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January 16, 2018

Elder Ghigiarelli, Jr.
Deputy Program Administrator, Wetlands and Waterways Program
Water management Administration,
Maryland Department of the Environment
1800 Washington Boulevard, Suite 430
Baltimore, MD 21230

VIA Email: elder.ghigiarelli@maryland.gov

Re: **Application #17-WQC-02, Lower Susquehanna River and Upper Chesapeake Bay, Use I & 2 Waters**

Dear Mr. Ghigiarelli:

I write to provide comments on the above referenced Water Quality Certification (WQC) for the Conowingo Dam in Maryland.

Restoration of the Chesapeake Bay is a top priority and extremely important to the State of Maryland. All necessary steps must be taken to both fulfill the obligations under the Chesapeake Bay TMDL and to reduce the sediment trapping in the reservoir behind the Conowingo Dam; and that coupled together these actions will improve the overall health of the Chesapeake Bay. I emphasize, however, that solely addressing the Conowingo Dam is not a viable solution without continued enforcement of the Chesapeake Bay Clean Water Blueprint/TMDL.

The U.S. Geological Survey (USGS) has been studying the potential impacts of reservoir infill at the Conowingo Dam dating back to 1998. At that time, USGS estimated 17-20 years to full sediment storage capacity. Recent studies have documented decreased trapping of sediment and associated nutrients in the Lower Susquehanna River Reservoir System, and that the Conowingo Dam is rapidly approaching sediment storage capacity.

The Conowingo Dam's continued operation is partially responsible for some of the pollution coming through the Dam and therefore contributes to the overall water quality challenges of the Chesapeake Bay. Studies indicate that the Conowingo Dam is responsible for creating the conditions that cause 20% of pollutants downstream. This relicensing of the Conowingo Dam presents us with the only opportunity in the next 50 years to have a conversation about Exelon Corporation's role in mediation to reduce impacts on the water quality of the Chesapeake Bay.

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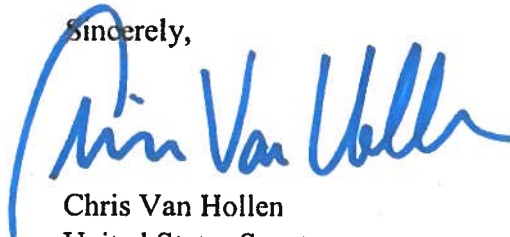
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Therefore, I echo the comments submitted by the Chesapeake Bay Foundation (CBF) and the Choose Clean Water Coalition about draft conditions on the WQC. First, we agree that Exelon should be held responsible for their contribution to the impacts on downstream water quality and should provide sufficient mediation for the addition of such pollution into the waters of the Chesapeake Bay. Based on CBF's analysis, Exelon should be contributing an annual amount into a mitigation fund equivalent to the costs to mitigate 20% of the pollution downstream in the Chesapeake Bay. The mitigation fund should be aimed at reducing sediment and nutrient inputs that lead to downstream water quality impacts on the Chesapeake Bay.

Second, Conowingo Dam operations are negatively impacting fish passage and instream fish habitat. USGS studies indicate that recreation, fishing and boating add over \$20 billion in annual economic value to the Chesapeake Bay Region. It is important that in the WQC process, Exelon be required to operate the Conowingo Dam to minimize negative impacts on fish passage and instream fish habitat such that the State of Maryland's designated uses for these waters are attained.

Thank you for the opportunity to comment and I look forward to continuing to work together to improve the health of the Chesapeake Bay.

Sincerely,

A handwritten signature in blue ink that reads "Chris Van Hollen". The signature is fluid and cursive, with a large initial "C" and "V".

Chris Van Hollen
United States Senator