



For Immediate Release

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**PRESS STATEMENT: MARYLAND DEPARTMENT OF THE ENVIRONMENT AND EXELON'S
PROPOSED CONOWINGO SETTLEMENT**

(Takoma Park, MD) – Waterkeepers Chesapeake Executive Director Betsy Nicholas and Lower Susquehanna Riverkeeper Ted Evgeniadis released the following statements in response to the Maryland Department of the Environment (MDE) and Exelon's [proposed joint settlement](#) to allow the new 50-year license for the Conowingo hydroelectric dam.

Statement from Betsy Nicholas:

We appreciate MDE's efforts to seek resolution of the numerous water quality issues associated with Exelon's operations of Conowingo Dam. However, we have many concerns about the proposed settlement and need more details and assurances that the settlement will, in fact, result in water quality improvements. There is a stated intent for Exelon to make payments to Maryland for the purposes of achieving activities such as mussel habitat restoration and working to address upstream pollution sources. Yet these are merely statements of intent, and they are not binding. In fact, nearly every provision of this proposed settlement is subject to modification by the parties – MDE and Exelon. There are no assurances that the agreement will actually result in improvements to mitigate the impacts of the dam on Maryland's water quality.

We believe the settlement has insufficient funds to deal with the risks to the Susquehanna River and Chesapeake Bay from the extreme weather events scouring large amounts of sediment and nutrients trapped behind Conowingo Dam. In addition, the settlement gives the public no enforcement power to make sure the funds are spent on initiatives in the settlement. It leaves oversight entirely to the State of Maryland -- no other parties with standing would be able to hold MDE and Exelon accountable.

It's unfortunate that deeply involved parties, like Waterkeepers Chesapeake and Lower Susquehanna Riverkeeper, were not allowed to participate in the negotiations leading to this resolution and continue to be left on the sidelines by the failure to incorporate the substantive provisions of the settlement into the federal license agreement that would undergo public input and scrutiny. Further, since Waterkeepers Chesapeake and Lower Susquehanna Riverkeeper are not parties to the agreement, the settlement does not resolve our administrative appeal of the water quality certification, a matter that has been before MDE for more than 18 months with no response.

In addition, this proposed settlement contains a troubling arrangement that all payments made by Exelon to MDE over the 50-year license period will go to the State's Clean Water Fund, which is not a "lock box" fund and can be reallocated by the governor or legislature. This is a terrible precedent for clean water protection, because the Susquehanna River is a public resource and should not be sold off to a private company for exclusive use without ensuring that the impacts to the public have been mitigated.

Statement from Ted Evgeniadis:

While MDE and Exelon have exchanged vows behind closed doors, the issue of sediment and nutrient scour remains an imminent threat to the Lower Susquehanna River and Chesapeake Bay and has been ignored once again. Exelon claims that they will disburse more than \$700 million for water quality and fish passage improvements over the course of its new 50-year license term. The amount Exelon will contribute so MDE (not Exelon) can study dredging scenarios is less than 1 percent of that \$700 million.

A river's function is to transport sediment, that's simple science. When there is a 98-foot-tall structure that traps sediment from distributing at a normal rate downstream, the next large storm will deliver those deposits of nutrient-laden sediment at exacerbated rates downstream, causing algal blooms and habitat loss. The studies done thus far by Exelon's third parties are inconclusive to determine true costs and realistic revenue streams from beneficial reuse for the state of Maryland. More funding should be applied by Exelon, and research must be completed now so we can determine potential beneficial reuse of those sediments.

The settlement does not include stipulated timelines for completion of "non-license" issue projects that will be controlled entirely by MDE. It's disheartening that those conditions, like the mussel hatchery and eel passage research projects are not being placed within the license agreement but are rather falling on MDE's shoulders to implement solely on their own with limited staff. In addition, it is unwise to commingle these settlement monies into the Clean Water Fund, which is budgeted for many different programs for the state of Maryland. In 2017's fiscal year, salaries and wages accounted for roughly 78 percent of the Clean Water Fund's budget. It would be prudent for the state to create discrete "lock box" funds for the separate activities and projects which are related to this settlement agreement.

And what about Pennsylvania or New York? There is no mention of appropriation of funding for upstream water quality improvements as was a suggested solution by Exelon and MDE to combat sediment and nutrient load to the dam's reservoir. Significant improvements must be made upstream and those communities need support now in part of this settlement. At face value, the settlement carries certain strengths that we applaud, but there are deficiencies that must be addressed in order to protect water quality in the Lower Susquehanna and Chesapeake Bay for the next 50 years.

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Waterkeepers Chesapeake is a coalition of eighteen independent Waterkeeper programs working to make the waters of the Chesapeake and Coastal Bay regions swimmable and fishable.

www.waterkeeperschesapeake.org

Lower Susquehanna Riverkeeper Association is dedicated to improving the ecological health of the Lower Susquehanna River Watershed and the Chesapeake Bay. Current and future citizens of the Lower Susquehanna River Watershed deserve high water quality, wise and sustainable use of all aquatic resources, and preservation of aesthetic value of our waterways. Improvement will come about through education, research, advocacy, and insistence upon compliance with the law.

www.lowerSusquehannariverkeeper.org