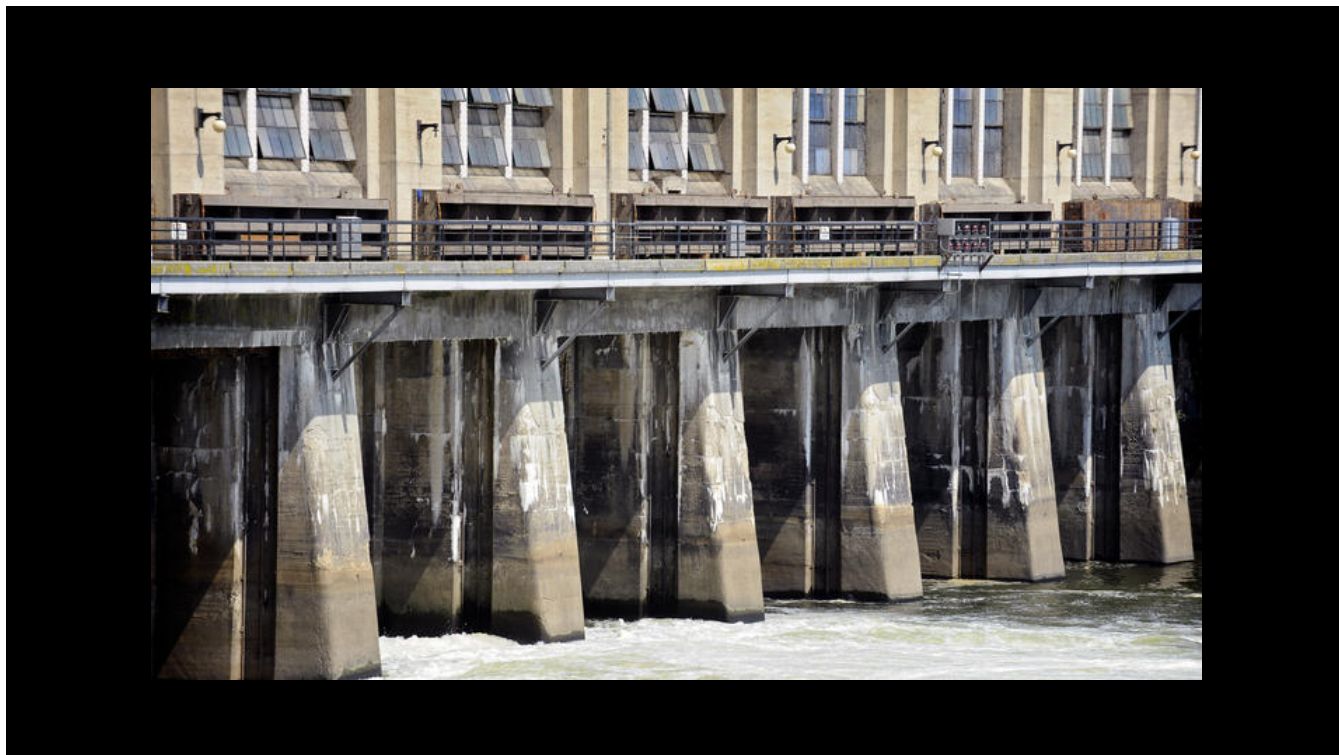




State could deny key Conowingo permit



The sediment buildup behind the Conowingo Dam was the subject of a federal-state study. (Kenneth K. LAM, Baltimore Sun)

By **Timothy B. Wheeler,**
The Baltimore Sun

NOVEMBER 19, 2014, 7:49 PM

Exelon Corp. could be denied a key Maryland permit — at least for now — that the company needs to keep generating electricity at Conowingo Dam for decades to come.

Saying there's not enough information on the dam's impact on the Chesapeake Bay, the state Department of the Environment has declared its intent to deny Exelon certification that the hydroelectric facility on the lower Susquehanna River meets state and federal water quality standards.

The department issued a statement saying it has not made a final determination, and is seeking public comment, either in writing or at a Jan. 7 hearing.

But it pointed out that a report released last week found the upper bay, though not the entire estuary, is being affected by the build-up of sediment behind the dam. The report, on a three-year study led by the U.S. Army Corps of Engineers, concluded that the additional flow of nutrient pollution past the dam could prevent the bay's deeper northern waters from being clean enough to sustain fish and shellfish. It recommended further study.

The dam's effect on the bay became a hot topic during the fall elections, as Gov.-elect Larry Hogan accused the O'Malley-Brown administration and federal officials of neglecting the pollution threat posed by the sediment buildup. A spokeswoman for Hogan declined to comment, saying he is withholding policy statements until he takes office Jan. 21.

The state agency's move has no imminent effect, as the Federal Energy Regulatory Commission has given Exelon a one-year extension of its current license to operate Conowingo, which produces 500 megawatts of electricity. The company had applied last January for state water-quality approval while it still was hoping to gain a long-term renewal of its license. Under federal law, Maryland must act on the application within a year or lose its say in relicensing the facility. That deadline falls on Jan. 31, 2015.

In seeking to renew its license, Exelon has been negotiating with federal and state officials over their concerns about the dam's impact on water quality and on migration of shad and eels up the river. Details of those talks are not public.

But the company has agreed to pay up to \$3.5 million for enhanced water-quality monitoring over the next two years.

Exelon can reapply for state approval, said MDE spokesman Jay Apperson. Officials anticipate that will happen once the additional study is finished, he said.

"We expect to continue this dialogue as we work together to assure the state standards on water quality are met," said Exelon Generation spokesman Robert Judge.

If after further study, state regulators decide the dam is undermining water quality, Exelon could be required to mitigate the impacts, either by changing how it operates the facility or by making offsetting pollution reductions elsewhere in the river's drainage area, according to Apperson.

Charles MacLeod, a lawyer for the Clean Chesapeake Coalition, which contends the dam poses a major threat to the bay, said he was "guardedly pleased" by the state's move to deny Exelon's permit. The coalition represents elected officials in 10 rural and suburban counties who argue that the state should shift the focus of its bay cleanup efforts from regulating farm and suburban runoff to dealing with the sediment build-up at Conowingo.

Michael Helfrich, the lower Susquehanna Riverkeeper, also welcomed the state's announcement, though he contends the dam should not become a substitute for dealing with polluted runoff. Helfrich noted that improvements in fish and eel passage could be delayed by further study of Conowingo's water impacts. But with only one opportunity every 40 years or so to impose conditions on the dam's operating license, Helfrich said he thinks it more important to nail down the dam's role in bay pollution and get the company to deal with it.

The Department of the Environment is taking public comment until Jan. 7 on whether to grant Exelon certification. A hearing is scheduled at 1 p.m. that day at MDE's Southwest Baltimore headquarters, 1800 Washington Blvd.

tim.wheeler@baltsun.com

Copyright © 2014, The Baltimore Sun
