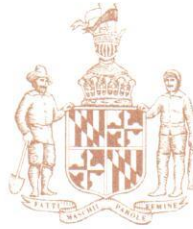


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Committee

Subcommittees
Motor Vehicles and Transportation
Natural Resources, Agriculture,
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Joint Committee on Administrative,
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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Emergency Bill HB 1465 Federal Clean Water Act- Authority of State

Chairman Barve and members of the Environment & Transportation Committee

In October 2019, the State of Maryland and Exelon reached a tentative agreement that is before FERC now for the relicensing and approval that would waive the State's authority to the Federal Clean Water Act for the 50 year term of the lease. This emergency bill would prohibit the State from entering into an agreement that waives the State's authority under 401 of the federal Clean Water Act.

Exelon's operation of the dam significantly alters the form and timing of pollution to the bay. During storms or other events that result in high flows, slugs of sediment laden with phosphorus are released downstream. The problem is only expected to worsen as the CLIMATE CHANGES. The Bay Program's latest modeling suggests that by 2050, increased rainfall and more intense storms will cause more pollution to flow out of Conowingo than flows into the dam. In other words, as the river scours legacy phosphorus and sediment from the dam's reservoir, Conowingo will become a larger source of pollution than it is now.

With just five years to go until the Blueprint's 2025 deadline, continued inaction will only make the challenge steeper and more costly. The growing threat posed by the Conowingo Dam and the inadequacy of the settlement agreement are a reminder of what's at stake.

The amount agreed upon for dealing with nutrient and sediment is minuscule, though, compared with what State officials had initially wanted the Chicago based power company to pay in order to be allowed to keep generating electricity at the Dam.

In the terms of the 50 year lease agreement, Exelon agrees to pay a total of roughly 200 million dollars, which about half of that amount is in cash and the other half is in-kind services and land. Exelon's gross profit for the 12 months ending December 31, 2019 were 18,941 Billion. I believe along with many others that Exelon could have and should do more to better mitigate the Conowingo effect.

Certification conditions serve the State's paramount interest in protecting the water quality of the lower Susquehanna River and the Chesapeake Bay, the nation's largest estuary.

I ask for your favorable vote for HB1465