



**To:** Chair Kumar Barve, Vice-Chair Dana Stein  
Members of the House Environment and Transportation Committee.

**From:** Friends of Deep Creek Lake Board of Directors

**RE:** Federal Clean Water Act – Authority of State Bill

**Position: Support HB 1465**

*(Personal note: Following Governor Hogan's recommendations, I will not attend the hearing today. I am part of the demographic most vulnerable to the coronavirus. I do hope my testimony below will be given your full attention in these challenging times.)*

My name is Barbara Beelar. As Director of Friends of Deep Creek Lake, I am here to share our concerns about the State's flawed policies on the two Maryland hydro-electric dams-- Conowingo and Deep Creek Hydro.

**The other hydro-electric dam in Maryland is Deep Creek Hydro** which is operated by a large, international corporation, Brookfield Renewable. Unlike Conowingo, the DC Hydro permit is held by the State of Maryland and managed by MDE. Friends of Deep Creek Lake has been one of stakeholders involved in this process for the past 15 months.

What we have learned about Maryland dam policy out in Garrett County should be of concern to you in your consideration of HB 1465.

**First, The State does not have a Dam Reservoir Management Plan-- for either Conowingo or DC Hydro.**

In 2014, the Federal Advisory Committee on Water Information passed a resolution urging federal agencies, including FERC, to ***develop long term reservoir management plans by 2030 which would either undertake sediment removal behind the dams or steps to implement dam retirement.*** While sediment removal is costly, it pales in consideration of the price tag for dam retirement.

Such a plan must be a two-stage effort:

1) remediation of existing sediment and pollutant build up behind the dam, on the Susquehanna or Deep Creek Lake; and

2) protective measures to ensure future sustainability.

MDE as the lead agency on dam matters has not taken even the first steps in development of such a plan.

**Second: MDE is ducking its Clean Water Act responsibilities.**

Settlement with Conowingo includes waiver to its 401 authority to protect Bay water quality. This must not be accepted by the General Assembly. MDE must be required to fulfill its Clean Water Act mandates.

While MDE does not have the same requirements at Deep Creek Lake, the agency has shirked its responsibility for clean water protections at the Deep Creek Lake overall and, under the permit review process, has excluded assessment of lake water quality. Yet, nine years ago DNR determined 10 lake coves were impaired by sediment and pollutants. At Deep Creek Lake, there is no systematic sampling, no Sediment Removal Plan yet alone dredging at DCL, which means the State continues to allow water quality decline at this state-owned resource.

**Finally, the State appears to have given into the interests of the large, wealthy corporations and their unwillingness to be a fiscal partner in restoration of these important assets.**

At Deep Creek Lake, Brookfield Power pays nothing for use of lake waters for power generation even though water withdrawal for their operations directly impairs the natural and recreational resource and has negative consequences on the economy.

Yet, at other lakes, FERC requires the license holder participate in programs and funding of sediment removal and shoreline stabilization, but not here in Maryland.

**In conclusion: Friends of Deep Creek Lake is not convinced MDE has fulfilled its obligations to taxpayers and the state in these two dam permit review processes.**

**To this end, Friends of DCL has urged MDE not to issue a permit for DC Hydro. And we urge this Committee, which has a lot more clout than our little watershed group, to halt a flawed 50-year settlement for Conowingo. Send this matter back to MDE for a more comprehensive review and ask MDE to include their own review of Deep Creek Hydro in the process.**