

This is a comment on HB 118 on the VCEA. (Gough)

I urge the legislature to modify VCEA so that DEQ and others can audit the review and oversight process for large-scale solar and assess environmental damage from projects already completed or in train, and not to continue blindly down the path of widespread industrial-scale solar.

Several projects began construction even before DEQ reviewed and approved the submissions, contrary to law, with no subsequent penalty. Moreover, responsibility for assessing a project's impact on the environment, wildlife, archaeological sites, and watersheds rests solely with developers, per VCEA's terms, with DEQ providing zero oversight to ensure that developers' submissions are accurate and include meaningful mitigation to environmental problems. Indeed, DEQ approval letters never require developers to actually do anything but merely "urge" them to mitigate potential damage and protect wildlife. Where are the checks in the system to ensure that the process is respected and followed? And why does DEQ not have the authority to compel compliance from developers in advance?

A very concerning aspect of large-scale solar is its destruction of topsoil, as documented by the American Planning Association, that will prevent land used for solar from being restored to full agricultural or forestry uses after panels are removed, despite solar developers' claims to the contrary. Solar panels are impermeable surfaces and have created massive runoff problems in every single large-scale project so far, silting up streams and lakes, and flooding (and damaging) neighboring properties, including in Louisa, Mecklenburg, Spotsylvania, and Essex Counties. Much runoff flows directly into the Chesapeake Bay watershed, undermining efforts to protect the bay. Heavy solar development is planned for southside and southwest Virginia, where the resulting runoff will damage the Nottoway, New, Banister, and Roanoke River basins. Yet few developers have been penalized in any meaningful way for their abject failures thus far. Where is the environmental oversight for watershed protection?

Developers must file written plans and post security to defray future decommissioning costs yet are allowed to deduct what they claim are the monetary gains of salvaging or recycling the equipment, often resulting in zero money being posted. Yet recycling of these panels is very labor-intensive, with little demonstrated salvage value, making it unlikely to happen. Who will pay to remove literally millions of panels if developers are allowed to minimize and even eliminate their own financial commitments and cash-poor counties lack the financial resources to cover the costs?

Written decommissioning plans also claim that used panels will be returned to their manufacturers, over 90% of whom are in China, but if those companies no longer exist in 30 years or refuse to accept the panels, where will they end up? Answer: in Virginia landfills, many of which adjoin historically black towns and communities, including at least one Rosenwald school. Where is the environmental justice for them?

Enough projects have been completed to allow us to halt further development and audit every single project to revalidate the process, tighten compliance and enforcement, and provide the oversight needed to protect Virginia's precious natural resources. True environmental responsibility demands nothing less of Virginia's General Assembly and State Senate.