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**BI-PARTISAN LEGISLATION WOULD FORCE MARYLAND TO WITHDRAW FROM PROPOSED
EXELON CONOWINGO DAM SETTLEMENT, REQUIRE WATER QUALITY CERTIFICATION**

*Maryland legislators, clean water advocates to push for law preventing Md. Dept of
Environment from waiving Water Quality Certifications, including for Conowingo Dam license*

(Annapolis, MD) – Sixty Republican and Democratic lawmakers are co-sponsoring legislation ([SB 955](#) / [HB 1465](#)) that would prevent Maryland from waiving a Water Quality Certification for the Conowingo Dam federal license. If passed, this emergency legislation would require the state to withdraw their proposed joint settlement with Exelon that would allow the new 50-year license to move forward. The Maryland Department of the Environment (MDE) waived its right to require the Water Quality Certification – and \$172 million a year for pollution reductions – in the proposed settlement now awaiting Federal Energy Regulatory Commission (FERC) approval. The bill was introduced by Senator Stephen Hershey, Jr. and Delegate Jay Jacobs, who both represent District 36 (Kent, Queen Anne's, Cecil, and Caroline Counties), and Delegate Vaughn Stewart as the secondary lead sponsor in the House, who represents District 19 (Montgomery County).

"If the state moves forward on the current settlement agreement, Maryland will waive all of its clean water rights for the next 50 years," said Delegate Jacobs. "And there will be no public accountability measures to ensure Exelon meets the cleanup terms under the settlement. Our bipartisan legislation would immediately put a stop to this flawed, proposed settlement."

"Allowing Exelon to receive federal licensing for the Conowingo Dam without receiving Water Quality Certification poses a tremendous risk to Maryland's existing restoration efforts in the Chesapeake Bay," Delegate Stewart said. "Members of both parties agree—we cannot allow a private company to shirk responsibility when it comes to the health and welfare of our environment and our citizens."

In October 2019, MDE announced a proposed settlement agreement with a subsidiary of Exelon Corporation in response to the 50-year renewal of Conowingo Dam's operating permit. With this settlement, MDE would waive their important right to issue a 401 Water Quality Certification to ensure that Conowingo Dam operations meet state water quality standards. Actual cash payments under the proposed settlement are only \$61 million over the entire 50 year license, and much of that is focused on species and habitat restoration rather than water quality. In contrast, the Water Quality Certification that MDE issued in 2018 required \$172 million per year just to reduce nitrogen and phosphorus pollution.

“Without a Water Quality Certificate, there are no assurances that MDE and Exelon’s proposed settlement would result in cleaner water,” said Betsy Nicholas, Waterkeepers Chesapeake Executive Director. “The State of Maryland should never waive its right to a Water Quality Certification, especially not in the 50-year license of Conowingo Dam, which has such an enormous environmental impact both upstream and downstream.”

The Conowingo Dam’s reservoir is now at capacity, and studies estimate that there are nearly 200 million tons of sediment, nutrients and other pollutants trapped behind the dam. During major floods caused by large storms, powerful floodwaters can scoop out or “scour” the stored sediment pollution behind the dam and send that downstream to the Chesapeake Bay. Many of the impacted waterways are drinking water sources for Maryland residents, including the City of Baltimore. The nutrients and sediments from the Dam kill aquatic species that are essential to Maryland’s seafood economy such as crabs, fish, and oysters.

The bill’s hearing in the Senate Education, Health and Environmental Affairs Committee will take place on Feb. 19.

Read a fact sheet about MDE and Exelon’s proposed settlement agreement: here <https://waterkeeperschesapeake.org/wp-content/uploads/2020/01/Fact-Sheet-Conowingo-settlement.pdf>

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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