

Testimony in **SUPPORT** of SB955– Federal Clean Water Act – Authority of State

Senate Education, Health, and Environmental Affairs Committee



March 11, 2020

Dear Chairman Pinsky and Members of the Committee,

Thank you for this opportunity to submit testimony in **SUPPORT** of SB955 – Federal Clean Water Act – Authority of State - on behalf of ShoreRivers. ShoreRivers is a river protection group on Maryland's Eastern Shore with 3,500 members. Our mission is to protect and restore the Eastern Shore waterways through science-based advocacy, restoration, and education.

Roughly 200 million pounds of sediment, nutrients, and other pollutants are trapped behind the Conowingo Dam. Every time there is a major storm event or the dam gates are opened some of these pollutants, trash, and debris are released into the Bay. These releases cause devastating effects on habitat quality and aquatic species throughout the Chesapeake Bay, including underwater grasses, crabs, oysters, clams, and fish; negatively impacting the water quality of the waterways that we depend on.

It's undeniable that the sediment, trash, and debris at the dam is generated by New York and Pennsylvania, and not by the dam itself. We need to hold these states accountable for reducing their pollution as well. However, Exelon is the only entity that profits from the water flowing through the dam. No one should be allowed to profit from a public natural resource without having to contribute to the protection and restoration of that resource. It is inexcusable that Maryland watermen, boaters, homeowners, and taxpayers have to suffer the consequences of this trash and pollution flowing down the Susquehanna and are then expected to pay for the cleanup.

The recently proposed settlement between the Maryland Department of the Environment and Exelon Corporation for the operation of Conowingo only provides \$200 million over 50 years, instead of the \$172 million per year that the state-issued 401 Water Quality Certification required. This means that Exelon would be contributing less than 1% of their share if the settlement moves forward as is. One of the conditions of this settlement is that Maryland must waive its right to issue a Water Quality Certification, which is a power granted to the states through the federal Clean Water Act. Doing so means that the State of Maryland will be forfeiting \$8.5 billion of cleanup costs for Conowingo alone over the next 50 years. **SB955 would ensure that the State of Maryland doesn't waive its right to issue a 401 Water Quality Certification and that Exelon Corporation contributes their fair share towards the cleanup of the dam.**

Once this settlement is finalized it will be in effect until 2070 with no opportunity for stakeholders to offer input or hold Exelon accountable. Thus, we have a **once-in-fifty-year opportunity** to hold them accountable and get meaningful water quality protections at Conowingo Dam. As the voice of the Sassafras River and strong supporter of protecting and restoring the Bay, I ask the Committee for a **favorable** report on **Senate Bill 955**.

Sincerely,
Zack Kelleher, Sassafras Riverkeeper

Main Office

114 S. Washington St., Ste. 301
Easton, MD 21601
443.385.0511

Regional Office

207 S. Water St., Unit B
Chestertown, MD 21620
410.810.7556

Regional Office

7479 Augustine Herman Hwy.
Georgetown, MD 21930
410.275.1400

shorerivers.org