

## Summary of MDE Water Quality Certification for Conowingo Dam

- On April 27, 2018, the Maryland Department of the Environment (MDE) determined that Exelon’s application for the Conowingo Hydroelectric Dam met the statutory and regulatory criteria for a water quality certification under:
  - Section 401 of the federal Clean Water Act
  - Title 9, Subtitle 3 of the Maryland Code, Environment Article
  - Section 26.08.02 of the Code of Maryland Regulations
- The certification will be published in the May 11, 2018 issue of the *Maryland Register*.
- MDE determined that the dam adversely impacts water quality in Maryland in the following ways:
  - Barrier to fish passage and unnatural flow.
  - Adverse habitat in the reservoir.
  - Invasive species proliferation in a degraded system.
  - Altering the nature, timing, and delivery method of nutrients and sediment.
  - Trapping of trash and debris.
  - Lack of natural attenuation of nutrients and sediment.
- Exelon will be required to:
  - Comply with all Water Quality Standards for the reservoir and downstream.
  - Implement and comply with provisions of the Fish Passage Improvement Plan, American Eel Passage Improvement Plan and the Invasive Species Mitigation Plan. This includes the capacity to permit up to 5 million Shad and 12 million Herring to pass the Dam annually (in 2017, only 15,000 Shad and 65 Herring passed the Dam).
  - Transition to a more natural flow regime by 2029, contingent upon research conducted between then and now to better assess to benefits to aquatic life and migratory fish of the proposed new regime.
  - Implement a Nutrient Corrective Action Plan (NCAP) to reduce its annual discharge, beginning in 2025, by six million pounds of N and 260,000 lbs of P or other combination that will achieve an equivalent level of dissolved oxygen.
    - Payment of \$17/lb N and \$270/lb P may be required in lieu of reductions.
    - Reductions achieved by Bay-watershed states under the Conowingo WIP can be credited toward Exelon’s reductions.
    - Dredging may be included in the NCAP
  - Implement a plan for continuous monitoring of dissolved oxygen below the Dam and a Fish Kill Monitoring Plan.
  - Remove all visible debris using a “clammer” device at least 40 times per year, and a self-propelled skimmer barge daily.
  - Monitor Chlorophyll-A in the Reservoir, and if levels exceed specified amounts, implement a Chlorophyll-A Reduction Plan, and reimburse Baltimore City for costs to treat high levels.
  - Ensure project operations do not cause or contribute to excessive PCB levels in fish tissue in violation of Water Quality Standards.
  - Implement management plans for shorelines, turtles, waterfowl nesting, sturgeons, habitat improvement and fish protection.