



**Maryland**  
Department of  
the Environment



**MARYLAND**  
DEPARTMENT OF  
NATURAL RESOURCES

Christopher M. Crane, CEO  
Exelon Corporation  
PO Box 805398  
Chicago, IL 60680-5398

August 3, 2018

Dear Mr. Crane,

As Secretaries of the Maryland Departments of the Environment (MDE) and Natural Resources (DNR), implementing Governor Larry Hogan's vision for a cleaner, healthier Chesapeake Bay that will be preserved for future generations is our shared guiding principle and top priority.

The heavy rainfall and storm conditions experienced across Maryland over the past several weeks – setting records in some areas – necessitated the opening of more than twenty floodgates at the Conowingo Dam in Darlington, Md., which is licensed and operated by Exelon Generation Company LLC. We appreciate Exelon's coordination with the State of Maryland and local governments to ensure that all possible precautions were taken to safeguard the residents and communities surrounding the dam.

However, while the immediate flooding threat has passed, the massive amounts of sediment and debris that flowed through the opened floodgates is now having a detrimental and dangerous impact on downstream waterways across the watershed. This pollution is a threat to our environment and a serious danger to wildlife, boaters, and swimmers. (See Appendix A)

As the dam's operator, Exelon has a critical role to play in a comprehensive strategy for Bay restoration. As you are aware, Exelon's application for a 50-year federal license renewal for the operation of the Conowingo Dam requires the company to obtain a Clean Water Act, Section 401 Water Quality Certification from MDE. MDE issued a certification with special conditions on April 27, 2018, which included requirements for Exelon to reduce water pollution that flows from the dam to the lower Susquehanna River and, eventually, the Bay.

In addition to other critical pollution reduction actions and measures to improve conditions for aquatic life, the certification requires Exelon to improve its operation and maintenance to remove sediment and debris to ensure cleaner water supplies downstream after a large storm. Conducting a study on the feasibility of installing and operating a solar-powered trash collection wheel, similar to those used in the Baltimore Harbor, was also included. (See Appendix B)

Unfortunately, Exelon has to date refused to accept these conditions, and is currently pursuing legal action to circumvent its environmental responsibilities. However, as the legal process is ongoing, the immediate crisis of hazardous debris in our waterways is impacting communities across the state and requires swift action. In addition to the serious ecological threat to the Bay, this situation has resulted in the cancellation of significant events, like the B.A.S.S. Elite Fishing Tournament in the Upper Bay and the Governor's Cup Yacht Race hosted by St. Mary's College, which is having a detrimental impact on Maryland's economy and tourism industry.

Our agencies are working around the clock to clear navigable waterways, but the state simply does not have the resources to clear all of the pollution that flowed through the dam last week. DNR, U.S. Army Corps of Engineers, and U.S. Coast Guard vessels and crews have been working hard to clear debris and repair or replace navigation markers displaced by the debris. Additionally, Maryland Park Service teams and volunteers have been clearing debris from the shores of impacted public lands, like Sandy Point State Park in Annapolis. DNR has also issued grants to several local jurisdictions via the Waterway Improvement Fund for debris recovery efforts.

We are writing to make a direct appeal to Exelon to join in these efforts. Whether through providing resources, personnel, and/or equipment to assist with the cleanup process, or providing reimbursement to the state for cleanup operations, we are calling on Exelon to partner with us to mitigate the damage caused by these storms and subsequent opening of the Conowingo Dam floodgates.

Be assured that we are aware — as Governor Hogan has forcefully pointed out — that much of this pollution and debris originated in upstream states and that, without proper operation and maintenance, the Conowingo Dam exacerbates the flow of pollution and debris into the Bay. The Hogan Administration has consistently called on upstream states like Pennsylvania and New York and all Bay states to do their fair share to improve water quality, including the development of a Conowingo Watershed Implementation Plan, and the governor will be delivering that message directly to their representatives at the upcoming Chesapeake Executive Council meeting Tuesday, August 7. But this is a critical moment requiring all hands on deck to ensure the fallout from this storm doesn't turn back the incredible progress Maryland has made in restoring our precious

Chesapeake Bay, which recently received its highest water quality rating since measurement began 33 years ago.

Maryland will continue to lead on this issue. We remain committed to successful implementation of the Water Quality Certification, to holding upstream polluters accountable, and to launching a restoration economy based on cost-effective public private partnerships throughout the watershed. Together, we can create a stronger and healthier Chesapeake Bay for future generations.

Sincerely,

A handwritten signature in blue ink that reads "Ben Grumbles". The signature is written in a cursive style with a large, stylized "B" and "G".

Ben Grumbles  
Secretary  
Maryland Department of the Environment

A handwritten signature in black ink that reads "Mark Belton". The signature is written in a cursive style with a large, stylized "M" and "B".

Mark Belton  
Secretary  
Maryland Department of Natural Resources



**Appendix A – Photographs of Debris in Maryland Waterways**

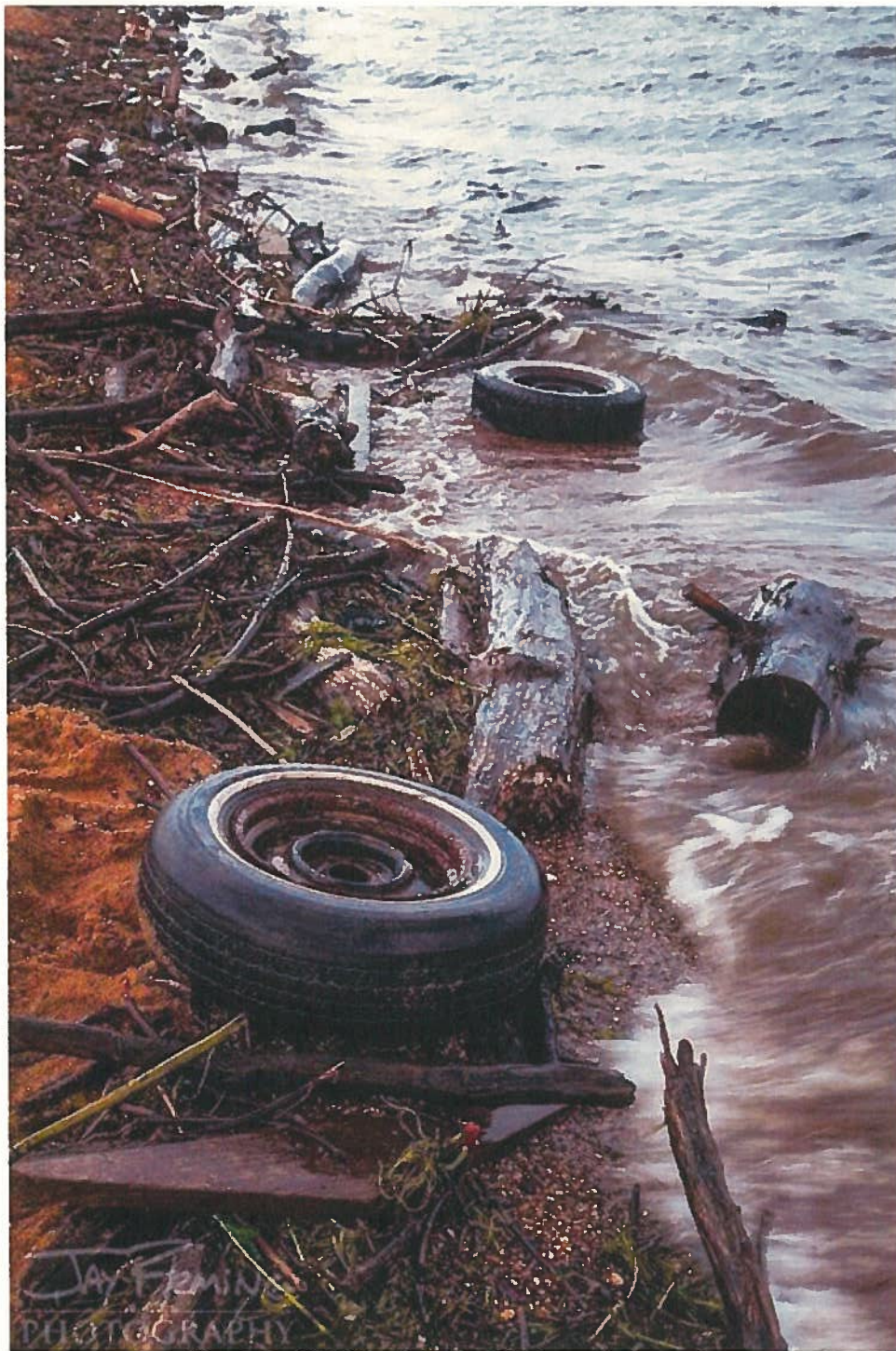


Sandy Point State Park  
Photo courtesy of Jay Fleming, July 2018



Sandy Point State Park  
Photo courtesy of Jay Fleming, July 2018





Sandy Point State Park  
Photo courtesy of Jay Fleming, July 2018



City Dock, Annapolis  
Photo courtesy of Jay Fleming, July 2018



## **Appendix B – Debris Removal Provisions in Water Quality Certification**

### ***F. Trash and Debris in Reservoir and Movement Downstream***

i. The Licensee shall employ clamming (or any other equally or more effective measures of its choosing approved by MDE), to remove floating and water surface trash and debris that accumulates in the Reservoir behind the Dam at least weekly (unless storm conditions preclude removal in a particular week). During clamming/trash and debris removal events, the Licensee shall remove all visible trash and debris. Removal shall occur at least forty (40) times per year between January 1 and November 1, starting in January 2019. The Licensee shall monitor and record the duration of the clamming/trash and debris removal events (number of hours), and the amount of debris and trash removed and subsequently disposed of during each clamming/trash and debris removal event (in cubic yards). The Licensee shall submit these data to MDE each year by November 30 and, after 3 years of this effort, and, based on these data, the Licensee may request from MDE a reduction in the required frequency of clamming/trash and debris removal events, and MDE may reduce the required frequency of clamming/trash and debris removal events based on a review of the data.

ii. The Licensee shall, no later than December 31, 2019, employ on a daily basis the use of a self-propelled skimmer barge (unless storm conditions preclude its use during a particular timeframe). If the Licensee seeks to reduce the requirement to use this skimmer barge on a daily basis, the Licensee shall provide MDE with data collected over a 3 year period documenting the days and hours of operation and the amount of material collected and disposed of (in cubic yards) for each week of operation. Based on the data collected, the Licensee may request a from MDE a modification to this requirement for daily operation of the skimmer barge, and MDE may modify the requirement to use a self-propelled skimmer barge daily based on a review of the data.

iii. The Licensee shall respond to any complaint from a marina operator or public boat ramp “monitor” (e.g., DNR) about accumulated trash and debris interfering with recreational uses in the Reservoir by removing any accumulated trash and debris that is interfering with recreational uses within 48 hours of a complaint during the recreational season (between Memorial Day and Labor Day) and properly disposing of removed materials. The Licensee shall maintain for MDE review, records of complaints filed (name, date, time, location, nature of the trash and/or debris issue and amount), and corrective actions taken (date, time, description of action, and, amount of trash and/or debris removed).

iv. The Licensee shall sponsor at least two annual community-based cleanups of the Reservoir, tributaries upstream of the Project



that feed the Reservoir, and the River and tributaries downstream of the Project. The Licensee shall advertise each event, provide all needed supplies, and arrange and pay for the disposal of collected materials.

v. After any storm event which has resulted in trash and debris moving downstream and blocking downstream water supply intakes in the River, the Licensee shall ensure that trash and debris that is blocking downstream water supply intakes is removed as soon as it is safe to enter the water after the storm event.

vi. No later than December 31, 2019, the Licensee shall perform and submit to MDE a study regarding the feasibility of using one or more water wheel trash interceptors powered by solar panels or other renewable sources (a "Trash Wheel"), to remove floating and water surface trash and debris in the Reservoir. If Licensee determines that using one or more Trash Wheels to aid compliance with WQS would be reasonably practical, the Licensee shall submit to MDE for approval a plan for the installation thereof at the Project.