



Submitted electronically to conowingo.mde@maryland.gov

July 31, 2023

Regulatory and Customer Service Division Chief
Wetlands and Waterways Protection Program
Water and Science Administration, Maryland Department of Environment
1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230
Attn: Conowingo Dam WQC

RE: Reconsideration of Clean Water Act Section 401 Water Quality Certification 17-WQC-02 issued to Constellation Energy Generation LLC

Dear MDE Regulatory and Customer Service Division Chief,

The Surfrider Foundation requests that the Maryland Department of the Environment (MDE) incorporate strong water quality mitigation measures for the Susquehanna River and Chesapeake Bay (the Bay) Watershed into the Clean Water Act Section 401 Water Quality Certification for Constellation Energy's (formerly Exelon) Conowingo Hydroelectric Power Plant (the Dam), currently being "Reconsidered" by MDE.

The Surfrider Foundation is a grassroots environmental organization of 80 chapters, 90 youth clubs, and more than 500,000 supporters, activists, and members in the United States, dedicated to the protection and enjoyment of the world's oceans, waves, and beaches. In Maryland, Surfrider Foundation is represented by our grassroots, and volunteer led, Ocean City and Annapolis Chapters.

The Conowingo Dam, completed in 1928, was built to control flooding and produce hydropower. A side effect of the Dam is that it traps sediment, pollutants, and nutrients such as nitrogen and phosphorus that are present in the Susquehanna watershed.

There are two main issues with the Dam, which both occur during major precipitation events in the Susquehanna watershed. The first, which garners substantial public awareness, is the release of large debris items into the Bay. These large items, such as tree roots and logs, pose a serious recreation hazard to any type of boating, kayaking, and stand up paddleboarding in the Bay, for weeks after the release event.

The second issue is the pollutants, nutrients, and sediments that are released in parallel with the large debris items. Pollution, nutrients, sediments that have been trapped by the Dam for decades, now flow out in mass quantities during large storms. This sudden influx of nutrients into the Bay contributes to low oxygen “dead zones” in the Bay, and harms seagrass, a critical habitat for Bay health.

A 2015 MDE and US Army Corps of Engineers (USACE) study estimated that 6 million pounds of nitrogen and 260,000 pounds of phosphorus flow through the Dam each year from the upstream watershed. This study also concluded that dredging material from behind the dam would be prohibitively expensive, last for decades, and contribute little environmental benefit. The study concluded that the most cost-effective solution is to stop pollution from entering the Susquehanna watershed in the first place.¹

We urge MDE to require Constellation Energy to pay for pollution, nutrient, and debris reduction measures as part of their renewed Section 401 permit. A recent study of the company's finances shows Constellation could provide \$27 million to \$44 million a year to such efforts, and still make a substantial profit.² If Constellation is not required to address the pollution flowing through the dam, those costs will be borne by taxpayers in the Bay watershed.

A portion of Constellation's contribution should be used to partner with Maryland, Pennsylvania, and New York on a collaborative initiative to reduce upstream sediment and nutrient pollution, as well as the implementation of other practices that will benefit downstream water quality. Constellation also must be required to make specific operational changes at the dam, including improving flow and fish habitat.

Thank you for considering our comments.

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¹ MDE and USACE. Lower Susquehanna River Watershed Assessment. May 2015. *Available at:* dnr.maryland.gov/waters/bay/Documents/LSRWA/Reports/LSRWAFinalMain20160307.pdf

² Energy and Environmental Economics, Inc. An Economic Analysis of the Conowingo Hydroelectric Generating Station. August 2017. *Available at:* www.cbf.org/document-library/non-cbf-documents/economic-analysis-of-the-conowingo-hydroelectric-generating-stations-public.pdf