MARYLAND DEPARTMENT OF THE ENVIRONMENT

Wetlands and Waterways Division

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IN THE MATTER OF THE EXELON : PUBLIC COMMENT

CONOWINGO HYDROELECTRIC DAM : HEARING

LICENSE RENEWAL :

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Harford Community College

Darlington Hall

401 Thomas Run Road

Bel Air, Maryland 21015

Tuesday, December 5, 2017 - 6 p.m.

Denise Keehner presiding

Reported by:

Edward Bullock, Notary Public

APPEARANCES:

On behalf of Exelon:

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Maryland Department of the Environment

Lee Curry, Director
Water and Science Administration
Maryland Department of the Environment

P R O C E E D I N G S

(6:03 p.m.)

MS. KEEHNER: Let's get started here this evening. I want to welcome you and wish you a good evening. My name is Denise Keehner. I am the Administrator of the Wetlands and Waterways Program at the Maryland Department of the Environment.

I want to welcome you and thank everybody for taking the time to participate in the State's regulatory process regarding the re-licensing of the Conowingo Hydroelectric Project, and specifically Exelon's application for a 401 Water Quality Certification under the Clean Water Act.

I also want to thank the Harford Community College for the use of its facilities tonight.

I will be the presiding official for this evening's public hearing. Accompanying me on my right is Elder Ghiagiarelli who is the Deputy Program Administrator for the Wetlands and Waterways Program at the Maryland Department of the Environment. I expect my boss, Lee Curry to arrive. He was in a meeting at Annapolis all day today, but he had every intention to be here tonight, so if you see a fellow join us at the table,

his name is Lee Curry and he is the Director of the Water and Science Administration at Maryland Department of the Environment.

First I want to take a minute to recognize any elected officials that have joined us this evening. Are there any elected officials in the room? Okay.

I will move on to a brief background discussion before we begin the process of asking folks to come forward. I will move this microphone to that table for anybody who wants to provide testimony or a statement.

So Exelon Corporation has filed with the Federal Energy Regulatory Commission or FERC, the acronym FERC, an application for a new license for the Conowingo Electric Facility.

As part of the FERC's re-licensing process, Exelon is required under the Clean Water Act to obtain from the State of Maryland, a 401 Water Quality Certification.

Section 401 of the Clean Water Act requires that any Applicant for any federal license or a permit for any activity that may result in a discharge into navigatable waters obtained from the state in which the discharge occurs, a certification

that such discharge meets the state's water quality standards and requirements.

The Department is conducting this public hearing on Exelon's application for a 401 Water Quality Certification, which was received on May 17, 2017. The state has one year from the date of application to render its final decision.

In its application for a Water Quality Certification, Exelon presents its articulation of applicable Maryland Water Quality Standards and Requirements, and then concludes that the project as proposed to operate with certain commitments, will meet applicable Water Quality Standards.

In brief, to paraphrase, Exelon concludes on page two of its application, that the minimum flows pursuant to which the project will operate, there are rational capabilities of certain generating units, the recreational facilities, the operation of the east and west fish lifts, measures to improve and protect rare, threatened and endangered species, and the implementation of best management practices to minimize or eliminate sediment and nutrient delivery to project waters from project lands, ensure that the project will meet applicable water quality standards, and protect existing uses while

operating under the new FERC license.

To be more specific, the commitments Exelon is making consist of protection, mitigation and some measures including enhanced dissolved oxygen measures and monitoring of dissolved oxygen, debris management, implement of sediment and shoreline management plans to control sediment and nutrients into the Conowingo pool from project lands, implementation of a 2016 settlement agreement with the U.S. Department of Interior relating to improvements to fish passage, and increased minimum flows during certain times of the year.

Exelon indicates on page three of its cover letter transmitting its 401 Water Quality Certification application, that Exelon is not proposing as part of the application to address sediment and other pollutants introduced by unaffiliated third party sources, upstream of Conowingo Pond.

In addition to its assertion that the project will meet applicable Maryland Water Quality Standards, Exelon also asserts that the additional measures to be implemented in connection with the re-licensing of the Conowingo project will provide immediate measurable benefits to Maryland’s Aquatic resources.

On July 10th 2017, pursuant to the Code of Maryland Regulations, 26.08.02, Regulation .10, Water Quality Certification, the Department issued a 30-day public notice, soliciting comment on Exelon's application for a 401 Water Quality Certification.

The end of the public comment period was subsequently suspended from August 9th to August 23rd 2013. The majority of water quality issues raised in the comments received in response to the Department's July 10th 2017 public notice include one, sediment and associated nutrient impacts to water quality, aquatic life, and habitats in the lower Susquehanna River and upper Chesapeake Bay due to the loss of sediment trapping capacity behind the dam.

Two, minimum flows and maximum flows, and the race of upramping, downramping of flow and flow-related needs of aquatic life and wild life downstream, fish blockage, and the need for the Water Quality Certification to incorporate key elements of the 2016 fish passage settlement agreement with the Department of the Interior into Maryland's Water Qualify Certification, as well as the need to place more emphasis on improving sooner the success of volitional fish passage,

over-using long-term trap and transport of fish as the primary mechanism for upstream fish passage of migratory species.

Other comments suggested additional specific actions to be undertaken by the applicant to address the water-related concerns.

These include establishing and financing a dedicated fund to mitigate the environmental and economic damages caused by the release of sediment and associated nutrients during scour events.

Two, implementing a multi-pronged holistic and cost-effective solution to address sediment and associated nutrient releases from the dam due to the loss of trapping capacity.

Three, factoring into its water quality commitments, the implications of climate change over the 46-year term of the FERC license.

Specifically an increased frequency of scour events. Four, providing financial assistance for nutrient reduction projects upstream.

Five, requiring the removal of significant amounts of sediment to restore trapping capacity.

Six, implementing a more natural flow regime to support downstream species, including higher minimum flows or a dual minimum flow regimes, controls on the rates of upramping and downramping, and limits on operational flows, and 7, improved debris management to reduce adverse impacts on drinking water withdrawals downstream.

Several public comments were also received noting the important benefits of the facility and support for issuance of the water quality certification for this project.

In rendering a decision on Exelon's application, the scope of MDE's review includes examining existing data and information regarding water quality issues with respect to the current operations of the Conowingo Hydro-Electric Project and assessing the adequacy of Exelon's additional commitment with regards to meeting the state's water quality standards and limitations.

MDE's review includes an evaluation of the impact of the operation of the dam and its discharges, on meeting water quality standards in the Conowingo Pond, the Susquehanna River immediately down from the dam, the tidal portion of the Susquehanna River and in areas of the Chesapeake Bay that are

influenced by the pollutions in the Susquehanna River.

In addition, based on the comments received in response to MDE's public notice on July 10th, the Department must decide whether additional requirements beyond Exelon's commitments are necessary to achieve compliance with the State's Water Quality Standards and limitations.

Finally, it is worth mentioning here today that to the extent that MDE identifies potential new impairments of any of these waters as part of its review, MDE will be considering the need to list waters as impaired.

Tonight's public hearing is being held pursuant to Title 9, Subtitle 3 of the Environmental Article and Code of Maryland Regulations, Title 26, Subtitle .08, Chapter .02, water quality.

The purpose of tonight's hearing is to solicit any additional comments from interested parties on Exelon's application for the Water Quality Certification. MDE's role tonight is to listen.

If you have not yet signed the attendance sheet outside, please do so as the attendance sheets ensure that you will be placed on the interested persons list

for this action and this list will be used to notify you of any additional opportunities for public comment and the Department's final decision.

Prior to taking statements, I want to note the following: First, it's not necessary to read a statement to make it part of the official record tonight. Written comments will be accepted and receive the same consideration as an oral statement.

Second, this hearing is being transcribed for the record. This transcript will be used to facilitate the Department's final decision, and hearing participants may be able after the hearing and after the transcript is produced, be able to purchase a copy of the transcript.

We have roughly 13 people so far at least as of about 6 o'clock or so that have asked for time to speak and provide testimony and make statements tonight. So since we have that number, I think we are good to say that each speaker can have 10 minutes, up to 10 minutes to provide their remarks and comments.

At this point we're going to go ahead

and proceed to take statements. First, let's see. So I'm going to call upon members of the general public to make their statements and I'm going to start with the sign-in sheets and go down each of the sign-in sheets, identifying the people who said yes, they were interested in making a statement.

When I call your name can you please come forward and you're welcome to have a seat at the table. I'm going to move the microphone over there, and state your name and any interest for which you may be here for tonight.

The first name on the first sign-up sheet is Kevin McLaughlin. Welcome, Mr. McLaughlin.

MR. McLAUGHLIN: Thank you. I'm speaking on behalf of the Friends of the Conowingo Dam. My name is Kevin McLaughlin. I'm a graphic designer, an art director and a communications consultant. I'm also a professional fine artist working as a landscape painter and nature and landscape photographer.

I live in Fairhill, Maryland. I've been a resident of Maryland for the past 17 of 21 years. I was born in Wilmington, Delaware.

For over 35 years, the Susquehanna

River served as subject matter and inspiration for my art.

I've explored the river almost as far north as Williamsport, PA. I've also traveled widely in the mountainous northwest, Idaho, Montana, Washington State, Oregon, California and Arizona and I consider the Susquehanna River to be one of the most beautiful features of the Eastern United States.

On a personal note I grew up in Wilmington, Delaware and I first visited the Conowingo Dam in 1964 when I was about 10 years old. I was raised in a family that valued technology and engineering and my father took me to an open house of the Dam reviewing the history probably after they finished the new power house.

We toured the facility and the power house and as I 10-year-old I learned about hydro-electric generation firsthand. I was tremendously excited to see the dam up close and I've returned to the area ever since.

The dam is a tremendous resource for the region. It has historical position as one of the largest concrete structures of its era. It provided over 200 well-paying jobs. It provides tourism dollars and recreational

opportunities for 250,000 per year.

It also contributes greatly to the tax base. The numbers that it contributes are very large and the absence of these numbers would be quite an economic hardship for the region.

Loss of these numbers is something we can ill afford.

I realize that the environmental issues involved are very complex. There's the sediment issue. We must consider that the dam holds back much of the sediment. We must consider that the runoff comes mostly from New York and Pennsylvania and just a small percentage comes form the shores of Maryland.

It unfair that Maryland seems to bear the brunt of this burden. New methods of mitigation must be found and ways of sharing the burden must be found.

To me, the most important issue is out of a green renewable energy. Is not hydro-electric power the cleanest form of energy we have. There are only so many rivers on the Continent that can be harnessed for this. Hydro-power is a finite resource, while being infinite. Finite and its

application goes like this and we don't have that many rivers.

Can we afford to de-certify the dam plus forcing society to burn more coal and oil and dance the dance with nuclear fusion. Consider the Greenhouse Gas is avoided. Consider the ocean acidification avoided.

If one considers the role the dam plays in partially blocking the sediment, I would suggest a balance sheet leans towards re-certification of the facility. Thank you.

MS. KEEHNER: Thank you. Stephanie Campbell.

MS. CAMPBELL: Hello. My name is Stephanie Campbell. I live, work, and play in Harford County. I am here tonight to say that I support the re-licensing of the Conowingo Dam.

Over 20 years ago, my husband and I purchased a small boat and trailered it to the different waterways in the county. And then we discovered that our favorite spot was the Conowingo Pond.

MS. KEEHNER: Uh-huh.

MS. CAMPBELL: The Peach Bottom Power

Plant Boat Launch. So 18 years ago we purchased a cabin on Broad Creek and we have been blessed to witness all of the wildlife, beautiful sunsets, and star gazing offered by the Conowingo Reservoir and Shoreline.

And our Broad Creek Community Association partners with Exelon every June to help remove tons of trash from the water and shorelines of the Conowingo, so we can maintain our beautiful scenery.

MS. KEEHNER: Uh-huh.

MS. CAMPBELL: Several years ago, the Association also partnered with Exelon to build in place about 20 wood duck boxes along the shoreline of the river in Broad Creek.

The Conowingo Dam is a huge part of my life. I am glad to be able to see the improvements to the recreational facilities around the pond and I have certainly enjoyed attending the Exelon events over the years that benefit the community.

I have countless awesome memories and stories of life on the Susquehanna River and I support the dam's long-term operation to continue to produce clean energy in this

region, in my region for generations to come.

MS. KEEHNER: Thank you.

MS. CAMPBELL: I just get all emotional because it's my life.

MS. KEEHNER: No, I understand. Is it Lisa or Lise Brown?

MS. BROWN: My name is Lise Brown. And I support the re-licensing of the Conowingo Dam by MDE. I am a lifelong resident of the Conowingo area and the Conowingo Dam has been a benefit to the surrounding communities since its opening.

One of my earliest memories of the Conowingo Dam is fishing there with my Dad or just playing along the river while Daddy fished, and yes, I am old enough to remember fishing from the now-closed catwalk along the front of the dam.

My family spends a lot of time enjoying the hiking and biking trails along the river which provide not only exercise and fun but a learning experience with the abundance of nature.

The Conowingo pulls another source of

recreation for families to enjoy and one we have utilized and enjoyed since its opening. One very important benefit of the Conowingo Dam for me is its toll-free access into Cecil County via U.S. Route 1.

It's very nice not having to pay the State of Maryland money just so I can enter Cecil County and go home. The Conowingo Dam is also an important part of protecting our Chesapeake Bay. The dam prevents trash and debris from entering the Bay. It's filled up with trash and debris which has come down the Susquehanna River from other states, is cleaned up and hauled away each spring from the current owners of the Conowingo Dam.

Imagine the devastation all that trash would wreak on our Chesapeake Bay if not stopped by the Conowingo Dam. I know there's a separate issue of sediment and nutrients building up behind the Conowingo Dam as with the trash and debris the sediment comes from upstream and is a serious problem that must be addressed.

The entire upstream region must be involved and responsible for addressing this pollution, not just the owners of the Conowingo Dam or the residents nearby.

The Conowingo Dam is not only a vital link of reliable and clean energy in the region, the Conowingo Dam also fulfills various important community functions; boating, hiking, fishing, bird watching; education of school groups, and visitors are just the tip of the iceberg in what the Conowingo Dam provides to the surrounding communities.

I would just say in closing, that the Conowingo Dam needs to be re-licensed so the residents and communities in the area can continue to benefit from their excellent stewardship. Thank you.

MS. KEEHNER: Thank you. J. Alan Thompson?

MR. THOMPSON: As I said, I'm J. Alan Thompson. I'm a lifelong member living in Harford County all my life. In fact, my Dad and my wife's father both worked on the dam when it was built, so we go way back.

People have said before, problems with the sediment is not ours. It's New York and Pennsylvania. But the little bit comes from Harford County, it's minuscule. We could have another Agnes and it would clean it out. You open all 50 gates, you wouldn't have to. But I don't think people

downstream want that. The people downstream are trying to make Exelon pay for something that's not their problem.

FERC had their hearings a year, two years ago. I thought we were done with all the hearings. And everybody had gotten what they wanted and we should have a license by now.

Why Maryland is even questioning things I don't know. FERC did it. It should be settled. Thank you.

MS. KEEHNER: Thank you. Mark Bryer?

MR. BRYER: Denise, is it okay if I show some slides?

MS. KEEHNER: Yes, sure. There's a mouse that slides out.

MR. BRYER: Good evening. I'm Mark Bryer. I'm with the Nature Conservatory (inaudible) Susquehanna River in Pennsylvania. Today I direct our work on the Chesapeake Bay and on behalf of the need and concerns I would like to provide our comments in reference to the application for Conowingo Dam.

Let me just first start by saying I

think MDE has a big opportunity to increase environmental components, and bring it into the 21st century and continue to provide low carbon energy for the future.

Our major concern of our organization all over the world and the United States and the people of Maryland since 1951, to protect lands and waters on which all life depends.

We've been committed since then to find a science-based solution that will work with nature and the people.

When it comes to hydro power we work really all over the world. We work in dozens of countries around the world working with governments, working with industry to find ways to develop and operate an economical viable carbon energy sources like hydro power. We want to do that and so work from Conowingo as the largest dam on the largest river on the eastern seaboard, is a big deal for us.

We want to see that continued and it will be also better because some mitigation that still needs to happen in order for the dam to be up with all the standards that exist in America and to be the Chesapeake TMDL.

As a number of the other speakers mentioned, Conowingo Dam is just one player in a really complex system. There's a really big watershed with a lot of different players. So we're not here to point the finger at one dam as the sole source.

But that source does have impacts and it does need to mitigate those impacts from being bolder. So those are good examples.

This is an illustration of how Conowingo operates today which was generating hydro power. You can see that the dam operates to maximize power generation. During that generation period it carries the river's flow by a factor of 0 for 20 daily during the course of the day and the maximum and minimum far outside of what occurred historically and far outside of operations with dams with tidals elsewhere in the world. So it was based upon the best available sites we had. On things like downstream habitat and inclement weather. In the comments Denise mentioned in August we submitted a lot of detailed documents. Tonight I have highlights for specific recommendations that we would offer for inclusion in the Conowingo Certification.

The first is to a modify the schedule to restore effective habitat. The second is to mitigate incremental pollution that's resulting in the situation at the reservoir.

The third resulting fish passage, and the fourth is to do all those things adaptively and to make sure they're leading others towards measurable goals. This last one is really important because this is a long license. This is 40 years.

None of us really can guess what kind of science, what kind of knowledge, what kind of technology might be developed over that time frame. So it's really important from our perspective to be adaptive and to continue to provide the best technology and the least cost solution moving forward.

Just a little more on issues. We have a proposal to include in our written comments before January 13th, to follow a schedule. This detailed recommendation was developed over a number of different partners to still provide economically feasible power generation but maximize habitat, the ones that were downstream like migratory fish. Mussels that can

clean the water for us and aquatic vegetation that a lot of our species care about.

So a precautionary symptom talks about adjusting the minimum and maximum flows and releases. Adjusting the ramping rates, the time between which the dam shuts off and powers up. And again reports of being down there and greeting the working group that's in place at Table 2, to form progress hopefully, and again, the benefit of that is we're restoring this incredible flow reception historically.

In terms of recommendations for water quality, there's a lot of conversation which many folks have mentioned tonight. There's a lot of science that we know about this type of pollution and we would just recommend that MDE look at those data as they are literally being talked about today and create a plan.

Our recommendation from our perspective would be to give flexibility to Exelon and find the least-cost solution in every occasion. In our experience that's often the current nature-based solutions like frozen wetlands, but again flexibility is important from our perspective (inaudible).

From a migratory fish passage to negotiate a settlement agreement. We would recommend all these mitigations and incorporate that into the 401 certification. And again, enhance the adaptive process over the course of the 46th year.

I wanted to just highlight the particular meaningful mitigation is really feasible from an economic perspective, we think. This is just a chart showing a variety of different means that the dam could operate under that changes different benefits.

How is that done in varying ways? The proposal, the complex Table that I showed before represents a cost of less than two percent of the annual revenue that really returns 70 plus percent of the affected habitat in this larger section of the stream and river.

Additionally, we have major concerns. The Chesapeake Bay Foundation wanted to know if the issue that we were looking for was economically feasible. We wanted to get just a handle on we don’t know what this –- is it feasible for the dam to continue to be profitable. And so we commissioned a study by an economics firm to look at the publicly available

data and the answer from that analysis was yes, there are excess profits for a significant area that provides for many of the issues.

In addition, the study didn't look at the detail, but there are, it could be access mitigation into the (inaudible) markets with additional revenue for Exelon and the dam's owner to provide access to higher levels.

So, in conclusion I'd just like to say this is an incredible opportunity. This dam is a resource for a whole bunch of different reasons. There's an opportunity to bring it into the 21st Century. It is the largest dam on the largest river on the Eastern Seaboard.

We need the low carbon power but we also need a really good habitat and we think we can get all these things together. So there's an opportunity for leadership on the state's perspective and there's an opportunity for leadership from Exelon's perspective to sort of show how hydro power can work for all these things.

MS. KEEHNER: Thank you. Carl Schendelwieser. Did I pronounce that right?

MR. SCHENDELWIESER: That was close enough.

MS. KEEHNER: Okay.

MR. SCHENDELWIESER: My name is Carl Schendelwieser from Havre de Grace, Maryland. I don't have any formal presentation like the previous speakers had, but I've been attending meetings now for a number of years on this re-licensing procedure and I have notes here going back to December 9th 2014 and at that time I lived in another building here on campus. We had 7 agencies that had presentations on whether they were going to get the license at the Conowingo Dam.

And during that presentation and I think one of the first studies on the Conowingo Dam was federally funded was to the Army Corps of Engineers. And the result of their study showed that sediment had no impact on the upper part of the Chesapeake Bay.

As far as, also the Chesapeake, the Conowingo Dam as far as we're talking about sediment, as far as trapping logs and floating plastic and everything, if that dam wasn't there, there would be an additional 600 tons of logs and debris down into the Bay which they're removing. And if

anything, they should get an award for doing such a great job.

Also, anything as far as the nutrients, the phosphurous and nitrogen goes, that's all from above the dam, Pennsylvania, New York, and to hold them responsible for the remediation of that I think is totally unjust to the dam.

That's something Pennsylvania is going to have to address to reduce that. It's not the dam's responsibility as far as I'm concerned. As far as the pollution it's causing, I don't see any.

But in the last 7 days in a local Baltimore newspaper, toxic algae bloom reported in Baltimore Harbor. And it goes on to say, you know, about the fish kills that are going on, the algae blooms, none of this is caused by the Conowingo Dam.

Also within that 7-day period, another article, Patapsco Wastewater plan far exceeding its pollution limit. And again this goes on to say how much, there's 21 wastewater treatment plants causing and exceeded pollution.

Another one we have is the limits of the flush tax. Now even with the amount of money that's gone

into it, as a matter of for instance here, 3.6 million pounds of nitrogen discharged last year and it was 29 percent over the 2016 limits. New York is going to have to address to reduce that. It's not the Dam's responsibility as far as I'm concerned.

As far as the overall pollution it's causing, I don't see any, but in the last 7 days in a local Baltimore newspaper, we got one here. Toxic algae bloom reported in Baltimore Harbor. And it goes on to say about the fish kills are going on. The algae blooms they're having. None of this is caused by the Conowingo Dam.

Also within that 7-day period, another article, Patapsco Wastewater Plant, far exceeding its pollution limit.

And again this goes on to say how much, there's 21 wastewater treatment plants causing this exceeded pollution.

Another one we have are the limits of the flush tax. Now even with the amount of money that's gone into it, for instance here, the 3.6 million pounds of nitrogen discharged last year, and it was 29 percent over the 2017 limits.

So just these three articles alone over the last 7 days show that the situation we have on the Bay with the algae blooms, the fish kills, the unfortunate fish kills, have nothing to do with the Conowingo Dam.

As a matter of fact, as far as I'm concerned they are very good stewards of that river. Fishing has been great up there. I haven't heard one person require eels to be transported to the upper, above the dam, but yet Conowingo Dam was required to put in an eel ladder and I don't know how many thousands, maybe even millions of dollars for that remediation.

And then to hold them responsible financially for all these studies. As far as I know they're paying for all these studies. Well, that's my interpretation they're paying for it. And to me it looks like nothing more than legalized extortion from the dam requiring this.

And I was surprised when I got the email that we're having a meeting tonight. I thought that this was a closed thing and that the Conowingo Dam had been licensed, and why it's taking so many years for them to get a license. Nothing's changed there.

I took a tour through there and the equipment that was there in 1926 is there. It's working fine. It's doing its job. And all the mechanicals are expending more money for nutrient removal and everything is, I think totally unfair for the Conowingo Dam to be exposed to that. And I would think, I'm all for them getting a license as soon as possible so they can get on with doing their business.

MS. KEEHNER: Thank you.

MR. SCHENDELWIESER: Thank you for your time.

MS. KEEHNER: Uh-huh. Thank you. Dan Marinacci?

MR. MARINACCI: Hello.

MS. KEEHNER: Hi. Welcome.

MR. MARINACCI: I'm note taking. It's what I'll be reading from. Thank you.

MS. KEEHNER: Thank you.

MR. MARINACCI: I'm not a public speaker and it'll show. I'm Dan Marinacci. I'm a PE, I'm licensed in multiple states. I earned my Bachelors and my Masters in Mechanical Engineering from West Virginia University in Morgantown. I'm employed, I'm considered a steam turbine, a

gas turbine subject matter expert.

I'm fortunate to have lived the last 37 years about 20 miles from Conowingo Dam. That means I get to visit often. I'm into photography so I try to shoot the eagles and whatnot.

MS. KEEHNER: Uh-huh.

MR. MARINACCI: Every visit there I see people come from around the world to shoot the eagles, one of the best places certainly on the east coast, the photograph of bald eagles. So it's always many fishermen there, boaters, I see kayakers and there are people walking the trail and other recreational activities.

I consider the falling some of the top benefits of Conowingo Dam and other comments blend in. It provides a huge financial, recreational, and environmental benefit. The nutrients are captured by the dam. They're not produced by the dam. They're coming from upstream Maryland, I'm saying New York State.

I think it's only fair to hold the dam's owners responsible for something they're capturing and prevent it from going to the Chesapeake Bay. I'm of the opinion

long-term solutions can involve those three states, Maryland, Pennsylvania and New York.

Where I live there is a lot of farm land that drains into the Chesapeake and there's been efforts to educate the farmers on afforestation, for example.

That's been going on since I've lived there and that's been about 37 years. A total of 572 megawatts, that's the largest renewable storable, green energy power in certainly the east coast.

Conowingo produces 106 million megawatt hours of greenhouse gas emission, free electrical Haline to put that in layman's terms, that's about 160,000 houses are powered by the dam.

And again, it's very important that that's greenhouse gas free generation.

And it's one of the best sources. I'm a turbine engineer, so again, to the technology of turbines. It's one of the best over all America for black start power. Do you recall when the grid went down two or three times in our lifetimes. They had a heck of a time starting back up because nothing would run.

Conowingo Dam couldn't supply the power to the grid as we start plants. By wisely managing the reservoir and the Conowingo Dam acts as a large storage system of electrical power. So the problems with wind and solar, it's windy and you got power and when it's sunny, you have solar power but when you don't have it, you don't have power generation, so it's an effort to store the energy.

One of the best ways to do it is water, the height of water behind the dam for example. So Conowingo provides that.

Now they run to produce peaking power. And peaking power is normally produced by very inefficient coal-fired power plants such as ones I've looked at. And the reason being the demand goes up, so the price goes up so these plants are economical to run. Normally they're not. And the other thing that's used to provide peaking power is oil-fired gas turbine generator units because they're inefficient, not that clean burning, and put out a lot of greenhouse gases.

So the Conowingo, by matching the reservoir height and running during peaking hours solves those

problems.

It's a huge economical engine for northeast Maryland which is pretty economically deprived. There's not a whole lot of industry there. They deliver 273 million economical benefits and they crank that out to equal 265 (inaudible) jobs.

If the dam is shut down, those jobs and that economical cash flow goes away. They directly pay $10 million annually in local taxes employing $3.8 million for property tax. As I mentioned, it drives the regional tourism by attracting 250,000 recreational visitors each year and 210 Cecil and Harford County said they saw over $200 million economical activity due to the tourism.

Our society today demands lust for power. I don't care how you produce it. There's negative aspects of producing power.

I'm from West Virginia. I'm certainly aware of the economical problems caused by the strip of deep mining. And seeing acid runoff and landscape damage. I can relay it, coal mining is a dangerous occupation and I can relate to that very personally because my own grandfather was crippled

in a coal mining accident.

And there were air and water pollution issues associated with a burning carbon coal are well known. And they're well known by all West Virginians and everybody in the country. The majority of climate scientists say carbon dioxide emissions are causing climate change which in turn causes a great number of storms that are more severe.

Once again I can relate to that personally because last September, my cousin, Brenda, who owns a beautiful home in Motney Springs, Florida, Hurricane Irma made landfall just miles from her home. Due to codes her house was built very well with stringent design with demands for the roof and the shutters and windows, so they came through pretty good and I'm like, well the neighborhoods in that town.

I'd like to say that where she worked, they came through okay in Denton. She worked for a number of weeks, if not months. Her place of employment was damaged. And all her neighbors didn't do so well. And mentally she still shows effects of having to deal with that storm.

And so, in summary, Conowingo Dam is one of the biggest and best sources in America for renewable,

carbon dioxide free for generations but to have them filled for energy storage.

And so Conowingo offers (inaudible) and it's not a source of the nutrient salint that's part of the issues being discussed. Therefore, I'm all for the 401 Water Quality Certification being issued and the long-term power generation license should be renewed as soon as possible if it hasn't been, I'm hearing mixed things at this meeting if it's been renewed or not.

Prevent the renewal of the license due to nutrient salint which comes from upstream issues. It would be a major disservice to the local Maryland and the whole country for that long-term well being.

MS. KEEHNER: Thank you.

MR. MARINACCI: Thank you.

MS. KEEHNER: Shirley Thompson. Hi.

MS. THOMPSON: How are you? My presentation tonight is not a technical one. It is a love one. Love of the area by all of my friends and my acquaintances in the area, plus all of the organizations and activities that go on in our area. And that includes the schools, the fire

company, and the different areas that have people who want to come and just visit. Okay.

So I want to see it remain the way it is. I was brought there at five years of age by my father who worked on the dam when he was young. But he bought a farmette, he had bought a farmette on Berkley and Castleton Road, and we lived there, I did, until I got married and I've lived in the Darlington Dublin area ever since, and at 81 years old I feel like to take the dam away from us would be a spoiled brat type of situation.

I just feel it is so much more of a love triangle than it is a technical one. Okay. Thank you.

MS. KEEHNER: Thank you. Okay. I'll try this last name. Ted Evjenindis?

MR. EVJENINDIS: Evjenindis.

MS. KEEHNER: How do you pronounce it again?

MR. EVJENINDIS: It's pronounced Evjenindis.

MS. KEEHNER: Evjenindis. Welcome.

MR. EVJENINDIS: Thank you. My name

is Ted Evjenindis. I'm the Lower Susquehanna river keeper. The Executive Director for the Lower Susquehanna River Keeper Association. I'm here representing myself tonight, along with the Lower Susquehanna River Keeper Association.

Our office is located at 2098 Long Level Road, Wrightsville, Pennsylvania. Let me give this to you as well.

MS. KEEHNER: Thank you.

MR. EVJENINDIS: You're welcome. My testimony tonight will be slightly technical so please hang out with me here for a couple minutes.

Good evening. Since 1928 Conowingo Dam has dramatically altered the Susquehanna River's flow patterns holding back sediment and nutrients and preventing it from moving downstream at natural rates, while preventing the migration of many species of fish, such as the American Shad and American Eel in exchange for hydroelectric power that generates private profits for Exelon.

Historically, the Susquehanna River has transported sediment from 10 million tons per year in the 1930's to under 3 million tons per year in the 2000's.

Part of the sediment and associated pollutants including nitrogen and phosphurous have entered the Bay while the remainder has been trapped behind the Lower Susquehanna River Dams.

Of the four Lower Susquehanna River dams, York Haven, Safe Harbor, Holtwood and Conowingo, all but Conowingo, the furthest south have reached dynamic equilibrium, which is a state of minimized trapping capacity that fluctuates somewhat with storm-based scouring and filling, basically no longer trapping sediment.

As this trapping capacity is reducing rapidly to a state of dynamic equilibrium, scouring of trapped sediments is on the increase. Scouring of sediment from behind the Conowingo Dam into the Chesapeake Bay and the loss of its sediment-retaining capacity, represent two imminent and substantial threats to the Bay.

The first threat to the Chesapeake Bay is the reoccurrence of what is known as a catastrophic pulse. During four days in 1972 the flood waters of tropical storm Agnes, transported four years worth of sediment and pollutants down the Susquehanna River from New York and Pennsylvania.

When the flood waters reached the Lower Susquehanna River dams, the water scoured another 8 years of pollutant bearing sediment that had been trapped in the reservoir behind the dams, much from Conowingo.

This catastrophic pulse of 12 years worth or 30 million tons of sediment combined with the surge of fresh water, to inflict the biggest single damaging event ever recorded in the Chesapeake Bay.

Over the past 40 years, sediment has accumulated behind the dam to a level exceeding 1972 levels, creating a threat of damages even greater than that experience in 1972.

Scientists agree that the question is not if a catastrophic pulse will occur again, but only a matter of when.

The second threat occurs as the Conowingo Reservoir approaches sediment storage capacity and we see a massive increase in the annual average output of sediment and phosphorus to the Chesapeake Bay.

The paradox of the Conowingo Dam is that it currently collects and retains 45 to 55 percent of

Susquehanna's sediment.

As minimum sediment trapping capacity or dynamic equilibrium is approached, the annual load of sediment from the Susquehanna to the Chesapeake has increased perhaps as much as an additional 2 million tons.

Along with this sediment you will see an additional 30 to 40 percent increase in phosphorus and a two percent increase in nitrogen. These increases if not mitigated, will affect aspects of the Chesapeake Bay health from the size of dead zones to feeding and breeding capability of aquatic species, including crab and oysters to channel dredging frequency in costs.

The U. S. Army Corps of Engineers, Baltimore District, and the Maryland Department of the Environment partner to conduct the Lower Susquehanna River Watershed Assessment. The LSRWA. This report presents assessment efforts and document findings.

The purpose of this assessment was to analyze the movement of sediment and associated nutrient loads within the lower Susquehanna Watershed through the series of hydroelectric dams, Safe Harbor, Holtwood, and Conowingo,

located on the Lower Susquehanna River to the Upper Chesapeake Bay.

Critical components of this watershed assessment included, one, use of hydrologic, hydraulic, and sediment transport models to link incoming sediment and associated nutrient projections to end the reservoir processes at the dams and to estimate impacts to living resources in the Upper Chesapeake Bay.

Two, identification of watershed-wide sediment management strategies. And three, assessment of cumulative impacts from sediment management strategies on the Upper Chesapeake Bay eco system.

We recently consulted with Paul Frank of Flow West to review the modeling analysis performed for the LSRWA to determine if the general conclusions presented in the LSRWA were supported by the underlying modeling analysis to ensure that the appropriate input data and assumptions were used, and to offer professional opinions on additional or revised modeling analysis that should have been performed.

Flow West capabilities span the full suite of water resources management, eco system restoration

services, aligned for projects at the intersection of people, infrastructure, and the environment.

A review summary from Paul's report concludes that the LSRWA analysis of sediment and nutrient impacts on the Chesapeake Bay depended on the daisy chain of models that passed outputs successively from one model to another.

This included the ADH or adaptive hydraulic model, the CBEMP or Chesapeake Bay Environmental Model Package and the Corps of Engineers, HECRAS model.

At each stage, projected sediment quantities were lower than the best available estimates or actual measured data suggested in some cases by considerable amounts. This resulted in under-representation of potential sediment impacts and in turn likely nutrient impacts on the Chesapeake Bay.

In general, the ADH and CBEMP modelers did not appropriately reflect the expodential relationship between flow and sediment load, and selected input model flurries that did not reflect the expected magnitude of events

likely to occur during the 46-year FERC licensing window.

The ADH and CBMP models predicted and evaluated the impacts of annual sediment loading rates to the Bay that were lower than estimates made from actual observations of barometric change and measured sediment loads by the USGS, therefore under-estimating the impacts of typical annual sediment loading on the Chesapeake Bay.

For example, during review of the LSRWA documents, Flow West found that the storms were categorized by peak flurry, but in two different ways, leading to some confusion.

The method by which the peak flow is calculated has critical implications for how corresponding sediment in nutrient loads to the Chesapeake Bay during storm events were modeled in the LSRWA.

This is where some of the most significant flaws with the LSRWA modeling arose. Tropical Storm Lee, for example, was modeled by both the USGS with the HECRAS and the Army Corps' ADH model, based on daily average flow.

For Tropical Storm Lee, the highest daily average flow occurred between 12:00 a.m. on September 8,

2011 and 12:00 a.m. on September 9, 2011, and was 709,000 cubic feet per second.

While this daily average flow represents the 24-hour period that symmetrically spans the time 12:00 a.m. on any given day, a 24-hour running average flow can be calculated at any other similarly arbitrary window, such as the window that produces the highest peak 24-hour average flow.

For Tropical Storm Lee this occurs by averaging instantaneous flows between 3:30 and 3:30 each day of the event, resulting in a peak 24-hour average flow of 746,000 cubic feet per second.

When the Army Corps of Engineers ADH modelers compared the results against USGS measurements of sediment loads, Tropical Storm Lee is represented based on storm average flow or 632,000 cubic feet per second.

Based on instantaneous flow, Tropical Storm Lee peaked at 778,000 cubic feet per second at 4:15 a.m. on September 9th 2011. In addition, the ADH modeling would span years 2008 to 2011 included Tropical Storm Lee and approximately a 20-year interval in the flow event.

The CBEMP modeling which spanned the years 1991 through 2,000 included the January 1996 storm event, whose peak flow represented a 25 to 50-year return in a real flurry rate –- flow event.

However, since only daily average flows were considered rather than peak flows, this reduced the event from a 909,000 cubic feet per second event to a 622,000 cubic feet per second event.

It represents an approximately 20-year return interval flow event similar to Tropical Storm Lee. All of these discrepancies mean that the LSRWA analysis simply failed to assess the full potential for scouring associated with the large-size storm that is predicted to occur during this license period.

It is notable that the Phase 6 Watershed Model WSM which simulates the whole Chesapeake Bay Watershed, to estimate loads of sediments and nutrients to the Bay, predicted little to no scour from Conowingo during that January 1996 event.

This required modelers to add scour contributions from Conowingo from the ADH modeling of Tropical

Storm Lee to the WSM to bring it into agreement with observations.

Given that the FERC licensing process for Conowingo is likely to be 40 years plus, the effects of larger storm events on the Chesapeake Bay should have been performed.

In a given 40-year period there is approximately a 33 percent chance that a 100-year return interval flow event will occur, meaning there is a reasonable chance in the next FERC license period for Conowingo that that scour event is substantially larger than either Tropical Storm Lee or the January 1996 event will occur.

Because the ADH modeling produced lower scour predictions from Conowingo than estimated by USGS, the CBEMP evaluations carried these low scour predictions forward to the impacts which under-estimated storm-based scour loads on the Chesapeake Bay.

Also, Exelon’s application mischaractrizes the Chesapeake Bay total maximum daily load for nitrogen, phosphorus and sediment, incorrectly claiming that it provides a comprehensive framework for addressing any impacts

resulting from the reduction of trapping capacity behind the Conowingo Dam caused by sediment introduced upstream of Conowingo Dam.

This assertion can be readily dismissed given that the USEPA expressly declined to include a waste load allocation in the Chesapeake Bay TMDL to account for scoured sediment and nutrient discharges from the Conowingo Dam Project.

This decision was based on the incorrect assumption that the Conowingo Reservoir has not yet reached dynamic equilibrium and would not until after 2025 which we know is not true.

Furthermore, new sets of studies were completed by the University of Maryland Center for Environmental Science, that this 401 Certification does not take into account. We will be reviewing these newer studies to ensure that the appropriate input data and assumptions were used and to offer professional opinions on additional or revised analysis that should have been performed.

Given this disclosure, we note that Exelon’s application mentions this sediment study it agreed to

help fund in 2014, but it does not provide information on the results or the status of that study.

Given the need for additional study was the primary reason for delaying the licensing process. This is a serious omission.

We and others in the public should not be required to comment on an application that is so blatantly incomplete.

We are also concerned about eel placement in Lower Piedmont tributaries south of York Haven, south of the York Haven Dam.

Many of these tributaries are the highest contributors of nutrients and sediment from the Susquehanna Watershed to the Chesapeake.

Making certain that the eels are in these tributaries boosts the potential for eastern mussel populations to regain their former prominence in the eco system.

This, in turn, will restore our natural pollutant reduction system that was in place prior to the existence of the Lower Susquehanna River Dams.

Eels in the Susquehanna appear to be the dominant

and almost unique host species for the larvae of (inaudible) mussels.

In conclusion, the Conowingo Dam Project has profoundly lowered the Lower Susquehanna River System. It has historically trapped an average of 50 to 67 percent of the annual sediment load from 41.25 to 2 million tons.

Along with the nitrogen and phosphorus attached to the trapped sediment, if not for the Conowingo Dam, this load would have been delivered to the Lower Susquehanna River and Chesapeake Bay at normal rates.

Exelon incorrectly claims that the Conowingo Dam Project has functioned as a best management practice for the Chesapeake Bay. But this is an overly simplistic portrayal of the project’s effects.

In fact, the Dam and its Reservoir have produced an enormous artificial repository of sediment and associated nutrients that can be scoured by high-flow events, re-mobilized and delivered downstream by large storm-induced flows.

Exelon’s application for 401 Water

Quality Certification cannot be issued unless Maryland imposes a requirement for the Company to participate as a financial partner in a specific plan for removing a minimum of 4 million tons of sediment from Conowingo Reservoir annually until 100 tons are removed, and for maintaining the same level thereafter.

If Maryland concludes that it lacks sufficient information at this time, a conclusion that is well justified given the shortcomings of the analysis discussed in this testimony, Maryland should deny the Certification outright.

Maryland must also complete a detailed analysis of the effects of climate change in order to accurately assess the impacts the project will have on the state's water quality standards now and in years to come.

On behalf of myself and the Lower Susquehanna River Keeper Association, we thank you for your time tonight. I'm available for questions. Thank you.

MS. KEEHNER: Thank you. Katlyn Clark? Welcome.

MS. CLARK: Hello. My name is Katlyn Clark. I'm here on behalf of Water Keeper Chesapeake. We are very short keepers, coast keepers across the region working to

make the waters of the Chesapeake Bay and the coastal bays swimmable and drinkable. Once again, thank you for this opportunity to speak on Conowingo Dam's re-certification.

As we all know, the Conowingo Dam has been holding back sediment and other pollutants for decades but recent research shows that the Dam Reservoir has filled up with sediment much faster than expected.

So this enormous artificial repository of sediment and associated nutrients can be scoured during high school events, re-mobilized and delivered downstream by large, store-induced flows.

So if we don't deal with this trapped sediment, all of our efforts to clean up the Bay and meet the state's 2025 Water Quality and TMDL goals will be devastated by one catastrophic, I think, Agnes level storm.

So in order to protect water quality and meet our TMDL goals, MDE must include both best management practices and judging accumulated sediment, nutrients and other contaminants stored behind the dam, as a 401 Certification condition.

This is essential to protect the

Chesapeake Bay, the Suequehanna Flats and other tributaries downstream from the Dam, from catastrophic events that scour during storm events that will occur during this 46th year term of the license.

So while I'm certainly not approaching it without drastic cleanup measures, like dredging at the Conowingo Dam, this sediment can and will smother aquatic grasses that provide food, habitats and oxygen for marine life in the Chesapeake Bay during a catastrophic event.

While best management practices upstream can and should be a part of the cleanup process, previous studies have shown that if every single best management practice were implemented, they would only address about 15 to 20 percent of the sediment flow coming downstream and through the Dam.

So unfortunately, these practices would also do nothing to ameliorate the risk of catastrophic harm to the Bay from the storage sediment behind the dam.

So for this reason, Water Keeper Chesapeake recommends that MDE require Exelon to participate in the cleanup process as a financial partner and implements

falling.

So one of a full suite of upstream best management practice and dredging to reduce catastrophic risk of sediment scour during catastrophic events. And three, resiliency measures downstream to ameliorate the effects of sediment scour despite the dredging.

So at least 4 million tons of sediment must be removed from the Conowingo Reservoir annually until 100 million tons are removed and we believe that Exelon should be a partner maintaining that same level thereafter.

So as the Susquehanna River Keeper said that Lower Susquehanna River Watershed assessment which Exelon has been relying on, falsely concluded that dredging was not cost-effective and would not yield a significant benefit.

This was based on several errors and false assumptions which were outlined in detail by the Susquehanna River Keeper, but in short, they include the failure to evaluate impacts on any large-scale events, the failure to evaluate the damage of submerged aquatic vegetation during the growing season, and lastly, the failure to evaluate large-scale dredging and sediment removal.

So significant climate impacts must also be considered by MDE during this process because these impacts will likely increase the predicted levels of scouring threshold exceedences that were originally assumed for the project.

So this climate analysis would definitely be a central component of the State's Water Quality Certification process.

So there's an obligation not only under the 401 Water Quality Certification, but under the Federal Power Act to address water quality improvements and then share public benefits like access to recreation which will be impacted if not addressed during this license process.

So over the next 46 years, Exelon will be bringing in billions in revenue for the operation of this dam, and the Federal Power Act requires a public benefit for using the public resource of the Susquehanna River. Exelon may not continue to profit from this public resource without remediating all of the environmental problems that the Dam has

created.

So without these conditions, MDE should certainly deny Exelon's application for re-certification due to the applications deficiencies which we've outlined in detail in our written comment. So I will not elaborate on those today. Thank you so much for your time.

MS. KEEHNER: Thank you. Rich Seigel.

MR. SEIGEL: Thank you. My name is Richard Seigel. I'm a professor of Biology at Towson University, an expert in the Amphibian and Reptile Conservation and Wildlife Management, and most of my work is devoted to the things that most people are scared of like turtles and snakes.

So that's why I asked for the photograph to stay up because the last 10 years myself and my graduate students and my under-graduate students have been working on the conservation biology and wildlife management of one of our state-endangered reptiles which is the northern Mac Turtle down there on the lower left hand corner.

This turtle is only found in the Susquehanna River in the State of Maryland although it's a very

abundant turtle in many other parts of the united States. It's very rare in Maryland.

There's only a population that's divided by the Dam, probably a total of about 300 individuals total in the state. It's one of the state's rarest species.

We've been working on that biology of that animal in looking at conservation measures and ways of managing the population so that the population remains viable since 2008. Our partners have included Maryland Department of Natural Resources, the U.S. Fish and Wildlife Service, the Maryland Department of State Highways Administration and Exelon as well as the Town of Fort Deposit.

We worked on everything from population biology to nesting ecology to the impacts of subsidized predators, to diet analysis, where the animals spend the winter, and of course, mechanisms for determining if the population is viable.

The work that we've done has shown pretty much that we have a viable population here in Maryland. There are a number of threats to it, a number of which have been addressed through the work that we've done with these partners.

The biggest issues that we have right now and I'm speaking only about the turtle, are things that have nothing to do with the Dam, per se, or with Exelon, but have to do with outside threats that I don't think are being adequately addressed in the testimony that I've heard so far.

And the two biggest threats to that turtle's existence right now are unregulated harvesting by commercial fishermen in the Lower Susquehanna that has been permitted by the Maryland Department of Natural Resources Fisheries, where their commercial fishermen operate in traps that would drown Mac Turtles in them if the traps were placed in the right places and not checked.

We've been unable so far to be able to determine what impact that's happening.

The second issue that is germane to the discussions that we've had today is that there have been proposals made and as I understand it, potential action taken to begin dredging of some of the sediment that we've been hearing so much about in Conowingo Pond.

There's a small population of unknown viability of Mac Turtles in the Conowingo Pond and the impact of

that dredging on that endangered species has not been addressed in any way that I'm aware of.

In our contact with Maryland Department of Natural Resources, we haven't had any information as to where the dredging would take place, what impact it would have on the turtle or any contact to see whether or not the dredging itself was even done with the turtle in mind.

So those are our two biggest concerns right now. Thank you.

MS. KEEHNER: Thank you. Betsy Nichlas.

MS. NICHLAS: Hello. My name is Betsy Nichlas. I'm from Water Keepers Chesapeake as well and so I'm going to keep my comments brief, since my colleague already spoke.

I have the pleasure or misfortune depending on how you want to look at it, of having been involved in this re-licensing for many years so I just wanted to address a few of the long-standing issues associated with the Conowingo re-licensing and often occur in re-licensings in general.

It's a very long, arduous process.

It involves a lot of studies and research. But there's a big, really important reason for that. We're giving away our public resources to a private corporation.

And with that is the duty to understand the public benefit that Exelon is providing to us for giving them the use of our river and our waters for their exclusive use for profit. That is their duty under Federal Law that they must do, and their requirement under the Federal Power Act.

And what we're here discussing today is one of the most important examinations of that. The 401 Water Quality Certification. This is the part of the process where our state agency who is the entitlement authority here, looked at all of the impacts to water quality in our state and looked at every influence of the dam, not just the dam itself, not just discharges from the dam, but the dam operations, management, structure, and every part of it has on water quality in our state.

So I've heard many times that people say that the discharge of sediment is not caused by Exelon. That may be true but the storage of it, the passage through the dam,

the way it discharges, the character and nature of that sediment discharge. Every single aspect of that is changed and regulated by that dam. That dam that is there solely for Exelon's profit.

So while we're examining this process, all of that has to be taken into consideration.

Exelon recommended $16,000 a year, I believe was the number in upstream sediment measures while making millions of dollars alone off of the Conowingo Project. But it operates in conjunction with two other dam projects.

So taken together, those energy projects are worth billions of dollars, and over the term of a 50-year license, perhaps more than billions. I would have to get someone more sophisticated than myself to do the math.

So again, we have to think about the context that we're doing this examination in when we're talking about perhaps considering impacts like dredging and that may cost millions of dollars, but the Bay generates trillions of dollars in economic industry for seafood, for recreation, for other types of uses, for aesthetics, for everything. For all of us. That's why we're all here.

So all of that has to be taken into

consideration when we're looking at this and the impacts of this project.

I heard a comment about endangered species and dredging. It's true that that impact hasn't been studied yet, but that's because dredging has not been proposed as an official condition.

So if that is proposed as a condition there will be a required study of the impacts of dredging. That's part of the process. We just haven't gotten to that part of the process yet.

So our recommendation as already articulated is that we want to see very strong water quality conditions and protections from the State of Maryland. We think that Exelon's current application is insufficient. We know that there are additional studies being conducted.

We think that all of those need to be incorporated in the record. Need to be incorporated into Exelon's application, and all of that information needs to be seen, publicly available and analyzed to MDE making its decision on the conditions necessary for this license.

We believe that there needs to be

upstream remediation of the current sediment problems. That there needs to be remediation of the sediment problems in the Dam, and there needs to be resiliency planned for downstream because regardless of everything we do, we cannot stop the large level storms that could cause some catastrophic harm events downstream.

So planning for that building and resiliency will make us all stronger and more prepared for that.

I'm happy to answer any questions and will also be submitting some written comments as follow-up. Thank you.

MS. KEEHNER: Thank you. Jeff Horstman?

MR. HORSTMAN: Good evening. My name is Jeff Horstman. I'm the Executive Director of Shore Rivers. Shore Rivers is a non-profit organization that represents the rivers and bays on the upper and middle Eastern Shore. We work on the Choptank, the Miles and Wide Eastern Bay, Sassafras and Chester River.

Much of my testimony has already been covered by other people, so I'm just going to talk generally and

briefly.

We believe that Exelon has been given a huge benefit to use our natural resource and we believe that they need to take a much bigger step in remediation.

The idea that Exelon is absolving themself of the nutrients that are behind the Dam, I don't agree with. I think that the nutrients wouldn't be there. They are changed in consistency. Their delivery message has changed and the Dam has reached sort of a fulcrum event.

And when you get a fulcrum event, you get enough flow, all of a sudden it's released in a huge pulse as prior testimony has said, and it can literally destroy decades of work downstream.

So we believe that Maryland and Exelon have an opportunity and an obligation to lead in this re-certification process both for water quality and for operational sustainability.

We want Exelon to contribute financially in a much bigger way, in a partnership with New York, Maryland and Pennsylvania. That's the third state, isn't it, yeah.

Climate-related impacts need to be taken into account and also the advancements in technology. This is a 46-year lease and best management practices will change significantly over that time.

So we'd like for conditions to be put on the application that allow for dredging, a significant dredging. We want conditions for upstream BMPs, downstream resiliency, and some sort of technology, incremental increases over time.

I think that's all I have and just to keep it brief. I mean everybody else has already said what I wanted to. Thanks.

MS. KEEHNER: Thank you.

MR. HORSTMAN: Oh, I also want to say that it's important that we have these hearings, and I know that some people feel like it takes too long, but it's important. This is a 46-year process. It has incredible environmental complications and, you know, could have huge impacts and I think it's important that we take our time.

MS. KEEHNER: Thank you. Chip McLeod?

MR. McLEOD: Good evening. I do have a picture. I'd like to put it up if I could?

MS. KEEHNER: Yeah, sure.

MR. McLEOD: So people could see this.

MS. KEEHNER: See what you can do. I can hold it for you if you like.

MR. McLEOD: All right. Good evening. My name is Chip McLeod. I'm an attorney from Chestertown and I'm here on behalf of the Clean Chesapeake Coalition which is an association of Maryland County Governments, as well as the Delmarva Fisheries Association from the standpoint of impacts on the seafood industry attributable to the current conditions at Conowingo Dam.

And let me first say, I want to echo comments made by the gentlemen, Lower Susquehanna Water Keeper, with respect to the current conditions at Conowingo and the shortcomings of a lot of the modeling that's been involved.

We filed written comments on behalf, sorry Denise, if you can't hold onto that.

MS. KEEHNER: I'm so weak.

MR. McLEOD: We filed written comments back in August and I'm not going to go into those in great detail. We trust the Department will take them into account.

What I have here, and this is how I want to start my presentation. We believe, the coalition counties believe that the Water Quality Certification for Conowingo is the most important permitting agency action or decision on the Bay Restoration Continuum.

That photograph and a photograph that the coalition counties have been using for more than five years now, first it was published in a USGS, U. S. Geological Survey Report from 2012. And that is a picture of the Chesapeake Bay in September 2011 when Tropical Storm Lee occurred. And that is a 100-mile plume starting at Conowingo Dam and reaching the mouth of the Potomac River.

Second only to Hurricane Agnes in 1972 had this kind of storm befallen the Chesapeake Bay Watershed. This is a big problem for the Chesapeake Bay.

No matter how you slice it, well, let me just say this. Why this is so important, the Water Quality

Certification for Conowingo by the State of Maryland, is that this is really the last chance to do something meaningful to protect the Maryland portion of the Chesapeake Bay.

And I say that because in the FERC re-licensing process, which is all but complete except for what Maryland needs to do, the Environment Impact Statement is very weak.

(Beeping)

MR. McLEOD: And I'll be, I don't know what that was. I'll be blunt about that. We don't think that FERC, which is an agency really devoted to promoting the generation of electricity, not protecting the environment, really took into account the concerns of those of us downstream as far as the impacts of Conowingo Dam.

So FERC wasn't really looking out for Maryland and we really need to trust the current Administration and MDE to do that.

So this picture, the smothering sediments. The nutrient loading, the shock loading. You know, you hear often, that oh, well, if the Dam wasn't there, you would have gotten it all. Well, heck yes. But Mother Nature

has a way of assimilating this kind of stuff. This is not natural. The Conowingo Dam is not a natural condition. It is very unnatural and it did drastically change forever the flow of a mighty river.

We daresay that nobody 90 years ago when they were building this magnificent structure, I mean it's fascinating. If you've ever toured the Dam, it is a fascinating facility.

But 90 years ago they weren't thinking about, oh, what happens when that reservoir up there fills up. And here we are, we're stuck with this problem. This is not Exelon's problem alone, but Exelon owns the Dam.

As been stated, Exelon profits from this Dam, and they absolutely need to be part of the solution, but not the sole solution.

Other impacts. Impacts on the seafood industry. There used to be a very robust oyster fishery in the Chesapeake Bay. We're talking about millions of bushels a year harvested in the Upper Chesapeake Bay. Not any more. You'll hear all kinds of reasons why.

The number one reason is the amount of

mud and sedimentation that's occurred in the Upper Bay.

And then we have the shipping issue and some people lose sight of this. We spend a lot of money, the federal/state government dredging shipping channels to keep the Port of Baltimore viable and we must do that. That's a very important engine for the State of Maryland.

80 percent of the sediment dredged out of those shipping channels is coming down the Susquehanna River. It's not shoreline erosion.

And again, we keep getting it anyway but we're getting more of it because we've lost trapping capacity at Conowingo, and we're getting a lot during storm events.

You know, there was a famous book, well read. Anybody that follows the Chesapeake Bay knows it, by Tom Horton, published by the Chesapeake Bay Foundation called, "Turning the Tide: Saving the Chesapeake Bay." Sort of considered the Bible of Bay restoration.

Even in that book there was a section aptly titled "Time Bomb at Conowingo".

Let's look, maybe this is a McGyver

moment. Here's the MDE with a chance to defuse, maybe to some extent that time bomb. And that time bomb is what's going to happen at the next big storm event.

Denise, you don't have to keep holding it up. I mean, really. So first some context too. We hear often that the greatest source of pollution to the Chesapeake Bay is agriculture. It's important in this context, re-licensing Conowingo Dam that we recognize that the single largest source of pollution to the Maryland portion of the Chesapeake Bay is the Susquehanna River. It's not agriculture.

It's the Susquehanna River is the single largest source of pollution loading to the Chesapeake Bay. I don't care how you want to slice it, that's a fact.

And here we have an opportunity to control the amount of pollution that comes through a conduit which is the Chesapeake, I'm sorry, the Conowingo Dam. So think for a moment and I think, we hope MDE when they're considering conditions to put on this license, that because you have the Dam there, that is really like a point source discharge. Okay.

You have gates and every time they

open one of those gates, 15,000 cubic feet per second of water and pollution comes through and we really think you got to look at this like a point source.

Now, it's not subject to NPDES permitting. We understand that. But the types of conditions that MDE should be considering should be like that.

So talking about conditions for a moment, and we really don't think the State of Maryland should be shy in any way whatsoever in considering conditions to put on this Water Quality Certification.

We absolutely believe there should be some sediment management condition, dredging, that's vitally important if for anything to give the Chesapeake Bay some breathing room, because there is none any more.

I encourage everybody here to, after any storm, go to the DNR, Department of Natural Resources website, look at "Eyes on the Bay." They have a terrific website that you can see the same picture of the Bay every day.

And all you have to do is look after any minor storm these days and look at what's happening in the Upper Bay as far as discharges in terms of sedimentation.

And with all that sediment comes bound nutrients and Lord knows, whatever other contaminants are in that reservoir because there's a very important missing bit of information and that is what is the quality of those sediments.

We talk all about nitrogen and phosphorus and mud, the dirt. But there's very little evidence still or information out there about what else lies in that reservoir.

There is, as the Department knows, the Maryland Environmental Service is in the midst of undertaking a pilot dredging project in the Conowingo Reservoir to determine very importantly any innovation or beneficial re-use of the sediments that are accumulated above the dam.

The information from that pilot study, that pilot dredging, is going to be vitally important to determine, whether there is in fact value in the sediments, not just a dead cost.

Nobody pretends that this could be an expensive undertaking as far as dredging Conowingo Dam.

But I will point this out. A few years ago, a colonel from the Army Corps of Engineers estimated

that the cost of dredging Conowingo Dam to get it back to 1996 trapping capacity levels was between 500 million and 3 billion.

Now maybe that sounds like a lot of money but Maryland, the State of Maryland a few years ago had a watershed implementation plan that devoted $3 billion to regulating septic tanks. So if there was a policy determination that spending $3 billion regulating septic tanks to help the Chesapeake Bay was a good idea, people shouldn’t be shrinking from the idea of $3 billion to dredge Conowingo Reservoir. Now we’re not suggesting that going back to 1996 trapping capacity levels is the right target. But there absolutely needs to be a sediment management plan in place to get us some breathing room back.

The other important condition and we certainly articulated this in our written comments, is some kind of mitigation fund.

This is not going to be inexpensive and this is not entirely on Exelon but there has to be some contribution to mitigate the undeniable adverse impacts that are happening because of what’s been accumulated above the dam.

Maryland taxpayers have spent billions

of dollars trying to help the Chesapeake Bay. Billions of dollars. Add onto that the private investments, the individual citizens that have contributed because they know it's the right thing to do to help the Chesapeake Bay.

We are downstream and one big storm away from all of that being proven to be in vain. And I'm not trying to be too dramatic, but this is a pivotal moment in the Bay clean-up continuum. And to this day while we've spent billions downstream, not a dime is spent by the owners of the Dam to dredge or maintain that Reservoir.

And we think to really prove the point that this mitigation fund is tied to adverse impacts, you tie it to flow events, tie it to the number of gates they open. They open up a gate. That means the river's high. That means we're going to get a lot more pollution. That means a certain contribution into the fund.

And we certainly think that funding should be available to local governments who are spending a lot of money trying to do their part to improve the Chesapeake Bay and the water quality of the Chesapeake Bay.

I want to point out as far as a

contribution from Exelon towards trying to make things better.

Pennsylvania, when they issued their Water Quality Certification for Conowingo re-licensing, got from Exelon a $500,000 a year combined contribution for 15 years to two conservation districts and the Pennsylvania Boat Commission. That's a drop in the bucket for the impacts of we're trying to deal with, and to do anything to meaningfully mitigate the pollution loading upstream that's finding its way into Maryland waters.

We also think, so I've mentioned the dredging as a condition, the dedicated fund as a condition. We also think it's very important that the Department have re-openers in this, and by that we mean things are going to change. It's been spoken before. Something is going to happen that we didn't expect. You know, there's going to be a contaminant discovered in that reservoir that maybe people didn't think was there or in such quantity. There has to be a way to reopen this and not just do this once and hope for 46 years things go well.

So again, we encourage the Department not to be shy. This is a time to be very tough, and I frankly

believe that Maryland should be honest about what's important to protect the Maryland portion of the bay.

Let Exelon respond by saying or let them resist and say it's not important to protect the Chesapeake Bay. You know, we're not saying they're 100 percent responsible, but there's some, you know, it's time to step up.

They brag often about this being the largest renewable energy facility in Maryland and it is. And it's a great benefit, less carbon. We get all that, but if you're going to brag about it, then step up to the plate and address the adverse impacts that are caused by it.

And then meanwhile while we're all here taking this very seriously, let's not forget that at the federal level, you have the hydropower industry advocating to water down the rights of Maryland and other states to do just this, and that is impose conditions on a re-licensing of a hydro electric dam.

So keep an eye out on House Bill or the House of Representatives Bill 3043 which has passed the House of Representatives and now is in the Senate. So we don't know how that could even impact this process. But that kind of

shows you what's at stake here.

So this important authority of the State of Maryland that you have under the Clean Water Act, we encourage you to exercise it with great wisdom and vigor. Thank you very much.

MS. KEEHNER: Thank you. Ben Alexandro. Hi.

MR. ALEXANDRO: Good evening. Thank you for the opportunity to talk to you today. My name is Ben Alexandro. I'm the Water Policy Advocate for the Maryland League of Conservation Voters which represents over 19,000 supporters in Maryland and many more voters, and I'm also the Maryland State Lead for the Choose Clean Water Coalition, a coalition of over 200 different non-profits in the Mid-Atlantic region, all focused on water issues and some of our partners even spoke here today.

So on behalf of our voters, supporters, many of our partner organizations, I urge you to ensure that Exelon plays a large role in mitigating the significant pollution that's coming over the Susquehanna River and the Conowingo Dam.

We recognize that the dam has captured a large amount of the sediment from the Susquehanna River as a result of the polluting practices that are happening upstream of the dam.

And we also realize that the dam's capacity is now full and when large storm events and stormwater comes down, it scours out a large amount of pollution. And we also understand that the Conowingo Dam is not the only source of pollution. It should never be used as an excuse to not do local projects all around Maryland which are working.

However, the dam does have a significant impact on the health of the Upper Chesapeake Bay, and studies show that the operation of the dam itself is causing scouring events and is causing a portion of the pollution that's coming over that dam. And some are saying up to even 20 percent of the pollution coming through there.

So the change in the flow rate also when they release that, you know, the rates are the highest is also impacting the health and ecology of fish populations downstream, a large percentage of the available spawning populations in the area are also being blocked for migratory

fish.

So under the Clean Water Act in Maryland state law, the federal permit and the discharges may not be issued unless the state certifies that the activity does not violate Water Quality Standards.

So we believe that the dam is not meeting these standards and we believe it's the responsibility of Exelon to be part of the solution, as many of the folks here have said today and we agree with them. And we really think that the key is funding large-scale pollution reduction projects and that should be a stipulation of the re-licensing.

You should find a lot of on the ground restoration projects, whether it's planting forests, repairing buffers, other effective BMPs. That that could really stop the root cause of the problems and reduce a lot of sediment at a very low cost.

So Exelon should really be a partner with Maryland and Pennsylvania and even New York on a collaborative solution to reduce this root cause of the pollution. Otherwise even if you dredge you'll keep filling up and you'll be in the same situation.

So the dam should also improve operations to try to restore those damaged migratory fish populations, and finally MDE should work with Exelon to make sure that they explore resiliency measures to mitigate all the downstream effects that could happen when there are these scouring events.

Really the protection of the water quality is what's paramount here in the determination. And we really urge you to address these root causes of the problem and Exelon's application is just insufficient without these key components.

So please do not re-license until Exelon can either meet these Water Quality Standards or really becomes a partner in funding a lot of these sufficient projects, including upstream projects to offset the pollution that's going through there. So thank you so much for your time.

MS. KEEHNER: Thank you. I have Katlyn Clark again listed. Is that the same Katlyn Clark that spoke earlier? Okay. You appear twice. Mariah Davis? Hi.

MS. DAVIS: Hi.

MS. KEEHNER: Welcome.

MS. DAVIS: My name is Mariah Davis and I'm a resident of Annapolis, Maryland. For as long as I can remember I've cherished and valued the Chesapeake Bay for its resources it brings to the community and to the economy.

I simply cannot imagine a Chesapeake Bay without our beloved blue crabs.

MS. KEEHNER: He's having trouble hearing. Can you perhaps maybe get a little bit closer.

MS. DAVIS: Can you hear me?

MS. KEEHNER: Yeah, that's better.

MS. DAVIS: Should I start over.

MS. KEEHNER: I think it's all right.

MS. DAVIS: My name is Mariah Davis and I'm a resident of Annapolis, Maryland. For as long as I can remember, I've cherished and valued the Chesapeake Bay for its resources it brings to the community and to the economy.

I simply cannot imagine a Chesapeake Bay without our beloved blue crabs, the Annapolis boat shows, Wednesday night sailing races, and the Eastport Yacht Club Christmas Parade.

As you know, the Susquehanna River is

the largest river in the Chesapeake Bay and transports up to 50 percent of total fresh water input into the Bay.

Committing to improving the rivers and streams and improving the overall quality of the Chesapeake Bay is an economic driver for the State of Maryland. This is why I urge you to require Exelon to contribute financially to improving the quality of the Chesapeake for a problem that they are responsible for causing.

Exelon Corporation are responsible for an estimated 20 percent of the degregated water quality downstream of the Conowingo Dam.

Exelon, which owns the Conowingo Dam, has applied to the government for a new license to operate for the next 46 years.

As Maryland considers the new water quality impacts of this proposed new operating license for the Conowingo Dam, the State must insist that Conowingo mitigate its significant effect on water quality and natural resources of the Susquehanna River and the Chesapeake Bay.

Since its construction in 1928 the Conowingo Dam has trapped sediment and phosphorus pollution from

farm sewage plants. Other sources were behind its structure. Today sciences estimate that the reservoir is almost completely filled.

The loss of the dam's trapping capacity was not considered and accounted for when the regional plans to finally clean up the Bay was established in 2010.

Recent estimates by University and Government scientists indicate that the annual transport of phosphorous to the Chesapeake is about 1.1 million pounds, more than what was estimated in 2010.

The Chesapeake Bay Partnership Program has worked across the aisle to do everything that they can with limited resources to clean up our rivers and streams that flow into the Bay. It does not make sense to leave the Bay Program and the Bay states with this financial burden when Exelon corporation could support mitigation.

A new study commissioned by the Chesapeake Bay Foundation and the nature conservation shows that Exelon Generation Corporation has the means to make responsible hunch reasons to mitigate impacts to the Conowingo Dam while continuing to make a healthy profit.

The study concluded that Conowingo generates sufficient revenue to provide 27 million to 44 million annually in remediation depending on flow regimens and energy prices.

So the solution. Maryland should require Exelon to contribute financially to the mitigation effort. The results of the Army Corps of Engineers' study indicates that the most cost-effective approach to reducing pollution coming from across the dam is to implement practices that will reduce pollution upstream.

Innovation is a critical component of the Bay Cleanup effort and given the length of this license it will be important to consider additional cost-effective practices as information becomes available.

A portion of Exelon's contribution should be used to reduce upstream sediment and nutrient pollution and prevent it from reaching the dam as well as implementation of other practices that will benefit downstream water quality.

Exelon should partner with Maryland, Pennsylvania, and New York as my other colleagues behind us have

said to collaboratively put forth an initiative to reduce sediment and nutrient pollution.

Exelon must be required to make specific operational changes at the dam, including changes to restore safe habitat for migratory fish, like the American Shad, striped bass, for keystone species like freshwater mussels and aquatic vegetation.

Our friends in Congress recognize the significance and importance of the Chesapeake Bay as a natural treasure of worldwide significance.

If we don't do something now to hold Exelon Corporation accountable for their negligence, when will it be done?

MS. KEEHNER: Thank you. Alison Prost. Welcome.

MS. PROST: Hello. My name is Alison Prost. I'm the Maryland Executive Director of the Chesapeake Bay Foundation. First I want to start off by thanking Maryland Department of the Environment for this opportunity. As a few others have mentioned, these re-licensing discussions have been going on for many years.

There have been many studies but it's very important to keep the conversation going because it is an opportunity to make sure that any downstream water quality impacts to fish passage and impacts to habitat. That result from the dam's daily operations are mitigated for.

I particularly appreciate the opportunity that the comment period was extended until January 15th. You've received one set of written comments from Chesapeake Bay Foundation and we do plan to supplement those with additional comments. So given the hour and the number of speakers already, I will try to be brief in my remarks.

The reality is, this is a Water Quality Standard and we feel that as the dam is currently operating it is not consistent with applicable water quality standards.

The origin of the sediment and nutrients comes from downstream but the daily operations change the form and the timing and how those nutrients and sediment is delivered to the main stem of the Bay and they are having incremental impacts on a daily basis.

Previous studies have focused in on

the scouring events and confirmed that these events in particular have negative impacts downstream on water quality parameters such as the nutrient loads, dissolves oxygen, water clarity, Clarifoam A concentrations, especially when these events take place during the summer months when our water quality is already stressed.

We've seen a range of effects. We have to determine where the mitigation should lie. Today the Water Quality Gold Team of the Bay Program was looking at this very question. They were crunching the numbers again and trying to determine what's coming downstream that hasn't previously been accounted for, and what portion of that also relates quickly to the dam's daily operations.

The Chesapeake Bay Foundation feels it important that this information be considered and be put on the record as they deliberate between now and the May deadline. And also important is that that information be shared in a public way so that the stake holders can also decide how that impacts the conditions that they are requesting of Maryland Department of the Environment during this opportunity.

So we would appreciate additional

dialogue even though people feel that there has been so much dialogue already. The other new piece of information that we want to make sure is considered is the fact that previous studies done by the University of Maryland, Center for Environmental Studies have talked about absorbed ammonium. This was something that hadn't previously been discussed, but it's in the pond sediment.

And as we consider dredging as a mitigation measure or other mitigation, we need to find out if this ammonium can be scoured, you know, does it mobilize and become biologically available during the scour events and what would happen during dredging, and if this ammonium is released back into the environment during that time.

So that is something that hasn't previously been part of the discussions but most definitely needs to be considered during this water quality discussion.

We do not feel a Water Quality Certification should be issued until there are assurances of the compliance with the Clean Water Act's water quality standards and the Bay TMDL.

Again, we are not here to ask that

Exelon be responsible for everything that is flowing down from New York and Pennsylvania, but there does need to be mitigation required that reflects the impacts that the dam's operations have in changing the downstream water quality.

You heard previously from the Nature Conservancy this evening that we did Commission economic study. I believe you will be receiving copies of that. This is to show that there is a path forward that is a win-win. It keeps the dam in operation, providing all the benefits that many of the local residents can better articulate than myself while also showing that there is capacity to be part of the solution.

That Exelon can partner with Maryland Department of the Environment and the other upstream states to make sure that we realize our commonly held goals.

This license is for many years, I think 46 years. At the rate we're going now, an adaptive management is an important condition that we feel needs to be included in the license.

The practices that are found to be cost-effective today, we may have more tools, innovation over that amount of time. We can't predict.

People have spoken of dredging this evening. Dredging may not look to be cost- effective today given certain parameters, but with innovation its beneficial re-use becomes more of the mainstream.

That calculation may change. So MDE should have the ability to go back in over the life of the license and reassess the conditions.

That is true of flow and fish passage as well. What we decide today, there aren't many decisions that we make today that should hold exactly true for 46 years and we think that the conditions need to be crafted in such a way to give the state flexibility to protect water quality as we know it today, and as it comes in the future.

So again, we appreciate Maryland Department of the Environment's attention to this issue. We hope the dialogue continues and the information is shared as it becomes available for new studies. And if at all possible, in addition to sharing anything that the Bay Program, decides over the coming weeks, that there also be potentially another public meeting to discuss the draft conditions and get stakeholder feedback on those conditions before the license is issued.

We think that this would allow for a collaboration and hopefully a greater comfort with whatever those conditions are and have us moving forward towards the mitigation instead of arguing over those details.

Thank you for your time and look for our additional written comments in the coming months.

MS. KEEHNER: Thank you. I'm at the end of the list of folks that signed up to speak during registration. Is there anyone else from the public who would like to make a comment or a statement before we conclude? Okay.

So this completes the taking of formal testimony at this hearing. The formal hearing record will remain open until 5:00 p.m. on Monday, January 15th, 2018.

Comments can be submitted in writing and this will be on our website as well, to Elder Ghiagiarelli, Jr., Deputy Program Administrator, Wetlands and Waterways Program, Water and Science Administration, Maryland Department of the Environment, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230.

The Department expects to make a

decision on Exelon's application by no later than May 15, 2018. The Department's decision will be sent to the interested persons list as well as to the applicant. We appreciate your interest in this important action and again, thank you very much for attending and participating in tonight's hearing. The hearing is now adjourned.

(Whereupon, at 7:54 p.m. the hearing was adjourned.)

STATE OF MARYLAND

SS:

I, the undersigned, a Notary Public in and for the State of Maryland, do hereby certify that the within transcript was recorded electronically and transcribed under my supervision to produce the aforegoing typewritten transcript in a true and accurate manner.

I FURTHER CERTIFY that I am not of counsel to any of the parties, nor an employee of counsel, nor any relation to any of the parties, nor in any way interested in the outcome of this action.

AS WITNESS, my hand and Notarial Seal this 26th day of December, 2017.

Notary Public

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