

RRBC Technical Committee Meeting Notes

March 30, 2022

Virtual 9am

Attendees:

John McCarthy, PEC	Bryant Bays, VDOF
Harrison Premen, Culpeper County	Tommy Blackwell, Essex County
John Bateman, NNPDC	David Nunnally, Caroline County
Paul Howard, Culpeper County	Jesse Reiblich, VCPC
Amy Walker, DCR	Joe Lerch, VACo
Maggi Blomstrom, PEC	Michael Zehner, TBG/GWRC/MPPDC
Kate Gibson, GWRC	Patrick Mauney, RRRC
Julie Bolthouse, PEC	Michelle Edwards, RRRC
Luke Peters, TBG/GWRC/MPPDC	Don McCown, PEC
David Evans, DEQ	Gillian Saul, RRBC
Pat Coady, NVCT	Eldon James, RRBC
Bryan Johnson, VFBF	

Perspectives on State and Local Policy Issues associated with Solar Projects – Views of the PDCs of the Basin

Introduction

Eldon James (RRBC):

- Points to the December Commission meeting in their request that this committee discuss solar more in depth as it is a very complex issue
- States the goal of the meeting: learn more about PDCs, the surrounding communities, concerns, and competing interests at play
- Makes a prediction that this topic will take up the majority of this committee's discussions moving forward this year
- Introduces question which he plans also conclude with: "Who else/What other parties need to join this conversation? And when we meet again in 3 weeks, who will we invite to speak to group?"

Eldon James turns the meeting over to Michelle Edwards (RRBC) who begins her presentation which examines **utility scale solar projects** from a local policy perspective:

- Discusses recent amendments pertaining to solar ordinances and permits within Culpeper, Fauquier, Madison, Orange, & Rappahannock Counties. Noted that Orange County is the only without a specific ordinance
- Cites challenges, saying the biggest one is navigating land distinctions (farm land, commercial land, etc.) Notes concern of solar companies outcompeting farmers for land
- Points to other concern that not all costs of solar projects are adequately known

- Notes the indications that soil is much too compacted after solar use to return land to farm use. Expands on this in mentioning that the larger the solar projects are, the bigger the impact
- States that DEQ does not have sufficient staff to quickly handle permitting projects. Notes that the larger the solar projects can yield soil erosion, etc. Further notes lack of statewide restrictions
- Cites the recommendations from local government that include incentives for companies to site utility-scale solar projects on less productive land
- Considers the large size of the batteries
- Shares that localities are asking for unbiased summary of how the laws work and look into how responsibilities are shared between each locality
- Displays solar suitability analysis map

Eldon opens floor to **questions & comments** regarding Michelle's Presentation:

- Joe Lerch (VACo) summarizes HB894 which has an enactment clause-it would have Virginia Extension State Office working with Dominion Energy and Appalachian Power to identify relevant distribution and transmission grid information to assist localities with collection or storage devices
 - Has provision stating it is not subject to Virginia Freedom of Information Act
 - Eldon (RRBC) adds that this bill largely flew under radar and may be first of its kind in that it would require mapping prime farmland as an official state document
 - Points to DEQ, PBR and PJM Site which track proposals and applications
- David Nunnally (Caroline County) shares that a big item for farmers and landowners in Caroline County is a desire for guaranteed income each year with the uncertainties of solar
 - Harrison Premen (Culpeper County) floats the idea of Community Scale Solar which rests on conditional usage without wiping out prime agricultural land
- Luke Peters (TBG/GWRC/MPPDC) is curious how Michelle accessed solar suitability map that indicates high power transmission lines as data has not been made publicly available
 - Pat Coady (NVCT) adds that ones of the biggest issues in the larger discussion is obtaining data and having trust in it
 - Will be reaching out to staffer to ask where they obtained this information
 - Pat also wants to look into decommissioning issues and proposes having an outlet for localities
 - Joe Lerch (VACo) says that nothing prevents localities from reaching out to energy companies to directly ask and cites example of Rockingham recently obtaining info from Dominion Energy

Eldon welcomes attendees to share what they are hearing in their communities:

Luke Peters (TBG/GWRC/MPPDC)

- Shares that DEQ's lack of staff is a fairly large concern, concurring with Michelle's slide. Proposes weekly check-ins/reports
- References Caroline County's policy which limits land disturbance to only 100 acres at once while raising concern of water flow on these sites. Notes that there are no requirements for backup dry retention ponds
- Points to Caroline County's examples of reserving industrial zoning strictly for industrial use which implies all farms may be open to solar
- Says that citizens are more concerned with viewsheds and local character of land versus ecosystem services

- Raises question of what solar recycling will cost down the line
- Under impervious designations—notes that developers may opt to gravel entire site and make mitigation to account for it, rather than other options
 - Waiting for more studies to finalize regarding compacted land post solar usage
 - Inquires about how best to use brown fields in industrial land
 - Eldon notes that for localities like Caroline, similar to Augusta turned down project due to investment issues and competing interests—public infrastructure investment to support industrial lands
 - Michelle Edwards (RRRC) mentions that the Land Use Committee was informed that localities can choose to designate pervious or impervious classifications as they see fit/can set their own standards
- Eldon James (RRBC) references HB774 & SB499 (awaiting governor action) which commissions a task force in studying the life cycle of solar. The bills were introduced for exact issues Luke noted and the findings must be reported by May 2023
 - Luke wants specific rundown of wildlife corridors per specific regions
 - Currently, DWR has basic information, but would like statewide guidance
- Bryant Bays (VDof) asks if there is a percentage of restriction on agriculture or forest land or if it is open to developers
 - Southampton may be restricting solar designation acreage
 - Luke has seen general percentage limitation per county but not specifically for forest and notes that there are ordinances for buffers in leaving pre existing forest land

John Bateman (NNPDC)

- Notes that Westmoreland was first to get a project in the pipeline of the three basin localities that are in the thick of solar: Westmoreland, Richmond, and Lancaster counties
- conscious of buffers
- Richmond County is the most active of counties:
 - Views utility scale solar development as economic development
 - Is conscious of buffers and preserving visual settings
 - Has approved 1600 acres (148 megawatts of solar) with more pending
 - Is in a position where their boards are looking more so at down-the-road issues
 - They are approaching a critical mass and would like more insight from Dominion Energy on this
- Raises the issue that development firms have limited knowledge of local government processes, creating more problems
 - They'd like industry standards
- Further notes concern with localities who see solar as an unstoppable force
- Notes that developers are always looking for cheapest land and commends Michelle's suitability map
- From a regional statepoint John identifies the biggest concern as deforestation
 - With three main surrounding issues/questions: guardrails, planning, & endpoints
 - Along with difficulty of getting involved too deeply in local scope of power
- Floats idea of promoting smaller sites & residential solar
- Eldon James (RRBC) opens floor to **questions** before moving to other attendees:
 - Joe Lerch (VACo) says that Dominion has issue in that they are not ones developing all facilities

- Provides example of Charlotte County and how regardless of specific solar location, the transmission has to be approved
- Patrick Coady (NVCT) notes that a mechanism (within green infrastructure) was brought in to deal with solar and would like to know where these plans can be found
- John Bateman (NNPDC) notes that staff is on the front line and the planning district is helpless in all this. Expresses appreciation on behalf of localities in the commission's acknowledgment of this issue
- Luke Peters (TBG/GWRC/MPPDC) expresses need for state to commit to consistent definitions so that nothing unintentionally affects rural communities and to ensure that private landowners are getting fair shake when requirements are being met
 - Eldon references relevance of this to earlier point of guaranteed income

Eldon cites Inside Climate News article: [“Overwhelmed by Solar Projects, the Nation’s Largest Grid Operator Seeks a Two-Year Pause on Approvals”](#) —Encourages everyone to read.

David Nunally, Caroline County

- Explores the restriction based on transmission lines in proposing a green-energy-like plan to make things fit with these sites
 - Provides clarification by noting the ongoing effort to preserve natural corridors and seeks to identify if it meets some of the goals of green infrastructure planning. Proposes to then examine if these natural lands should be managed for that purpose versus a hands-off approach
 - Provides example wetlands and indications of run-off problems
 - Eldon inquires how this may be managed specifically
- Michael Zehner mentions a plan by Scott Baker, PJM (scott.baker@pjm.com) which offers an opportunity for collaboration between wildlife and solar initiatives
 - Suggests that if there is a locality that wants to develop best practices, this may be an avenue
 - Joe Lerch(VACo) notes that almost half of projects never make it to fruition, delaying otherwise viable projects
- Bryant Bays (VDOF) points to an initiative that looks at forest management within solar parcels

Eldon proposes discussion on the **stakeholders who should be involved in the conversation:**

- Patrick Mauney identifies an issue: players are not always consistent especially in developer realm
- Michelle Edwards (RRRC) wants to note the distinction between landowners vs. farmers in language. Also notes DOF weighing in.
- Joe Lerch (VACo) mentions agri-business
- Julie Bolthouse (PEC) notes environmental groups involved in both micro and macro level climate change initiatives

Eldon James asks for specific suggestions on what party should be invited to **attend the next meeting?**

- David Nunnally (Caroline County) mentions DEQ and discusses how a significant amount of the conversation revolves around post-construction, when many issues are very much a construction problem
 - Gives example of examining how to deal with runoff during construction versus erosion later
- David Evans (DEQ) can help set up an attendee from DEQ
- Luke Peters (TBG/GWRC/MPPDC) proposes the committee ask Dominion to come
- Michael Zehner (TBG/GWRC/MPPDC) says it would be helpful to look for someone with experience outside state-another state that had similar issue (totally disinterested party)
- Harrison Premen (Culpeper County) wants to look at the residential level more and how to change the paradigm of needing huge scale projects (e.g. how the environment of solar approval works and how you could sell it back to the grid on a small level.
 - David Evans (DEQ) notes that it's actually not difficult to put energy back on grid and while they currently have issues hearing back from Dominion, there are new credit programs
 - Local government could help market local solar projects to their constituents
- Patrick Coady (NVCT) suggests figures on the national level as potential speakers as they likely have more research to present
- Michelle Edwards (RRRC) would like to hear more from DOF and the state to learn about status on forest loss, the Bay program, etc—wants to know their predictions and what State staff are discussing in general
- Julie Bolthouse (PEC) recommends American Farmland Trust for a larger perspective

Eldon James (RRBC) proposes to invite in an agri-business figure at the next meeting and then will move down the list in the future (conservation efforts, DEQ perspectives, etc).

- Eldon suggests that the group talk about landowner impacts but wants to know general local revenue impacts in surrounding communities
 - Tom Blackwell (Essex County) discusses Essex's facility and notes that per state code, they are unable to tax it
 - Luke Peters (TBG/GWRC/MPPDC) mentions a tool for taxing: SolTax (<https://energytransition.coopercenter.org/soltax-tool>)
 - Tom points to the facility's big impact on the community, as there was a large storm which produced immense runoff into the river. It was a lesson on how not to handle these cases.
 - Also mentions the three fires at the facility and discusses the jeopardy adjacent landowner are placed in
 - Michael Zehner (TBG/GWRC/MPPDC) mentions that NFPA has info on system fire suppression integration
 - Joe Lerch (VACo) discusses battery systems in regards to fire hazards and suggests that Dominion would rather facilities burn through, than to have first responders on site. However, he notes that Dominion does want greater distance between components to prevent chain fires
 - Would like to know more about the off-gas impact from these fires
 - Luke Peters (TBG/GWRC/MPPDC) concurs that there is much discussion surrounding gas emitted from burning batteries
 - Bryant Bays (VDOF) mentions electrical shorts and the inability to address these as they build up until company leaves facility

- Tom Blackwell (Essex County) notes that while the inability to tax the facility is an issue, his biggest concern is the wellbeing of the Rappahanock

Going forward, Eldon James (RRBC) wants to work with Joe Lerch (VACo) to better articulate local revenue options and will ask Tommy Blackwell to assist

Upcoming 2022 Meeting Schedule:

Ø Technical Committee Meeting Schedule (Virtual Meetings begin at 9 a.m.):

- **April 20**
- May 18
- June 15
- July 20
- August 17
- September 14
- October 19
- November 16

Ø Commission Meeting Schedule (In-person meetings begin at 1 p.m.):

- June 22 – Lancaster County
- September 21 – Fauquier County
- December 7 – Meadow Event Park, Caroline County