. He talked about an example of one meeting topic which involved the Arnold YMCA and their desire to move from septic system to public sewer; however, they were seeking a means of reducing the associated costs. The Subcabinet looked at what grants might be available across agencies to help.

e. **New Business**

1. Commissioner Miller spoke briefly about the County's FY25 Budget process. He said that it's difficult to determine what funding has been put against which key environmental objectives from Plan2040 and the Green Infrastructure Plan and

suggested that the CEC should play a greater role in identifying and advocating for some funding needs. Michelsen suggested the CEC return to this topic in the Fall when the budget process begins

2. Sands Road. There was public comment from Lloyd Lewis who asked that the Environmental Subcommittee discuss and consider having the County take over four failed wastewater treatment plants along Sands Roads that are polluting the river near them.

3. Commissioner Billage informed everyone about \$238,000 that is available in grants from the Chesapeake Bay Trust for reforestation and afforestation projects. Applications are due by August 1st.

The next meeting of the CEC is scheduled for July 31, 2024.

Adjournment. The meeting was adjourned at 7:45 p.m.