



Choose Clean Water

COALITION

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Annapolis, MD 21401

August 1, 2023

Serena McIlwain, Secretary
Maryland Department of the Environment
Montgomery Park Business Center
1800 Washington Blvd.
Baltimore, MD 21230

RE: *Conowingo Water Quality Certification*

Dear Secretary McIlwain:

The undersigned members of the Choose Clean Water Coalition appreciate the opportunity to comment in response to your solicitation regarding the Clean Water Act water quality certification for the Conowingo Dam. We urge you to reject any request to weaken the Department's prior decision upon your reconsideration of certification 17-WQC-02.

The Coalition is an organization made up of more than 285 nonprofit organizations spanning the entire Chesapeake Bay watershed, which includes six states and the District of Columbia. What connects all of our members is our collective interest and goal in restoring clean water to all of the rivers and streams in the Chesapeake Bay watershed. For nearly a decade, the Coalition has worked to address the impacts on the Chesapeake Bay from the operation of the Conowingo Dam. The Coalition and our members have played a critical role within the Chesapeake Bay Program Partnership ensuring the public can be heard in key decision-making processes. Moreover, because we are now at an unfortunate inflection point in the history of the effort to restore the Chesapeake Bay, the Coalition is also being called upon to help the Partnership plot a new course beyond 2025.

Put simply, we can think of few singular actions as important to the future of the restoration effort and the health of the Bay itself as this decision regarding whether to reconsider the Department's 2018 certification for the Conowingo Dam.

The immense effort that has been undertaken to restore every corner of the Bay watershed by our members and their thousands of volunteers is threatened by the current operation of the Conowingo Dam. However, maintaining the strong certification issued in 2018 will help preserve these gains and provide a new tailwind for the entire Bay restoration effort.

The 2018 certification would significantly reduce nutrient and sediment pollution via upstream pollution controls and the propagation of filter feeders and enhance biodiversity through greater fish and eel passage. Additionally, it would remove debris and trash impacting recreation in downstream communities, maintain flow sufficient to protect aquatic species, and build greater resilience throughout the estuary by fostering a return of more natural habitat in the Lower Susquehanna and Upper Bay. We believe that the conditions imposed by Maryland in 2018 would help accomplish many of the goals in the 2014 Chesapeake Bay Watershed Agreement and help the Bay finally achieve its water quality standards.

The Coalition's concerns about the subsequent settlement that would have negated the 2018 certification were swift and vocal. The settlement jeopardized the ability of the Coalition and its members to achieve our goals. At a more basic level, the settlement simply represented bad public policy by shifting the burden of addressing the dam's impacts from Constellation to the state and local governments. We were thrilled that the Court of Appeals for the District of Columbia halted the incorporation of the settlement's terms in the Dam's license, giving you a fresh opportunity to decide what is in the best interests of the public.

We understand that the Department is now soliciting new information from the public. While we do not believe any new information exists that would alter the conclusion that the water quality certification issued in 2018 is necessary to ensure that the Dam's operation is consistent with Maryland's water quality standards, we do wish to offer our insights on one key development.

The Department issued 17-WQC-02 on April 27, 2018. One month later, eight inches of rain fell upon Central Maryland, raising the Patapsco River to heights never previously recorded, devastating homes and businesses and overwhelming municipal infrastructure along the Frederick Avenue corridor of Baltimore City and Ellicott City, Maryland. Not even two months later, the flood gage for the Lower Susquehanna registered more than 17 feet, the highest level since Tropical Storm Lee in 2011. These were not isolated incidents. These storms were exactly what leading climate scientists from around the globe had been warning of for the Mid-Atlantic region.

Fast forward to today and we see that our climate is only continuing to destabilize at a more rapid rate. Indeed, the flood gage at Harrisburg has exceeded the 11-foot action level 15 more times since 17-WQC-02 was issued. And at the same time that Maryland is experiencing one of the driest years on record, elsewhere in the Mid-Atlantic and Northeast, this month's weather has provided a stark and tragic reminder of the type of rainfall we know is in our long-term forecast. Montpelier, Vermont experienced eight inches of rain over several days in July, while West Point New York was inundated with seven inches of rain in only four hours; both storms were echoes of the multiple thousand-year storms that communities in Central Maryland and Southeastern Pennsylvania have faced over the last five years.

For additional information, we urge the Department to review the most recent annual report from the First Street Foundation, which clearly shows that Southeast Pennsylvania is among the national epicenters of flood risk, consistent with the prior findings from the National Oceanic and Atmospheric Administration and other state, federal, private, and academic researchers.

It is not a matter of if we will have another massive flood event on the Susquehanna River, but when, how often, and how severe the impact of scour events from a newly filled reservoir will be on downstream communities and the water quality of the Chesapeake Bay. This is among the many reasons that it is critical the Department issue a certification with conditions that are *at least* as strong and protective as those found in 17-WQC-02. Any other outcome would be tantamount to ignoring the latest science and the recent lived experience of thousands of Marylanders and other watershed residents in recent years.

The Coalition and many of our members would be happy to be of further assistance should the Department have any questions or seek additional assistance. Please reach out to the Coalition's Acting Director, Mariah Davis, davism@nwf.org, with questions or to schedule a meeting.

Sincerely,

American Rivers
Anacostia Riverkeeper
Annapolis Green
Arundel Rivers Federation
Baltimore Green Space
Blue Water Baltimore
Catoctin Land Trust
Chapman Forest Foundation
Chesapeake Legal Alliance
Citizens to Conserve and Restore Indian Creek
Clean Water Action
Corsica River Conservancy
Defensores de la Cuenca
Delaware Nature Society
Friends of Quincy Run
Interfaith Partners for the Chesapeake
Little Falls Watershed Alliance
Lower Susquehanna Riverkeeper Association
Maryland Conservation Council
Maryland League of Conservation Voters
Mattawoman Watershed Society
Mid-Atlantic Youth Anglers & Outdoors Partners
Montgomery Countryside Alliance
Nature Forward
Otsego County Conservation Association
PennFuture
Phillips Wharf Environmental Center
Potomac Riverkeeper Network
Severn Riverkeeper
Shenandoah Riverkeeper
ShoreRivers
Sierra Club - Maryland Chapter
Southern Maryland Audubon Society
SouthWings
St. Mary's River Watershed Association
Sweet Springs Resort Park Foundation Inc.
Sweet Springs Watershed Association
The 6th Branch
Virginia Conservation Network
Waterkeepers Chesapeake

CC: Chief of Staff Scott Goldman
Assistant Secretary Bobbie James