CBF Statement on Opposing Conowingo Dam Settlement Offer in Comments Filed with the Federal Energy Regulatory Commission

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* [PRESS STATEMENT](https://www.cbf.org/news-media/newsroom/news.html?news_type=press-statement)

(ANNAPOLIS, MD)—The Chesapeake Bay Foundation (CBF) today urged the Federal Energy Regulatory Commission to reject Maryland’s [Conowingo Dam](http://www.cbf.org/issues/polluted-runoff/conowingo-dam-and-chesapeake-bay.html) settlement offer with Exelon.

CBF made the request in comments formally filed with the Commission as part of the Commission’s work to review the 50-year operating license requested by Exelon for Conowingo Dam. As part of that license request, Exelon had to seek a water quality certification from the Maryland Department of the Environment. In October the state first [announced an agreement](http://www.cbf.org/news-media/newsroom/2019/maryland/cbf-statement-on-conowingo-dam-settlement-agreement.html) with Exelon and now that agreement is before the Commission as part of the overall licensing of the dam.

For years, Conowingo Dam has trapped much of the sediment and nutrient pollution carried downstream on the [Susquehanna River](http://www.cbf.org/about-the-bay/more-than-just-the-bay/susquehanna-river/). The reservoir behind the dam has become full, and heavy storms that produce significant rainfall cause scour events during which large amounts of water flowing through the dam wash the sediment, debris, and pollutants trapped behind the dam into the lower reaches of the Susquehanna River and ultimately the Chesapeake Bay. This process alters the form and timing of pollutants that enter the Bay. The pollutants scoured from behind the dam contribute to [algal blooms](http://www.cbf.org/issues/dead-zones/algal-blooms.html) that cause [dead zones](http://www.cbf.org/issues/dead-zones/) devoid of oxygen that are inhabitable for marine life.

Maryland’s 2015 Lower Susquehanna River Watershed Assessment determined that, on average, 20 percent of the sediment that enters the Bay during storm events comes from behind the dam. Chesapeake Bay Program researchers modeling future water quality impacts from the dam are also now projecting that by 2050 the dam will become a source of pollution as [climate change](http://www.cbf.org/issues/climate-change/) causes more intense storms. Exelon should be held accountable for the downstream impacts of this pollution.

Unfortunately, the proposed settlement does not even come close to addressing the harm to downstream water quality. The agreement also lacks accountability. CBF has identified several issues with the settlement:

* Maryland forfeited its right to issue a water quality certification for the dam, preventing the state from using a powerful tool to address downstream water quality impacts from the dam and other regulated facilities in the future.
* Maryland also waived its right to issue a pollution discharge permit under certain circumstances for the dam or modify the dam’s existing pollution permit, effectively preventing the state from requiring Exelon to reduce the amount of pollution coming through the dam for the next 50 years.
* The pollution reduction measures Exelon proposed to fund in the settlement were not included in the proposed license conditions to operate the dam. Instead, Exelon has proposed providing the money for the projects to Maryland’s Clean Water Fund. The money in this fund is not required to be spent on projects that would mitigate the pollution flowing through the dam.
* The projects Exelon agreed to fund in the agreement are vague and it’s not clear where, when, or how these projects would specifically reduce pollution connected to the dam’s operation.
* CBF believes the settlement would be far more effective if Exelon’s monetary commitment was significantly larger and the funds were dedicated to pollution reduction projects where they would be most cost-effective—upstream of the dam and primarily in Pennsylvania.

The current $200 million settlement offer enables Exelon, after up-front payments during the first four years, to pay only about $1 million per year during the 50-year license agreement on pollution reduction efforts, according to CBF’s analysis of the offer. And only about $52 million of the settlement would be directed to defined water quality improvement projects, despite significant evidence showing the dam’s negative impact on the Bay and Exelon’s ability to pay more. A [2017 economic study](http://www.cbf.org/news-media/newsroom/2017/maryland/new-study-finds-exelon-able-to-make-significant-contributions-to-mitigate-environmental-impacts-of-conowingo-dam-while-remaining-profitable.html) commissioned by CBF and The Nature Conservancy determined Exelon could provide $27 million to $44 million per year to reduce the dam’s environmental impacts while still generating a profit.

After CBF filed the comments with the Federal Energy Regulatory Commission, CBF’s Vice President of Environmental Protection and Restoration Lisa Feldt issued the following statement:

*“Throughout the dam’s relicensing process, we called on Exelon to invest in upstream environmental projects to offset the negative water quality impacts caused by the dam’s operation. Instead Maryland relinquished its future ability to regulate the operation of the dam in the settlement offer and Exelon put forth vague commitments to make water quality improvements with no analysis of their effectiveness. We urge the Commission to reject the settlement offer. Commissioners should also require Maryland and Exelon to specifically address the negative downstream water quality impacts of the dam in the license to operate it, not through a side-agreement.”*

