

Summary of CWIP Framework Edits to Address EPA Comments For January 31, PSC Conference Call

In order to move the 3rd Party RFA forward in the most expeditious manner and because current delays on CWIP framework language centered around Maryland's water quality certification, I directed Maryland staff to work with a small group of CWIP Steering Committee jurisdictions on surgical framework revisions. These proposed revisions, which are also in track changes in CWIP framework document and appendices, do not alter the overall intent, scope or direction of the CWIP.

I will be seeking concurrence from the PSC members on these revisions during the January 31 PSC conference call. EPA is also reviewed these revisions in December before the federal shutdown. If both EPA and our PSC membership agree on these changes, the RFA can then be released by the EPA as soon as the federal government reopens.

To assist with your review, below are the proposed edits to the CWIP framework language framed in terms of what it used to say and what it now says. Note we have now more formally removed the timeline from the CWIP framework (it is no longer an appendix) and renamed the other Appendices accordingly.

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It is also important to recognize that the Conowingo Dam, a hydroelectric facility owned and operated by Exelon, is currently undergoing a Federal Energy Regulatory Commission relicensing which requires a water quality certification from the state of Maryland pursuant to Section 401 of the Clean Water Act. Maryland has indicated that it is going to review the May 2017 application from Exelon for consistency with all applicable state water quality standards. Public comments received on the application signal a need for Exelon to be a key partner in addressing the downstream water quality impacts.

The CBP Partnership has identified four options for assigning pollutant load reduction responsibility among the Bay jurisdictions and has also signaled that Exelon should be held responsible for some portion of the reduction. The four geographic options under discussion are listed below and do not yet include an assignment to Exelon, which could be impacted by the outcome of Maryland's 401 Water Quality Certification.

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The CBP Partnership identified four geographic options for assigning pollutant load reduction responsibility. These options did not factor in the provisions of Maryland's 401 Water Quality Certification. Any relevant future outcomes from Maryland's 401 Water Quality Certification for Conowingo Dam will be considered in this process, as appropriate.

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3. Incorporating the outcome of the Exelon CWA S. 401 water quality certification.

2. Funding options: Partners would agree to contribute resources (e.g. funding,

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technical assistance, in-kind services, etc) into a pool to be managed collaboratively to achieve the necessary pollutant load reductions.

The unique and critical component to this proposed Conowingo WIP is pooling resources and the collaborative application of those pooled resources in the most cost-effective manners possible. Pooled resources would be phased in over a period of time. Key sources of initial funding are anticipated to be realized through the Exelon Water Quality Certification (anticipated May 2018) and additional federal funding sources (e.g., USDA , CWA 117 Innovative Nutrient and Sediment and Small Watershed Grants, Army Corps, USFW, NFWF Chesapeake Stewardship Fund, etc.) that can supplement current state WIP efforts.

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3. Consider the outcome of the Maryland Clean Water Act Section 401 Water Quality Certification in the Conowingo WIP process, as appropriate.

2. Funding options: Partners would agree to contribute resources (e.g. funding, technical assistance, in-kind services, etc) into a pool to be managed collaboratively to achieve the necessary pollutant load reductions.

The unique and critical component to this proposed Conowingo WIP is pooling resources and the collaborative application of those pooled resources in the most cost-effective manner possible. Pooled resources would be phased in over a period of time. Key sources of initial funding are anticipated to be jurisdiction Chesapeake Bay grants and potential additional federal funding sources (e.g., USDA , CWA 117 Innovative Nutrient and Sediment and Small Watershed Grants, Army Corps, USFW, NFWF Chesapeake Stewardship Fund, etc.) that can supplement current state WIP efforts. Additional funding is anticipated through public private partnerships.

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The schedule is in Appendix B and subject to change. The Conowingo WIP Steering Committee will submit changes to this schedule to the PSC for approval.

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The schedule is subject to change and maintained as a separate planning guide outside of this document. The Conowingo WIP Steering Committee can propose changes to the schedule subject to PSC approval.