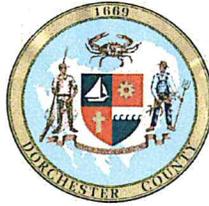


# COUNTY COUNCIL OF DORCHESTER COUNTY

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COUNTY MANAGER  
E. THOMAS MERRYWEATHER  
COUNTY ATTORNEY

February 24, 2020

The Honorable Paul G. Pinsky  
Education, Health and Environmental  
Affairs Committee  
2 West, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Letter of Support for Senate Bill 955 Entitled "Federal Clean Water Act-Authority of State"**

Dear Senator Pinsky, Chair and Committee Members:

On behalf of the Dorchester County Council, I respectfully offer its support for Senate Bill 955 entitled "Federal Clean Water Act-Authority of State." This legislation will prohibit the State from entering into an agreement that waives its water quality certification review authority under § 401 of the Federal Clean Water Act for federal projects, such as the Conowingo Dam.

A proposed settlement between the Maryland Department of Environment (MDE) and Exelon Corporation (Exelon) is awaiting Federal Energy Regulatory Commission (FERC) approval. Under this agreement, MDE has waived its right to require a Water Quality Certificate as part of the relicensing of the Conowingo Dam as well as \$172 million a year for pollution reductions. In lieu of this amount, Exelon will be required to pay 1% of that amount. This is only a minor fraction of the potential cost for clean up over the next 50 years. The question then becomes who will be responsible for the remaining costs. The County Council firmly believes that Exelon, the only entity that profits from the dam, should be responsible for future cleanup costs, not taxpayers. Another concern is that without a Water Quality Certificate, there are no assurances that the water quality will improve and be cleaner. This is particularly troubling since pollution from Conowingo Dam has had a substantial environment impact on the waters flowing through multiple States and the properties in those areas.

In conclusion, the County Council opposes this proposed settlement and future settlements which provide the State the opportunity to waive its water quality certification review authority under § 401 of the Federal Clean Water Act. Therefore, we ask that you look

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Education, Health and Environmental Affairs Committee  
February 24, 2020  
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favorably upon Senate Bill 955. Thank you for your time and consideration of this letter of support. Please contact the Council's Office at (410) 228-1700 if you have any questions.

Sincerely,

DORCHESTER COUNTY COUNCIL



Jay L. Newcomb  
President

jln/dl  
cc:

The Honorable Adelaide Eckardt, Senator  
The Honorable Christopher T. Adams, Delegate  
The Honorable Sheree Sample-Hughes, Delegate  
The Honorable Johnny Mautz, Delegate