

MINUTES

Advisory Commission on Environmental Quality (CEQ)

April 26, 2017, 7 PM

Jefferson Building, Chesapeake Room, **105** W. Chesapeake Avenue, Towson, MD 21204

Present: Lois Jacobs, Glenn Elseroad, Andy Miller, Chris Davis, Chris Overcash, Brian Fath, Carol Newill, Linda Davis, Valerie Androutsopoulos, Brian Lindley, Karen Wynn, Rex Wright, John Alexander, Larry Fogelson, Dan Doerfer, Councilwoman Vicki Almond

Open Meeting

- I. Welcome and Introductions – Lois Jacobs, Chair
New Member: Chris Overcash District 3 – Chris is a VP at KCI; in environmental discipline, 20 yrs experience in projects from water and wastewater to hazardous waste remediation, certified as environmental engineer, also teaches part-time at Johns Hopkins.
- II. Correct and approve minutes of March 22, 2017 meeting. Lois will add attendance list and send out.
- III.
 - Mentoring Makenna-Karen, Update on Litter issue – Karen and Dan
Karen and Dan have been in touch with her but have not yet met to plan further.
 - Suggestions for moving forward
 - Plastic Bags Report, when and how to tie in with Litter Issue

Dan could not join us for the first part of the meeting. Karen discussed trash and littering.

Put out literature, trying to get into schools, Vince is asking the County Council to take another look at our plastic bags report. Should we tie it to the greater littering problem?

Q: do you count what you pick up when you do cleanups?

A: no, it's too much to ask volunteers to keep track of every item they pick up although some organizations have apps that can be used to keep count. Green Towson Alliance counts number of 25-lb trash bags and a recent cleanup yielded 2.5 tons. Bottles can't be recycled, plastic bags often buried beneath sediment, we do separate trash, organic debris and tires. At volunteer cleanups we usually separate out tires and metal and sometimes bottles but it's more about getting a large area cleaned up than about recycling. The boom site is at the 695 bridge in Essex where Herring Run comes into Back River.

The Giant at Wilkens Ave. and the Wal-Mart on Washington Blvd are no longer recycling plastic bags and that is still how the county and industry want to see plastic bags collected.

Q: do you coordinate with Bread and Cheese or other greening organizations?

A: we try to coordinate with them when possible. They come out after big storms to collect trash that accumulates. Dan Doerfer is with Clear Creeks which is part of Gunpowder Conservancy and they do more with trees, rain barrels and the

Baywise program. Middle River has a much smaller, contained watershed area whereas Back River has 73 miles of streams.

Kids can volunteer and get service learning hours and in some cases community service hours as well.

Back River Restoration will go most anywhere they are requested if people request help doing a cleanup. They operate the trash boom, funded by Baltimore County. Last year they picked up over 8000 pounds as well as 2000 tires.

Q: Is there any way to enhance education to keep people from disposing of trash?

A: We have three dumps but people either cannot get there during the week or don't want to wait in the line on Saturday. There needs to be monitoring of companies that say they will haul junk to the dump but that just dump it illegally. Todd Crandall has worked very hard to get Dundalk and Essex to cooperate on cleanup and trash dropoff. Back River sometimes collects non-allowed materials that are dumped and they put it on their trailer to dispose of it. The county did away with bulk trash pickup and will not introduce it again because of problems.

Q: How do we start to put all of this together into something we can make recommendations on? According to Brian, the last time we asked for a plastic bag 5-cent fee the County Council did not want to act on it. When we finished the report and realized it would not move forward in the county there was a rumor that it would be passed at the state level; but this has failed for three years in a row, most recently with a bill introduced by Steve Lafferty.

Also a lot of people do not understand that the storm drains do not drain to the sewage treatment plant and do not realize that materials poured into storm drains are going directly into local streams and ultimately to Chesapeake Bay. Recommendation: would someone volunteer to make a video tracking the progress of a piece of trash as it works its way downstream? A retired scientist working for Back River did a labeled bottle study with 400 bottles and 350 of the 400 have already been recovered after 4 years.

Suggestion: if you pay someone to haul your trash, you don't pay them until they come back with a receipt from the landfill. There are problems with dumping in places like the Essex Park 'n Ride and loads of concrete are among the items which are too much for volunteers to remove.

One option is to have a camera recording tag numbers so that dumpers can be caught and held accountable, but police often don't really know what to do with them and if they go to court judges often don't give them more than a slap on the wrist.

If CEQ is thinking about a new report, would we be looking for items that could be changed via new regulations? We don't have the resources to run public

information campaigns so our only real avenue is to convince the County Council to take action. One of the issues according to Councilwoman Almond is that we are not doing code enforcement anymore. This is basically due to lack of resources and personnel and it is leading to accumulation of trash in places where it didn't happen before. This has been gradual over a period of years. If we could get more code enforcement people and bring the department back to where it should be we might be able to make a dent in the problem. The Council has talked about using police cadets under supervision of a code enforcement officer to help sweep neighborhoods when a complaint comes in, rather than just addressing the one issue in the complaint.

Dan Doerfer – we have had some success but in general people don't see it as their problem; they believe someone else will always take care of it and we have to change their way of thinking. If neighbors and people who live in the areas where there are problems will actually talk to those responsible they might be able to make a difference without going to code enforcement.

We will have to address this next month as a big issue.

IV. Update on Solar Bill – Councilwoman Vicki Almond

Solar has been an interesting issue. We have learned something new almost every day and tried to separate fact from myth, tried to see property owners' side. We want solar and green energy but this is a NIMBY issue. All of the bills we have had have not really taken care of the issue, regulating it without penalizing people who want it while encouraging green energy. People in districts other than the rural areas (e.g. 6 and 7) also have some problems with installation of large solar arrays. We have come up with an idea that is being run past CEQ to see what we think.

One of the real issues was that Valleys Planning Council is all for green energy but does not want valleys spoiled and used for solar when they could be growing food. One alternative is to regulate the amount of acres and the number of projects in each district as a pilot to be looked at again in six months and the legislation to be looked at again in a year. We have not settled on the number yet but this would be a number of acres across the county. If we say 5 or 8 projects per district, adjusted for size, it would allow solar to come for people who have made their case why they want it without just causing a boom of solar panels covering entire areas and spoiling the local landscape. We have no idea how many permit applications we might see because there is no way to tell what the demand is and who is interested. Solar companies have backed off for the moment but we don't want to lose them; we need to allow it and to regulate it but we need to begin slowly and have the planning board study it to see how it works.

Minimum size would be 30 acres that the solar company needs. All of the regulations about buffers, setbacks, topography etc. would still be in the bill. This

would be a regulation of the number of acres and projects that would go into a district.

Comment by Rex: we are in a short-duration window where solar has bottomed in price with rebates and incentives etc. and if we wait too long – 2-3 years out – the cost of installation will probably increase and it will be harder to clear the hurdle financially because solar farms are getting less valuable with market-based pricing and the requirement has not increased relative to the installed base. Big companies right now want to own these assets because there is a short-term up-front reduction in costs due primarily to tax writeoffs and solar renewable energy credits. The whole intent of these credits and subsidies is to get the manufacturing up to a level that becomes commercially viable. Installed cost is 20% of what it was 10 years ago.

We have to make a decision and do something now so people can take advantage of the financial benefits and we have to study what happens and regulate the extent of installations. At the 30-acre threshold these are largely a commercial energy-generating asset, not for use of the landowner.

Q: how do you deal with groups who say they don't want these in their area no matter what?

A: sometimes we just have to make decisions. We always have people on both sides of the issue and we have to separate facts from myths. We don't know what the future holds and we don't have power over it so we are trying to legislate the things we do have power over and make this as palatable as possible for all sides. The New Jersey example apparently went well whereas Massachusetts with little regulation led to all kinds of problems including loss of prime farmland. We want to achieve the more favorable result. After study for a year we can decide whether there are any problems and we can make decisions accordingly.

Technical issues may also limit feasible acreage. We are currently looking at 140,000 acres of prime and productive farmland and even 1% of that might not be an excessive number. We are trying to use administrative law judges to consider the topography to minimize the problems with impairment of view. Consensus seems to be that we limit the amount per district and start from 30 acres and move up.

Q: what about the issue of whether the soil could be reused again.

A: Some have argued that because the soil is dormant and is not being plowed, not being fed, not getting sunshine, it would take 10 years after removing panels for the soil to be useable again. This however is not true. There is also a question of pesticide use under solar panels and this is not the problem that it sounds like either.

Q: are there other jurisdictions in Maryland who are doing it right?

A: no, not at this point, at least not yet. There are huge installations in places over on the Eastern Shore. That could happen here if it is an installation over 10 MW and at that point it becomes a federal regulation under FERC and the County is no longer able to regulate it. But according to Rex, if you don't want to see that happen you might be better off allowing some of the smaller installations to take up the demand. There is not really the infrastructure needed to absorb all of the energy generation that might otherwise be installed so it's unlikely that we will see enormous amounts of demand.

Solar panels are getting more and more energy-dense all the time. If you put the limits in megawatts, the amount of land used will get smaller because of improved efficiency. We have picked up 10% in density in the last 6-12 months. Rex recommends keeping the unit of acres for regulatory purposes, not megawatts. This is easier for people to understand.

For this bill as currently described it is likely the bill would have the support of all members of the Council. Rex can provide pictures of typical sites from all over the country so that people can see what they look like.

The Planning Department has been effective in showing where prime and productive land is. It could also be useful to overlay land information with availability of power connections to show the limits of where projects might feasibly be built. Rex will ask around to see if there are other power developers who already have that information.

Two things that Rex says were in the old bill that were important: one is language about decommissioning the site. The other is that if there are concerns about how the site is maintained those should be dealt with in the regulation. Typically the vegetation underneath is mowed about twice per year. The Council does plan to keep those provisions.

V. County Trees

- EPS changes and Effect on Tree Canopy Program – Brian Lindley, Supervisor, Environmental Compliance, Baltimore County, EPS
Director Vince Gardina has advised CEQ that parts of the Forestry Program will now be contracted out.

- County Trees and Towson Alliance – Carol Newill
Councilman Marks will be here to talk with us about this next month. Carol is providing a brief synopsis tonight based on her communication with him. His request is that we help him with guidance on a resolution requiring that trees are taken down from county land only with good reason and that they are replaced. His concern is more the suburban and urban areas, maybe limited to the URDL and maybe not. There are examples of trees being taken down and never replaced. Montgomery County has adopted its own ordinance to be stricter than the State. Steve Lafferty got a bill through the house but it did not

get to the Senate this year. The urban and street trees were originally covered by DPW, not by DEPS. If DPW doesn't deal with it and it's not under DEPS, who is responsible? We need to know more about the lines of authority. David is looking for help on this. DEPS doesn't have the capacity to handle this.

Carol has heard that the budget for removing trees in Baltimore County is over \$15 million per year. The County has not been getting permits from the State and the State doesn't really know what the County is doing.

We should review the report that CEQ wrote previously on urban trees. Montgomery County has been developing useful policy on this.

Councilman Marks was hoping to put in his resolution this month but this will need some time for consideration before figuring out what to do.

- VI. New or other issues
- VII. Farm Walking Tour/Summer Social – Glenn will talk with us about this later.
- VIII. Adjourn 8:45 p.m.

Next Meetings: 7:00 PM, regular meetings

- May 24, 2017