

HOUSE BILL 910

M3, C5

4lr1131

By: **Delegates Rudolph and James**

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

AN ACT concerning

Water Quality Certification – Conowingo Dam – Required Studies

FOR the purpose of requiring the Department of the Environment to require an applicant for a certain water quality certification to fund a certain study to determine the impact that the transport of certain sediment behind the Conowingo Dam may have on the Chesapeake Bay and certain other waters; requiring the Department to require an applicant for a certain water quality certification to fund a certain study on the costs and benefits of certain methods of managing certain sediment behind the Conowingo Dam; requiring the Department to require the applicant to fund a certain study on the methods of reducing the impact of flooding, before and during certain weather-related events, on certain communities; requiring the Department to require the applicant to fund a certain study on certain other issues that the Department identifies, based on the conclusions and recommendations contained in a certain report; requiring the Department to review and approve a certain scope of work for certain studies under certain circumstances; requiring the applicant to provide certain updates on its Web site and to complete certain studies by a certain date; requiring the Department to hold certain public hearings on a certain application for a water quality certification and on certain studies; authorizing the Department to adopt regulations to implement certain provisions of law; declaring the intent of the General Assembly; providing for the termination of this Act; and generally relating to water quality and the Conowingo Dam.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The General Assembly finds and declares that the sediment in the reservoir behind the Conowingo Dam contains unidentified materials that may contain high levels of nutrients that may damage the Chesapeake Bay and other

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



waters downstream from the Conowingo Dam if the sediment is transported from behind the reservoir into the waters downstream.

(b) As part of its review of an applicant's application for a water quality certificate for the Conowingo Dam relicensing process, as required under Section 401 of the federal Clean Water Act and as cited in COMAR 26.08.02.10, the Department of the Environment shall require an applicant to fund studies to determine:

(1) the impact that the transport of sediment contained in the reservoir behind the Conowingo Dam may have on the Chesapeake Bay and other waters downstream, including:

(i) the identification and impact of materials contained in the sediment, which may contain high levels of nutrients;

(ii) the impact of weather-related events on the sediment;

(iii) the environmental impact of the sediment; and

(iv) any other impact that the Department of the Environment specifies;

(2) the costs and benefits of various methods of managing the sediment contained in the reservoir behind the Conowingo Dam, including:

(i) innovative reuse, as defined in § 5-1101(a) of the Environment Article, which shall be evaluated based on a demonstration project and other criteria to validate the proof of concept for the technology; and

(ii) any other method that the Department of the Environment identifies;

(3) methods of reducing the impact of flooding, before and during high river flows that are caused by weather-related events, on communities located downstream from the Conowingo Dam; and

(4) the impact of any other issue that the Department of the Environment considers to be appropriate based on the conclusions and recommendations contained in the final study report of the Lower Susquehanna River Watershed Assessment being conducted by the U.S. Army Corps of Engineers and the Department of the Environment.

(c) Before an applicant for a water quality certification begins to conduct a study required under subsection (b) of this section, the Department of the Environment shall review and approve the scope of work for the studies.

(d) An applicant for a water quality certification that is required to conduct a study under subsection (b) of this section shall:

(1) provide regular updates on its Web site on the progress of the study; and

(2) complete the study by May 31, 2017.

(e) (1) The Department of the Environment shall:

(i) publish the studies on its Web site; and

(ii) hold public hearings on the application for water quality certification and the results of any study conducted under subsection (b) of this section.

(2) The Department of the Environment may adopt regulations to implement the provisions of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2014. It shall remain effective for a period of 3 years and, at the end of May 31, 2017, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.