



# Maryland

## Department of the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

August 24, 2020

The Honorable Kimberly D. Bose  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Dear Secretary Bose:

Over 9 months ago, the Maryland Department of the Environment (MDE) and Exelon Corporation submitted to the Federal Energy Regulatory Commission (FERC) a comprehensive settlement of our litigation over Maryland's April 2018 Clean Water Act Section 401 Water Quality Certification for the relicensing of the Conowingo Dam (FERC Project No. P-405/MDE WSA Application No. 17-WQC-02).

On behalf of the State of Maryland, MDE urges immediate action on the settlement. Continued delay places Maryland and our partners in Chesapeake Bay restoration effort in an untenable position as we seek to comply with the federal government's mandate to meet Chesapeake Bay Total Maximum Daily Load (TMDL) targets by 2025.

Failure to act on the comprehensive environmental settlement, which includes an unprecedented commitment from Exelon Corporation to invest an estimated \$200 million to mitigate the substantial adverse ecological and water quality impacts of the Conowingo Dam on the Susquehanna River and Chesapeake Bay, impedes our TMDL progress. The uncertainty undermines the collaborative Conowingo Watershed Implementation Plan under development by the Bay jurisdictions and the U.S. Environmental Protection Agency.

The data and science are clear: we need to make additional investments at the Conowingo Dam and the Susquehanna River to mitigate and reduce the nutrient and sediment pollution flowing into the Chesapeake Bay. Poor water quality in the Chesapeake Bay not only adversely impacts the ecosystem, but it also adversely impacts the entire watershed. We need immediate action on the proposed settlement.

Please do not hesitate to contact us if additional information is needed. We appreciate the ongoing work of your staff and thank FERC for its approval of the important Conowingo Dam pilot dredging and sampling project.

Sincerely,

Ben Grumbles  
Secretary

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