

Caroline County Planning Commission



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CAROLINE COUNTY LAND USE SOLAR WORK GROUP

The Caroline County Land Use Solar Work Group held its scheduled meeting on Wednesday, August 9, 2017 at 10 a.m. in Room 112 of the Health and Public Services Building, 403 South 7th Street, Denton, Maryland.

Present were: Cyrus Tashakkori and David Savage, Open Road Renewables; Todd Chason, Attorney, Susan Gray and Helen Stewart, Power Plant Research Program; Keith Neal, Caroline County Planning Commission; Katie Parks, Eastern Shore Land Conservancy, Alan Visintainer, ; Jim Lewis, Soil Conservation; Bob Behlke, Choptank Electric. Also present were Katheleen Freeman, Director; and Melanie Smith, Administrative Assistant to the Boards.

Agenda

- Helen Stewart, DNR Power Plant Research Program: Overview of State process and regulations of Commercial Solar Facilities
- Review & Discussion of proposed code changes
- Identification of any additional information needed prior to August 30th meeting

OVERVIEW OF STATE PROCESS AND REGULATIONS OF COMMERCIAL SOLAR FACILITIES

Ms. Gray introduced the Maryland Certificate of Public Convenience and Necessity (CPCN) Process. The purpose of the presentation is to:

- Providing facts on how Maryland gets its electricity.
- How utility restructuring shaped how power plants are sited and permitted today in Maryland.
- Basic principles of how power plants are permitted in Maryland – the CPCN process

Maryland consumes more electricity than they generate. Therefore, more than half of the electricity used in Maryland is imported from Penn-Jersey-Maryland Interconnection (PJM). PJM is an independent and federally regulated regional transmission Organization

(RTO) that coordinate the movement of wholesale electricity in 14 states including Maryland. They balance supply & demand and plan for new transmission lines and upgrades. They do not direct construction of new generation. In Maryland, merchant generators (like Open Road Renewables) build and operate generation. Electric Utilities (like Choptank Electric) build and maintain transmission & distribution lines. What must an electric generator developer do to connect to the grid?

The rule of thumb for acreage needed for a site is five acres per megawatt. If the project is over 2 megawatts, a generator must first submit an interconnection request. Their submission will trigger studies to determine any upgrades that would be required to meet reliability criteria. It takes up to two years to complete the process. The solar developer may need to pay for necessary upgrades before being approved. This could take an additional 1-3 years and prove to be expensive.

The Public Service Commission is responsible for approval of electric generating plants and transmission lines and accomplish this through a process called the Certificate of Public Convenience and Necessity (CPCN). Concerns over the ability of the State to provide environmental and social impact reviews resulted in the "Power Plant Siting Act of 1971".

Ms. Gray and Ms. Stewart are members of the Department of Natural Resources (DNR) – Power Plant Research Program (PPRP). The PPRP conducts a comprehensive assessment of each application and coordinates a consolidated State review process. When complete their Environmental Review Document (ERD) will be joined with a 7 Secretary letter of recommended licensing conditions. Review is made on projects over 2 megawatts by the following State Departments:

- Department of Agriculture
- Office of Planning
- Maryland Energy Administration
- Department of Business and Economic Development
- Department of Transportation
- Department of the Environment
- Department of National Resources

Ms. Gray urged that County recommendations are important and encouraged in the decision-making process. The County may also make their own conditions of approval. Then she explains what a Generator must do to construct and operate a power plant in Maryland.

They first will need to have an Interconnections Agreement with the PJM. Then they will follow the CPCN process with the Public Service Commission, and finally apply for all required County, State and Federal Permits. This process is explained online at http://dnr.maryland.gov/pprp/Documents/CEIR_Presentation_October_2016.pdf. Who makes the decision whether or not an application is approved?

Using an adjudicatory process, a "Utility Law" Judge will decide approval/denial and conditions by looking at the evidence provided him from the following five parties:

- Power Plant Research Program (PPRP)
- Office of Peoples Counsel (OPC)
- Public Safety Commission
- Other Intervenors (Government Officials, Public, Environmental Groups)
- Applicant

The applicant is urged to be well prepared by contacting the County, PPRP & other State Agencies and interested parties (such as neighbors) to identify pertinent issues early in the process. Once the decision is made it will become final in 30 days unless appealed.

REVIEW & DISCUSSION OF PROPOSED CODE CHANGES

Ms. Freeman explained that she used the existing ordinance and modified it according to the workshops concerns. Mr. Neal is concerned that the sequence of the Ordinance should be clear. Ms. Gray reminded them that the County Comprehensive Plan must also be updated, to not cause any conflict.

In the DEFINITION portion of the ordinance, Mr. Visintainer suggested the Accessory and Commercial definitions are alike and redundant.

Under exceptions to the SITING PROCESS the members debated how to control the area used on future projects. Ms. Freeman stated there are approximately 100 acres already being used for solar generation in Caroline County. A percentage cap on either agricultural land or R-Rural zoned land was discussed but not agreed upon.

Mr. Lewis suggested that using the States guidelines the Town Officials should become "intervenors" to the process on properties identified as "Greenbelts" or "Growth areas".

Ms. Gray remarked that under "setbacks" in the DESIGN STANDARDS section the requirements need to be flexible and ultimately decided upon on a case by case basis. Setback and buffer requirements go hand in hand, she explained, where one project may need more of a setback and another more of a buffer. She added that the State generally follows the County's lead on screening. Mr. Neal did not want the wording to be too open ended to allow arguments. Mr. Chason suggested language like reasonable and practical be used.

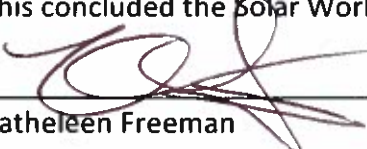
Mr. Tashakkori was concerned that the State and County requirements would conflict with one another. For instance, it would be difficult to efficiently appropriate a

decommissioning bond in the preliminary stages of the request, because all the requirements and final project approval is not received until the pre-construction stage. Chason provided some insight as to why numbers 4, 16-18 under Site and Development should be required at the final stage of the process as opposed to the preliminary stage.

Mr. Tashakkori also suggested that pulling up the lines that are buried 36 inches below the ground is more obtrusive at decommissioning than allowing them to remain. A farmer's and utility company's equipment would not dig that deep into the ground, however, the wires are harmless should they be cut. But to require the area be excavated to pull up the wires at decommissioning would cause a major and unnecessary disturbance. Mr. Lewis and others agreed to remove such a requirement.

Mr. Chason added that while it is reasonable to require the Interconnection Agreement application be included in the BZA package the signed copy should not be required until later in the process. Everyone agreed.

This concluded the Solar Work Group Session.



Kathleen Freeman
Director, Planning & Codes



Prepared by: Melanie L. Smith