HB 910

Department of Legislative Services

Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 910 (Delegates Rudolph and James)
Environmental Matters

Water Quality Certification - Conowingo Dam - Required Studies

This bill requires the Maryland Department of the Environment (MDE), as part of its review of an application for a water quality certificate for the Conowingo Dam relicensing process, to require an applicant to fund specified studies of, among other things, the impact of sediment behind the dam and the costs and benefits of various approaches to manage the sediment. MDE must review and approve the scope of work before an applicant for a water quality certification begins to conduct any of the required studies. An applicant must provide regular updates on its website on the progress of the studies and complete the studies by May 31, 2017. MDE must publish the studies on its website and hold public hearings on the application for water quality certification and the results of any study conducted pursuant to the bill. MDE may adopt regulations to implement the bill.

The bill takes effect June 1, 2014, and terminates May 31, 2017.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal or none.

Analysis

Bill Summary: MDE must require an applicant to fund studies to determine the impact that the transport of sediment may have, including (1) the identification and impact of materials contained in the sediment; (2) the impact of weather-related events on the sediment; (3) the sediment's impact on the environment; and (4) any other impact that MDE specifies. An applicant must also fund studies to determine (1) the costs and benefits of any method of managing the sediment identified by MDE, including the evaluation of an innovative reuse demonstration project to validate the proof of concept for the technology; (2) 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 (3) the impact of any other issue that MDE 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 MDE.

The bill also states the finding of the General Assembly 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 waters if the sediment is transported into the waters downstream.

Current Law/Background: The Conowingo Dam is a large hydroelectric dam in the lower Susquehanna River near the town of Conowingo, Maryland. The dam spans the border between Cecil and Harford counties, sits about 10 miles from the Chesapeake Bay, and is 5 miles south of the Pennsylvania border. It is the last dam on the Susquehanna River before it reaches the Chesapeake Bay. The dam can trap about two million tons of sediment out of the approximately three million tons that reach its reservoir annually.

The dam has nearly reached its storage capacity for sediment, and during large storms, pollutants are flushed from behind the dam into the Chesapeake Bay. According to MDE, the Susquehanna River contributes 46% of the nitrogen, 26% of the phosphorous, and 33% of the sediment to the Chesapeake Bay.

MDE advises that it is addressing Conowingo's decreased capacity to block pollutants due to the sediment behind the dam as part of efforts to meet the State's pollution reduction requirements under the U.S. Environmental Protection Agency's Chesapeake Bay Total Maximum Daily Load (Bay TMDL) and Maryland's Watershed Implementation Plan for the Bay TMDL. MDE is also a project partner with the U.S. Army Corps of Engineers on the Lower Susquehanna River Watershed Assessment, a study that began in 2011 and is evaluating both watershed and reservoir contributions to sediment and nutrient pollution in the Chesapeake Bay.

Conowingo's current license to operate expires in September 2014. The dam's owner, Exelon Corporation, has filed an application with the Federal Energy Regulatory Commission (FERC) for a new license. FERC requires that any potential environmental impacts associated with project relicensing be minimized. Thus, environmental studies are currently being developed to address related fisheries, hydrology, and sediment introduction and transport issues.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Natural Resources, Maryland Department of the Environment, Department of Legislative Services

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ncs/lgc

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