



Chesapeake Bay Program
Watershed Technical Workgroup (WTWG)
Meeting Minutes
Thursday, May 5, 2022
10:00 AM to 12:00 PM
Calendar Page: [Link](#)

Summary of Actions and Decisions

Decision: WTWG approved March meeting minutes.

Decision: WTWG approved the proposed changes to the BMP Summary Report:

- Create a separate category for Narrow Forest Buffers and Narrow Grass Buffers
- Split out Land Retirement into Land Retirement to Open Space and Land Retirement to Pasture
- Create two separate categories for Barnyard Runoff Control and Loafing Lot Management

Agenda

10:00 AM – Introductions and Announcements – Vanessa Van Note, EPA

- Approval of March Meeting Minutes. April meeting minutes will be sent out soon – Vanessa Van Note, EPA
 - **Decision:** WTWG approved March meeting minutes.
- 2021 Progress Finalization and the Reducing Pollution Indicator – Vanessa Van Note, EPA
- Other announcements
 - Conowingo WIP Steering Committee is submitting a modeling request and will be seeking approval from WTWG. Vanessa will send out the materials to the group post-meeting. Clarification will be sought from WQGIT leadership on how this will move forward.
 - PA: Penn State Survey is on a different timeline which may result in some changes for the December 1st deadline for QAPP.

10:15 AM – BMP Summary Report Suggestions – Vanessa Van Note, EPA

Vanessa will ask for approval for the BMP summary report suggestions proposed during the March and April Meetings:

- Create a separate category for Narrow Forest Buffers and Narrow Grass Buffers
- Split out Land Retirement into Land Retirement to Open Space and Land Retirement to Pasture
- Create two separate categories for Barnyard Runoff Control and Loafing Lot Management

Decision Requested: Approve proposed changes to the BMP Summary Report in CAST.

No objections from WTWG to approve the changes to the BMP summary report in CAST.

Decision: WTWG approved the proposed changes to the BMP Summary Report:

- Create a separate category for Narrow Forest Buffers and Narrow Grass Buffers

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- Split out Land Retirement into Land Retirement to Open Space and Land Retirement to Pasture
- Create two separate categories for Barnyard Runoff Control and Loafing Lot Management

10:30 AM – Construction Acres (with focus on Solar Field Reporting) - Vanessa Van Note, EPA

Solar fields are becoming more prevalent in the Bay watershed. The Bay Program would like to properly represent the conversion of forest or farmland to solar fields in the land use data informing Phase 7. For this reason, the LUWG would like to fully understand how jurisdictions are currently collecting and reporting solar field management and BMP data to the Bay Program.

- Broader question: What types of projects are included in reported construction? Is agricultural construction, like a poultry house, included in construction reported to the Bay Program?
- What time period is used for reporting construction? (Ex. Rolling three-year average, amount of NOI permits for that year)
 - How is interannual variation managed in the reporting?
- Are jurisdictions reporting the construction of new solar fields as part of their annual “construction” acres and how (e.g., annual NOI permit acres, rolling average, etc.)?
- Are jurisdictions reporting stormwater management plans or stormwater BMPs more generally for solar fields?

Discussion

Olivia Devereux: the goal here is for consistency amongst the jurisdictions. We want to be clearer with our land use definitions.

Bill Keeling: in VA it is any land disturbing activity of an acre or more require a stormwater construction general permit coverage. In the CB preservation localities that threshold is much lower. So, it’s any disturbance where you have that much land been disturbed. In the case of a poultry house, we would get a permit that describes the total property size and the estimated disturbed area. The estimated disturbed areas is what we pull from for annual reporting. I think it’s by hydrologic unit is how we’ve been doing the HUC-12. It coincides with the water year.

Peter Claggett: timber harvest is separate from that?

Bill Keeling: there are ag exceptions that fall under the Department of Forestry regulations. So, forest harvesting gets the forest harvesting BMP.

Peter Claggett: what about solar fields, are those exempted as well?

Bill Keeling: the data I get in the stormwater construction data base does not identify a solar project vs an ag project vs something done at the heart of the city.

Vanessa Van Note: PA also requires permits for 1- acre of disturbance.

Ted Tesler: it’s handled similarly to construction and those acres are planned and implemented. Those permits are part of our annual data pull. It’s an annual snapshot. the AG ENS control would be within field tillage, but the actual building would be more on the construction line.

Olivia Devereux: so, if I was building a new barn, it would be reported as construction? And it’s just the square feet or acres of the barn, it wouldn’t be the whole associated land plot.

Ted Tesler: yest that is correct.

Mark Dubin: it’s over an acre or more, right? It wouldn’t show up in the reporting.

Ted Tesler: it depends. IF you are doing concrete aprons etc. it could end up being over an acre.

Olivia Devereux: I don’t see a barn being over an acre, but Mark is the ag technical expert.

Mark Dubin: typically, if it was below an acre, it was exempt.

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Peter Claggett: if you could also address whether solar is included explicitly or exempted from reporting for construction acres.

Ted Tesler: Depending on the installation (provided a link below) and the amount of disturbance, but if you are over an acre, you get into a permit.

Mark Dubin: if you are putting in small solar array for residential use wouldn't be reported.

Ted Tesler: probably not, but any commercial scaled solar probably would be permitted.

Olivia Devereux: what happens with notice of intent, but the developer doesn't build?

Ted Tesler: we transitioned from NOI to NOT because we were experiencing a disconnect to thing not actually getting done.

Olivia Devereux: is that the same for VA?

Bill Keeling: everything that goes into the stormwater system is supposed to be reported as constructed- part of the NOT.

Lisa Beatty: Ted put in the chat a link for us about the construction on stormwater, solar panel farms etc.

Olivia Devereux: this isn't an EPA thing; this is so we can move collaboratively towards consistency for Phase 7.

Vanessa Van Note: Ted, do you receive the data all together.

Ted Tesler: we should be able to distinguish based on the data we have. It would be a special effort to call out solar fields explicitly.

Bill Keeling: I don't know the stormwater system well enough. They may have information to identify solar projects, but I will let you know.

Jordan Baker: IS there are reason that we are reporting it as construction and not land retirement to solar fields? IS there a benefit to reporting to construction?

Olivia Devereux: we always report construction in Phase 6, we do not have a BMP called land retirement to solar fields. I am just trying to figure out what is currently happening.

Norm Goulet: the problem with that is that these solar fields are not considered permanent because they have a certain life expectancy, and the expectation is that they will go back to Ag.

Peter Claggett: the other thing is that we will be tracking the conversion of Ag to solar fields in the land use. What we've seen so far is that in MD and PA it's mostly ag being converted to solar and in VA it's mostly forest.

Ruth Cassilly: what are you doing with solar fields that are being used also for ag – grazing etc.- are they still considered solar impervious?

Peter Claggett: yes, because we don't have any information on whether they are actually being used for grazing. Mark Dubin has proposal to do some sampling of solar fields to understand this. As I understand it, the way the impervious is managed varies greatly and the CBP doesn't have any data on it.

Mark Dubin: in the work that I did on the pilot, there was very little of ag lease within these facilities. Not saying there aren't some other examples, but they were small. In that work, I found a number of the solar fields were on municipal properties. That is another consideration.

Vanessa Van Note: Olivia is the correct land use for solar impervious building other?

Peter Claggett: currently the panel arrays we inconsistently map them as impervious. Depending on the STAC workshop findings, we will map them as either impervious or panel arrays. Currently, the panel arrays will track to impervious non roads and the pervious grass portions will crosswalk to the mixed open land use.

Vanessa Van Note: now on to MD.

Elizabeth Hoffman: if they put pollinator habitats around solar panels, how can that be credited? The one question about construction and poultry houses. We think that it might all have been captured, there may be a gap.

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Sarah Lane: since calibrations for 2014 forward, the CBP has been calculating that for us. The assumption was that it would include the solar fields. If our initial calibration was a little off, then that 1.29 ratio could be off. We need to look back at what was done during that calibration period.

Mark Dubin: When I was looking at solar fields and facilities in MD, they broke into some categories. On the AG side, in the larger fields, they were under contract. That land was leased to the solar company and managed by that company. We did find smaller solar arrays were owned by the operator but were not fenced off. There was no additional management except maintaining grass area.

Vanessa Van Note: did you see any barren land?

Mark Dubin: most of the time it was mowed grass. There was at least one large operation where they stripped the topsoil and put in gravel.

11:15 AM – Reviewing Scope and Purpose and the WTWG [orientation guide](#) – Vanessa Van Note, EPA

Vanessa Van Note will review the Scope and Purpose of the WTWG and lead a discussion on whether any changes need to be made. They will also ask for feedback on how to best ensure productive and efficient meetings for the WTWG. In addition, they will briefly discuss the role of the WTWG in Phase 7 development.

Notes from this section are captured in Mentimeter.

12:00 PM – Meeting Adjourn

Webex Chat Summary:

from thtesler to everyone: 10:18 AM

No objections to splitting summary report BMPs

from Elizabeth Hoffman, MDA to everyone: 10:18 AM

No objections in MD

from Jennifer Walls to everyone: 10:18 AM

No objections

from thtesler to everyone: 10:26 AM

PA is the same as VA, 1 acre of disturbance. Info on PA Solar Array Permitting can be found here:

https://files.dep.state.pa.us/Water/BPNPSM/StormwaterManagement/ConstructionStormwater/Solar_Panel_Farms_FAQ.pdf

from Sarah Lane UMCES@DNR she/her to everyone: 10:27 AM

Solar in MD has construction E&S for entire parcel (see last paragraph); stormwater controls on poles and 'splash area':

<https://mde.maryland.gov/programs/Water/StormwaterManagementProgram/Documents/Technical%20Memo%20random%20No.%208%20-%20Solar%20Panels.pdf>

from Jennifer Walls to everyone: 10:31 AM

We (Delaware) will need to explore this with our technical staff and get back to you.

from John Maleri to everyone: 10:32 AM

The district reports for all construction that disturbs over 5,000 sq feet. We typically report acreage on a 5-year rolling average that is reviewed annually. Solar fields would be captured in the construction reporting if they meet that square footage threshold.

from Sarah Lane UMCES@DNR she/her to everyone: 10:40 AM

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<https://www.marylandmatters.org/2022/05/05/sheep-and-solar-panels-using-solar-sites-for-pastureland/>

from Elizabeth Hoffman, MDA to everyone: 10:40 AM

In MD, on the construction side of poultry houses, barns, etc., all permitting, and E&S guidelines are adhered to. In speaking to Greg, those may not all currently be captured in reported construction acres. On the solar side, we are starting to collect data on that land conversion from cropland.

from rcassilly to everyone: 10:41 AM

thanks Sarah

from VVANNOTE to everyone: 10:45 AM

Thank you for looking into it, Jennifer!

from Jessica Rodriguez - DoD Chesapeake Bay Program to everyone: 10:52 AM

The DoD does have some solar fields on its installations, but we do not report construction on federal lands because it is my understanding that all construction acres are assigned to non-federal. If the solar fields are of a certain size that would trigger coverage under the state Construction General Permit, we would provide whatever information needed for that permit.

from pclagget to everyone: 11:04 AM

Dr. Lauren McPhillips of Penn State is organization the STAC workshop.

from Olivia Devereux to everyone: 11:05 AM

There are two BMPs that Peter is asking about: Impervious disconnection to amended soils: Disconnecting existing impervious area runoff from stormwater drainage systems such as directing rooftops and/or on-lot impervious surfaces to pervious areas with amended soils. Report disconnect to un-amended soils as Urban Filter Strip. The second one is impervious surface reduction: Reducing impervious surfaces to promote infiltration and percolation of runoff storm water.

Next Meeting: June 2, 2022 from 10:00 to 12:00 PM

Call Participants

Hilary Swartwood, CRC

Alana Hartman, WV DEP

Olivia Devereux, Devereux Consulting

Emily Dekar, USC

Jessica Rodriguez, DoD

Dave Montali, Tetra Tech (WV)

Lori Brown, DNREC

Norm Goulet, NRVA

Ted Tesler, PA DEP

Ruth Cassilly, UMD

Lisa Beatty, PA DEP

John Maleri, DOEE

Jeff Sweeney, EPA

Eugenia Hart, Tetra Tech (DE)

Arianna Johns, VA DEQ

Vanessa Van Note, EPA

Peter Claggett, USGS

Sarah Lane, MDNR

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Elizabeth Hoffman, MDA

Karl Blakenship, Bay Journal

Jennifer Walls, DNREC

Katie Walker, Chesapeake Conservancy

Jordan Baker, HRG

Bill Keeling, VA DEQ

Leon Tillman, NRCS

Tom Butler, EPA

Clare Sevcik, DNREC

Mark Dubin, UMD

Karl Berger, MWCOG