



Carroll County Environmental Advisory Council

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Josh Hatkin, Chair
Sandra Zebal, Vice Chair

Brenda Dinne, Staff Liaison
Department of Land Use,
Planning and Development

Meeting Summary for August 21, 2013

Members

Josh Hatkin, Chair
Sandy Zebal, Vice Chair
Karen Leatherwood
Kim Petry
Chris Spaur
George Schooley (new member)

County Government

Brenda Dinne, Special Projects Coordinator
Rose Mann, Recording Secretary
Tom Devilbiss, Deputy Director, Dept. of Land
Use, Planning & Development

Other Attendees

None

CALL TO ORDER –

Mr. Josh Hatkin, Chair, officially called the August 21, 2013, meeting to order at 3:01 p.m. in the Reagan Room (003) of the County Office Building.

INTRODUCTION OF NEW MEMBER –

New member, George Schooley, introduced himself. The other members introduced themselves to Mr. Schooley and shared their areas of expertise.

Kim Petry requested the 2014 Environmental Awareness Awards be added to the agenda. It will be discussed under "Other."

APPROVAL OF MINUTES – Motion 181-13: Motion was made by Karen Leatherwood and seconded by Kim Petry to approve the May 15, 2013, meeting minutes. Motion carried.

CHAIR & COMMITTEE REPORTS –

- a. SOLAR ENERGY SUBCOMMITTEE: See Agenda item #6.
- b. STORMWATER FEE ADVISORY GROUP: Mr. Devilbiss briefed the group on the status of the stormwater fee. He stated that the Stormwater Fee Advisory Group (SWFAG) Report was forwarded to the Board of County Commissioners (BCC) several weeks before the July 1 deadline prescribed in the law. A fund was to be created and a fee adopted to help pay for stormwater remediation projects to stay in compliance with federal permits. He provided background information to the EAC members on the purpose and requirements associated

with a stormwater fee. He described the SWFAG's charge, which was to evaluate options for a fee structure, not to identify the actual amount of the fee itself. He indicated that the Commissioners subsequently adopted a set of four resolutions to 1) establish a fund; 2) allocate existing resources: capitol, operating, and grant funds; 3) allocate future funds for projects; and 4) to indicate that the Board is funding work to be done under the existing permits, with existing funds and future allocations.

Ms. Petry asked if the State had responded to the resolutions. Mr. Devilbiss indicated that they had not, other than a request that went to all jurisdictions to provide copies to the State of any action taken or documents adopted. He clarified, however, that the State has no approval authority on the fee or the fund itself, only on the method used to reduce fees if certain practices have been put in place on a property. Mr. Hatkin asked if the money in these funds would cover the projects for the coming years. Mr. Devilbiss said the capitol budget will cover projects that are planned for the next six years and would address the requirements for the term of the anticipated new permit. Ms. Zebal asked if the County was planning to support or assist the municipalities. Mr. Devilbiss clarified that, at this time, the municipalities do not have mitigation requirements and are not required to create a fund or a fee under their present permit. It is anticipated those requirements will be in their new permit. There is no funding at the County level for the municipalities at this time. He indicated that there have been some individual discussions between municipalities and Board members, but a unified position has not yet been expressed.

TREE COMMISSION –

Nothing to report.

A report from the Solid Waste Work Group was added to the agenda.

- c. **SOLID WASTE WORK GROUP** – Ms. Leatherwood announced that the Solid Waste Work Group would be giving a presentation to the BCC on August 29 at 1:30. It would address what staff (DPW) is doing to implement the recommendations in the Work Group report. She will report back to the EAC on how the presentation goes and the implementation plan. Ms. Zebal inquired about the possibility of making the landfill private, which she read about in the newspaper. Ms. Leatherwood indicated that staff (DPW) put out a request for a concept on making the landfill private. It is very conceptual at this point. She had not seen the report.

STAFF LIASION REPORT –

- a. *New Members*: Ms. Dinne welcomed Mr. Schooley. She said that two additional invitations to serve on the EAC were sent out, but a response had not yet been received. If these two positions are filled, there would still be one vacancy remaining. Once the open positions are filled, Ms. Dinne will give an update on the status of various state environmental initiatives.

OLD BUSINESS –

- a. **DISCUSSION OF SOLAR ENERGY SUBCOMMITTEE RECOMMENDATIONS** – Mr. Voight handed out copies of the Subcommittee's draft recommendations and the changes that staff are

proposing to the Zoning Code to implement those recommendations. He thanked the Subcommittee members for their time and work. The Subcommittee met three times. At the first meeting, the Subcommittee discussed what is currently being done. What should be changed or added to the current code and definitions was discussed at the second meeting. The Subcommittee discussed recommended changes at the third meeting.

Mr. Voight described the different types of solar uses and where and how they might be used, including solar as an accessory use for residential or agricultural uses, as well as commercial systems that might sell their power back to the grid. He reviewed applicable definitions discussed by the Subcommittee. He indicated that BGE allows accessory users to zero out their electric bills through their own solar power, but doesn't allow live feed back into the system.

Mr. Voight reviewed some of the proposed code changes to implement the recommendations, including where solar facilities would be a conditional use and where it would require a site plan. Ms. Leatherwood expressed concern that the conditional use requirement might put a lot of extra burden on the Board of Zoning Appeals (BZA). Mr. Voight pointed out that these facilities are expensive to install, particularly at a commercial scale. He indicated that solar facilities would be principal permitted uses in the General Industrial and Restricted Industrial zoning districts if just installed on the roof of a building. If the solar facility was on the ground, it would need to be approved by the BZA first.

Mr. Voight went over the next steps. He said if the EAC endorses the recommendations, a report will be provided to the Commissioners with the Subcommittee's recommendations, along with code changes proposed by staff to implement those recommendations.

ENDORSEMENT OF CODE CHANGES TO IMPLEMENT SOLAR ENERGY SUBCOMMITTEE RECOMMENDATIONS – Motion 182-13: Motion was made by Kim Petry and seconded by Chris Spaur for the EAC to endorse the code changes proposed to implement the Subcommittee recommendations. Motion carried.

NEW BUSINESS –

- a. INTRODUCTION TO ACCOUNTING FOR GROWTH (AfG) – Ms. Dinne provided an overview of the recommendations made by the Maryland Accounting for Growth (AfG) Work Group, formed by the Maryland Department of the Environment (MDE) to make recommendations to MDE regarding a growth offsets policy and regulation. Ms. Dinne started by defining growth offsets and their purpose. She indicated a “growth offset” is the corresponding activity taken to reduce nitrogen, phosphorus, or sediment to when new development occurs. The Bay Total Maximum Daily Load (TMDL) indicates that no new pollutants can be added. Therefore, Maryland included in its Phase II Watershed Implementation Plan (“WIP”) a strategy to offset any new loads from development and to reduce existing loads. A growth offset regulation is also required for Tier III areas under Senate Bill 236 (2012). The State is currently developing the policy and regulation to require growth offsets.

Ms. Dinne described the basic activities that would trigger these requirements on a project and where they would apply. She mentioned the provision for a fee-in-lieu program. She also briefly discussed the trading and credits components of the Work Group's recommendations. She concluded with the timeline for implementing the regulation. She indicated that the Work Group report was to be submitted to MDE in August. The regulation was to be developed by MDE in August and September. MDE anticipated promulgating the regulation by the end of this calendar year, with an effective date at the end of 2014.

OTHER –

- a. 2014 ENVIRONMENTAL AWARENESS AWARDS – Ms. Petry indicated that the EAC hosts the Environmental Awareness Awards biannually. Awards are due to be presented in 2014; therefore, the process will need to get under way soon. Ms. Petry wanted to pass the torch on to someone else. Ms. Zebal volunteered to take the lead on the awards process. Ms. Leatherwood offered to contact Schott's Nursery, which donated trees in the last awards cycle, to see if they would be interested in donating the trees again. Ms. Dinne indicated that she thought Bartlett may have donated the services of transporting the trees to the community college for planting. County staff did the actual planting of the trees. Ms. Leatherwood said she would contact Mr. Rhoten as well. Ms. Petry will send Ms. Zebal the files.

PUBLIC COMMENTS –

- a. OPEN BURNING – As a member of the public, Ms. Zebal raised the issue of open burning in residential neighborhoods. She checked on what the requirements/restrictions were regarding open burning. She concluded that there weren't many other than those related to weather and located within or outside of a municipality. She thought the codes/ordinances related to this issue may need to be reviewed. She was concerned that the smoke drifting into nearby houses was somewhat unneighborly. Ms. Petry mentioned that there is a burning ban in Carroll County right now, but there is no mechanism for enforcement. Ms. Dinne suggested that, before the EAC decides whether or not to take a certain course of action, she could arrange for someone from the Carroll County Health Department to come speak to the EAC about the related requirements so everyone understands the circumstances first.

ADJOURNMENT – Motion 183-13: Motion was made by Kim Petry and seconded by Karen Leatherwood to adjourn the August 21 meeting. Motion carried. Meeting adjourned at 4:29.

The meeting adjourned at 4:29 pm. The next regular monthly meeting is scheduled for Wednesday, October 16, 2013, at 6:30 p.m. in Reagan Room (003) of the County Office Building.