IT’S ABOUT DAM TIMELINE
A history of the problem at Conowingo Dam

After years of lawsuits and delays by Constellation, the corporation that owns Conowingo Dam, the State of Maryland has some decisions to make. It will soon be determining the environmental protections required as part of the 401 water quality certification Constellation needs in order to obtain its 50 year federal license. For almost 100 years the Conowingo Dam has spanned the Susquehanna River just ten miles from where it flows into Chesapeake Bay. It blocks access to hundreds of miles of the river and streams for migratory fish and is a major source of pollution to the Bay. It’s About Dam Time for Constellation to clean up their act and take action to protect the Chesapeake Bay and Susquehanna River - resources that belong to all of us! The timeline below shows how we got to this critical point in time.

Where We Are – July 2023

Maryland Department of the Environment announced that it will renew the process of granting a water quality certification to the owners of Conowingo Dam. Constellation (the dam owners), Waterkeepers Chesapeake, and the Lower Susquehanna Riverkeeper have 60 days to supplement the information used in the 2018 review process with any new, updated, and relevant information. There is also a 30 day public comment period that began on June 30, 2023.

How We Got Here

The timeline below shows the major milestones on the path that got us where we are today. As you can see, Constellation has spent much of the past decade attempting delay and disrupt the process!

1. **1928** Located on the Susquehanna River, the largest tributary to the Chesapeake Bay, the Conowingo Dam was built to supply hydroelectricity. Its construction forever altered the flow of the river and migratory fish patterns, resulting in a substantial loss of fish populations. The Dam included a reservoir for operations, but that also contained (and concentrated) pollutants in sediments. Since its construction, NO maintenance dredging has been done. Had the reservoir been maintained, we likely would not be in the situation we are in today.

2. **2008** Constellation begins a series of studies in preparation for 2014 Maryland 401 Water Quality Certification to support another 50-year license from FERC. (Dam operators can not receive a FERC license until they receive 401 Water Quality certification.) These include studies of sediment transport, water flow, migratory fish, etc.

3. **2014** Constellation fails to receive 401 Certification because it refuses to conduct and provide results of a sediment study necessary to evaluate the dam’s impacts on water quality.

4. **2015** A USGS study determines that the reservoir behind the dam is 92% full and in a “dynamic equilibrium” meaning that any additional sediment stored behind the dam is also released over the dam.

5. **2016** Again, Constellation fails to receive 401 Certification because it refuses to conduct and provide results of the sediment study.

6. **2017** And again, Constellation fails to receive 401 Certification because it refuses to conduct and provide results of the sediment study.

7. **2018 April 27** MD grants 401 Certification with the following requirements:
   - Constellation must address the nutrient load attributed to the Dam’s operations or pay $172 million per year as payment in lieu of nutrient reductions.
   - Acquiesce to create 5 million adult shad and 12 million herring passing over the dam each year.

8. **2019 May 15** Constellation wins in State and in Federal courts challenging the requirements.

9. **2019 February 28** Constellation petitions FERC suggesting that Maryland has waived their rights to issue a certification and therefore, Constellation should be granted a license.

10. **2019 October 29** MDE negotiates a backroom settlement agreement in lieu of and far less protective of water quality than the 2018 certification.

11. **2021 March** FERC approves the relicensing based on the 2019 settlement agreement, declaring it has no jurisdiction to issue the 401 certification.

12. **2021 June** Waterkeepers Chesapeake, Lower Susquehanna Riverkeeper, and Sassafras Riverkeeper, represented by Earthjustice, and joined by Chesapeake Bay Foundation challenge the FERC license in Federal court.

13. **2021 A Federal appeals court vacates the FERC relicensing as a result of a lawsuit brought by Waterkeepers Chesapeake, Lower Susquehanna Riverkeeper, and Sassafras Riverkeeper. The ruling states that FERC has violated the Clean Water Act (CWA) by scrapping the 2018 certification.

14. **2022** Constellation fails to receive 401 Certification because it refuses to conduct and provide results of the sediment study.

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