



For Immediate Release

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Media Contacts:

Betsy Nicholas, Waterkeepers Chesapeake, 202-423-0504

Kate Austin, The Hatcher Group, 410-267-4155

**LAWMAKERS, WATERMEN, AND ADVOCATES SUPPORT LEGISLATION TO STOP
MARYLAND'S CONOWINGO DAM SETTLEMENT WITH EXELON**

*Bipartisan legislation would prevent Md. Dept of Environment from waiving Water Quality
Certifications, including for proposed Conowingo Dam license renewal*

(Annapolis, MD)—Maryland watermen and clean water advocates joined Republican and Democratic lawmakers to call for the passage of legislation that would prevent Maryland from waiving a Water Quality Certification for the Conowingo Dam federal license, as the Maryland Department of the Environment has proposed to do in its recent settlement with Exelon. The gathering took place in advance of a Senate Education, Health, and Environmental Affairs Committee hearing this afternoon on [SB 955](#), an emergency bill that would force Maryland's withdraw from the proposed settlement currently under review by the Federal Energy Regulatory Commission (FERC).

"Allowing Exelon to receive federal licensing for the Conowingo Dam without allowing the State of Maryland to continue its ability to monitor and potentially revise its Water Quality Certification process poses a tremendous risk to the health and welfare of our environment and our citizens," said the bill's sponsor Senator Steve Hershey (R-36 Upper Shore). "Members of both parties agree—we do not want to put ourselves in the position where we have signed away our future negotiating options when it comes to our ongoing restoration efforts of the Chesapeake Bay."

"As representative of the Eastern Shore, my constituents and I are on the front lines of the downstream effects of pollution from Conowingo Dam—particularly during acute flooding events," Delegate Jay Jacobs (R-36) said. "Our livelihoods are already being affected by Chesapeake Bay pollution—we should not have to bear the financial responsibility for pollution coming from Conowingo as well."

An estimated 200 million tons of polluted sediment from the Susquehanna River currently sits behind the Dam in its reservoir. During flooding caused by large storms, the sediment is scooped up along with large debris fields flowing down the Susquehanna River, ending up in the upper Bay. The impacted waterways include the drinking water sources for the City of Baltimore. The nitrogen, phosphorus, and sediments from the Dam also kill aquatic species essential to Maryland's seafood economy, such as crabs, fish, and oysters.

“The pollution and sediment sitting behind the Dam is a ticking time bomb that threatens the health of the Bay and our livelihood after every major storm,” said Anne Arundel County Waterman’s Association president Bill Scerbo. “This isn’t a partisan issue; it’s about bringing Exelon back to the table and demand they pay their fair share to clean up a situation that their dam has caused. No one should profit at the expense of the Bay’s life and stick Marylanders with the funeral bill.”

In October 2019, the Maryland Department of the Environment (MDE) announced a proposed settlement agreement with a subsidiary of Exelon Corp. 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.

Clean water advocates say the proposed settlement not only provides grossly insufficient funds to deal with the risks that Conowingo operations pose to the Susquehanna River and Chesapeake Bay, but it also lacks concrete assurances that the actions under the agreement will actually be fulfilled by Exelon. 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 properly mitigated.

Numerous clean water organizations support the legislation, including Waterkeepers Chesapeake, Lower Susquehanna Riverkeeper, Chesapeake Bay Foundation, and Maryland League of Conservation Voters.

The House version ([HB 1465](#)) sponsored by Delegate Jay Jacobs is under consideration by the House Environment and Transportation Committee.

A fact sheet about MDE and Exelon’s proposed settlement agreement can be found at <https://waterkeeperschesapeake.org/wp-content/uploads/2020/01/Fact-Sheet-Conowingo-settlement.pdf>

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