



CHESAPEAKE BAY COMMISSION

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January 25, 2013

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, D.C. 20426

Re: Conowingo Hydroelectric Project, FERC Project No. 405

Dear Secretary Bose:

We write on behalf of the Chesapeake Bay Commission to urge the Federal Energy Regulatory Commission (FERC) to ensure that any license issued to continue operating the Conowingo Hydroelectric Project and the Muddy Run Pumping Station includes provisions for managing, mitigating and removing the massive amount of sediment which has accumulated behind the Conowingo Dam over the past 84 years.

The Chesapeake Bay Commission is a tri-state legislative body that identifies critical environmental needs, evaluates public concerns, and ensures state and Federal actions to sustain the living resources of the Chesapeake Bay.

Our member states -- Pennsylvania, Maryland and Virginia -- are engaged in a comprehensive multi-jurisdictional effort to restore the Chesapeake Bay and its tributaries. Under a federally imposed Total Maximum Daily Load (TMDL), all watershed states have been assigned specific nitrogen, phosphorus and sediment load allocations to meet water quality standards in the Chesapeake Bay and its tidal rivers. Efforts are underway to reduce pollution loads from all source sectors in order to meet the year 2025 Bay restoration goal.

At our most recent meeting in January 2013, we learned that the Conowingo Dam's trapping efficiency is declining and 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 (USGS 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 past the dam are increasing during storms and high flow events, indicating that accelerated scouring of the sediment (and the pollutants attached to the sediment) at the Dam may be increasing over time. USGS scientists estimate that when the dam reaches capacity we will see a 2 percent increase in nitrogen; 70 percent increase in phosphorus and 250 percent increase in sediment loads.

This projected increase of phosphorus and sediment pollution to the Bay presents a serious challenge to our efforts to meet the EPA's TMDL pollution reduction goals and restore the water quality, habitat and living resources in the Bay.

The FERC has an important responsibility under the Federal Power Act and the National Environmental Policy Act to evaluate the environmental impacts of its proposed action, ensure that the project avoids or minimizes any possible adverse environmental effects, and ensure consistency with federal and state comprehensive plans for improving, developing, or conserving a waterway or waterways affected by the project. Since the Conowingo reservoir behind Conowingo Dam will reach storage capacity during the term of the proposed new license, the management of the sediment captured by the Conowingo Dam must be addressed during the current re-licensing process.

The Conowingo Dam's hydroelectric power is derived from waters draining the Susquehanna's 28,000 square mile watershed. Solutions must be respectively comprehensive. We urge you to ensure that any final license or settlement agreement to continue operating the Conowingo Dam includes provisions for managing, mitigating and removing the sediments and attached nutrients that have accumulated behind the Dam over the past 8 decades.

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