
ORCHARD POINT OYSTER CO.

Testimony in Support of Senate Bill 955 – Federal Clean Water Act – Authority of State
(‘Emergency Conowingo Dam Legislation’) – Senator Hershey

March 11, 2020

Dear Chairman Pinsky and Members the Committee:

This letter is written in support of SB955. Our state should not consider granting any exemption(s) from State Water Quality Certification (under section 401 of The Federal Clean Water Act) now or in the future. By doing so, we set a concerning precedent of eroding a key federal protection. A protection which is needed in the overall Bay cleanup effort. Furthermore, waiving it, diminishes our sovereignty over the waters of the State.

As oyster aquaculture farmers in the Upper Bay, we are subject to the Conowingo Dam’s impacts more directly than any other farm in MD. The dam’s extended closings and openings (especially every spring) create artificial salinity levels and prolong freshets well-beyond what natural flow conditions typically cause. These conditions adversely affect oyster growth and survival rates, which in turn, have a direct negative effect on business operations. While we understand the need for the dam to act as a floodgate for the Susquehanna and the clean nature of hydroelectric power generation, the for-profit operation of the dam occurs devoid of public input.

We have long been advocates for including relevant public stakeholders (environmental groups, watermen, private aquaculture industry, etc.) in negotiations between MDE and Exelon. As well as mandating periodic stakeholder reviews between MD, Exelon, and these stakeholders. Exelon has and will continue to make operating decisions based on profit, without regard for the artificial negative externalities they generate and their impacts on the public.

These environmental, economic, and social costs are not borne by Exelon and this is problematic. You cannot expect them to factor these costs into their operations, nor act in a manner beholden to anyone besides a few select politicians, without appropriate levels of mitigation funding AND sufficient public stakeholder input. Any agreement that waives our state’s authority under section 401 of The Federal Clean Water Act, prohibits our ability to fairly negotiate for both crucial items.

We have a once-in-a-generation opportunity to strike a better deal with Exelon, to the benefit of all Maryland citizens. It starts with the swift passage of SB955. Thank you for the opportunity to comment.

Sincerely,



Scott Budden