

HOUSE JOINT RESOLUTION 8

M3, M5

9lr2852

By: **Delegates Jacobs, Anderton, Arentz, Beitzel, Boteler, Cassilly, Corderman, Hornberger, Kipke, Moon, Otto, Palakovich Carr, Stewart, and Szeliga**

Introduced and read first time: February 8, 2019

Assigned to: Rules and Executive Nominations

HOUSE JOINT RESOLUTION

1 A House Joint Resolution concerning

2 **Conowingo Dam – Pollution Cleanup – Costs**

3 FOR the purpose of stating the view of the General Assembly that Exelon Generation
4 Company, LLC, owner of the Conowingo Dam, must pay a portion of the cleanup
5 costs associated with the dam's federal certification and at least a certain percent of
6 the costs associated with the Susquehanna River's Watershed Implementation Plan.

7 WHEREAS, The Conowingo Hydroelectric Plant (Conowingo Dam), owned and
8 operated by Exelon Generation Company, LLC (Exelon), is located on the Lower
9 Susquehanna River in Maryland, approximately 10 miles north of the Susquehanna River's
10 confluence with the Chesapeake Bay; and

11 WHEREAS, The Susquehanna River currently provides close to 50% of the
12 freshwater entering the Chesapeake Bay and carries approximately 40% of the nitrogen
13 and 25% of the phosphorus and sediment that enters the Bay; and

14 WHEREAS, The Conowingo Dam was originally constructed in 1928 to generate
15 hydroelectric power and has been in operation ever since; and

16 WHEREAS, In the past, the Conowingo Dam served as a barrier to the downstream
17 transport of pollutants by trapping and storing sediment and nutrients in the Conowingo
18 Dam Reservoir (Reservoir); and

19 WHEREAS, The Department of the Environment (Department) has determined that
20 the Reservoir has reached its capacity and has lost its ability to trap and store nutrients
21 and sediment; and

22 WHEREAS, As a result, sediment and nutrients move downstream and, during
23 moderate to large storm events, significant amounts of trapped sediment and nutrients are
24 scoured from behind the Conowingo Dam and discharged downstream; and



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1 WHEREAS, The Department has determined that the Conowingo Dam also traps
2 trash and debris behind it that are vulnerable to sudden downstream transport during
3 moderate to large storm events, which threatens recreational uses of the Reservoir and the
4 Susquehanna River, blocks water supply intakes downstream, and further pollutes
5 Maryland's waters; and

6 WHEREAS, The Department has determined that the Conowingo Dam has altered
7 the nature, timing, and delivery method of the trapped sediment, nutrients, trash, and
8 debris with adverse consequences for the Lower Susquehanna River and the Chesapeake
9 Bay; and

10 WHEREAS, The Department has determined that, absent the Conowingo Dam,
11 there would be 24 miles of open river between the dam at Holtwood, Pennsylvania and the
12 Chesapeake Bay, resulting in the natural transport and attenuation of sediments and
13 nutrients; and

14 WHEREAS, This circumstance would support larger submerged aquatic vegetation
15 beds and a greater connection between the Susquehanna River and its floodplain, making
16 the Lower Susquehanna River more resilient, including in its ability to attenuate nutrients
17 and minimize damage associated with moderate to large rainfalls; and

18 WHEREAS, The Department has determined that due to these circumstances the
19 Conowingo Dam has a significant adverse impact on water quality in the State of Maryland;
20 and

21 WHEREAS, Exelon profits from the existence and operation of the Conowingo Dam
22 and has the ability to mitigate its water quality impacts while continuing to make a profit;
23 now, therefore, be it

24 **RESOLVED BY THE GENERAL ASSEMBLY OF MARYLAND,** That the General
25 Assembly believes that Exelon must pay a portion of the cleanup costs associated with the
26 Conowingo Dam's certification pursuant to Section 401 of the Federal Water Pollution
27 Control Act, as amended, 33 U.S.C. Section 1341 et seq. and at least 25% of the costs
28 associated with the Susquehanna River's Watershed Implementation Plan; and be it
29 further

30 **RESOLVED,** That a copy of this Resolution be forwarded by the Department of
31 Legislative Services to the Honorable Lawrence J. Hogan, Jr., Governor of Maryland; the
32 Honorable Thomas V. Mike Miller, Jr., President of the Senate of Maryland; and the
33 Honorable Michael E. Busch, Speaker of the House of Delegates.