

March 16, 2023

The Honorable Kumar Barve, Chair
House Environment and Transportation Committee
Room 251, House Office Building
Annapolis, MD 21401

Chairman Barve:

On March 9, 2023, during a hearing of the Environment & Transportation Committee, a Bill Sponsor presented House Bill 874 Office of the Attorney General – Environment and Natural Resources Monitoring Unit – Establishment.

In responding to questions from the Committee, the Sponsor identified the owner of the Conowingo Dam as the type of actor that may come under scrutiny for criminal behavior from the new office. Specifically, the sponsor stated that he has “gone through the code of what the violations are and [thinks] you can make a criminal case against some of what’s going on at the Conowingo Dam” and “clearly what [Constellation] is doing to the bay is intentional.”

Constellation, the Dam’s operator, is the nation’s leading producer of zero-carbon energy. Headquartered in Baltimore, we employ 2200 Marylanders at our power plants and our corporate offices. The Dam, located near the end of the Susquehanna River near the mouth of the Chesapeake Bay, is Maryland’s oldest and largest source of emissions-free renewable energy. Like many Marylanders, Constellation has long been concerned about water quality in the Susquehanna River and Chesapeake Bay, and we have done our part to contribute to water quality in the region through funding that will mitigate the result of upstream pollution and debris. In fact, each year we remove more than 600 tons of upstream debris that travels down the River from upstream sources and we will continue to improve efforts to address debris accumulation. This includes funding an engineering study examining additional methods to divert debris before it reaches the dam. In total, we have committed more funding – more than \$200 million – than any other private entity in helping the bay.

Constellation supports efforts to protect the Bay and the surrounding ecosystem, and has no issues with the proposed legislation to increase efforts to hold wrongful actors accountable. However, Constellation is in compliance with all applicable laws and to make a blanket unsupported statement in a public hearing that Constellation is one of those wrongful actors subject to criminal prosecution is inaccurate and inappropriate.

The Conowingo Dam reliably produces more renewable energy than all other sources in the state combined, powering 165,000 homes per year while also avoiding 867,000 metric tons of carbon emissions. The clean, carbon-free energy from the Dam is essential to meeting Maryland’s goal to generate 100 percent clean energy by 2040.

While we are proud of our environmental stewardship and the clean energy we generate for the region, the problem of pollution and debris is not one we can solve alone. The source of the harmful nutrients entering the Bay are primarily the result of unchecked runoff coming from upstream farms, businesses and housing developments that line the Susquehanna River watershed. All parties should come together to address this pollution, the true source of the problem, rather than misplacing blame on the Conowingo Dam.

In the meantime, Constellation invites the entire Committee to visit and tour the Conowingo Dam to learn about the science and history behind one of Maryland's most precious resources.

Sincerely,

Maurice Simpson, Jr.

Senior Manager
State Government and Regulatory Affairs
maurice.simpson@Constellation.com
(301) 537-5056

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