



CHESAPEAKE BAY COMMISSION

Policy for the Bay • www.chesbay.us

January 25, 2013

Bob Perciasepe, Deputy Administrator,
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

Dear Deputy Administrator Perciasepe:

We write on behalf of the members of the Chesapeake Bay Commission (CBC) to encourage the EPA to assist its federal, state and local partners in addressing the massive amount of sediments that have accumulated behind the Conowingo Dam on the Susquehanna River.

At our most recent CBC meeting in January 2013, we learned that the Conowingo Dam's trapping efficiency is declining and that the Dam may reach dynamic equilibrium (no trapping of sediment) within the next 10-15 years, according to an August 2012 report by the U.S. Geological Survey (2012-5185). Despite reductions in total nitrogen, phosphorus and sediment concentrations in the Susquehanna River above the Conowingo, the report found that loads of these pollutants to the Chesapeake downstream of the Dam are increasing during storms and high flow events, indicating that accelerated "scouring" of the sediment (and pollutants attached to the sediment) are increasing over time.

The USGS Report (2012- 5185) estimates that when the Dam is at equilibrium we will see a

- 2% increase in N from 1990,
- 70% increase in P from 1990, and
- 250% increase in Sediment from 1990.

These projected pollutant increases to the Bay from 1990 levels, particularly those of phosphorus and sediment, present a serious challenge to achieving the Bay water quality, habitat and living resource goals.

We understand that the current Chesapeake Bay Program models take into account the pollution-trapping capacity of the Conowingo Dam in assessing progress toward water quality goals under the Total Maximum Daily Load (TMDL) and that adjustments to those models may need to be made during the mid-point assessment to be completed in 2017, in light of this new scientific data. Consequently, the level of effort required by our states to meet water quality goals may significantly increase.

However, given the scale of the sediments that have built up behind the Dam over the past 84 years, – estimated to be more than 7.7 million dump truck loads – it is clear that no single entity, federal, state, local or private, will be able to address the problem on its own and that everyone in the watershed has a vested interest in minimizing the sediment and phosphorus loads that flow from the lower Susquehanna River into the Bay.

As you may be aware, the Federal Energy Regulatory Commission (FERC) is now in the process of reviewing an application submitted by Exelon, the Dam's owner, to continue operating the Dam for another 46 years. In conjunction with this process, the U.S. Army Corps of Engineers, in partnership with the State of Maryland, the Susquehanna River Basin Commission and The Nature Conservancy, is undertaking a \$1.376 million, 3-year study of options for managing the sediments of all of the dams on the Lower Susquehanna River. As the lead federal agency focused on water quality in the Chesapeake Bay restoration, EPA can provide valuable leadership and support to its partners in both the re-licensing and sediment management study process currently underway.

Specifically, EPA can help to ensure that:

- The U.S. Army Corps of Engineers has the resources and tools necessary to complete its study.
- The sediments behind Conowingo Dam is a top priority in the relicensing process and that the FERC includes provisions for addressing the issue in any new license issued for the Conowingo Dam;
- All the agencies in the Federal government are working together in partnership with the states to address the sediment problem and achieve our common goal of restoring the Chesapeake Bay.
- Addressing the sediments behind Conowingo Dam is considered a high priority in the TMDL 2017 Mid-Point Assessment

Your attention to this matter is appreciated and we look forward to discussing with you further how EPA can play a more active role.

Sincerely,



Maggie McIntosh, Chairman
Maryland House of Delegates



Ronald E. Miller, Vice-Chairman
Pennsylvania House of Representatives

cc: Congressional Chesapeake Bay Watershed members
Chesapeake Bay Commission members
Jeff Corbin, Senior Advisor to the Administrator, U.S. EPA
Shawn Garvin, Regional Administrator, U.S. EPA Region 3
Nancy Stoner, Acting Administrator for Water, U.S. EPA
Nick DiPasquale, Director, U.S. EPA Chesapeake Bay Program

The Chesapeake Bay Commission is a policy leader in the restoration of the Chesapeake Bay. As a tri-state legislative body that advises the legislative branch of state government, its mission is to identify critical environmental needs, evaluate public concerns, and ensure state and Federal actions to sustain the living resources of the Chesapeake Bay. The Commission works directly with the state General Assemblies and the U.S. Congress and serves as the legislative branch of the Chesapeake Bay Program.