



MARYLAND DEPARTMENT OF THE ENVIRONMENT

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Governor

Robert M. Summers, Ph.D.
Secretary

Anthony G. Brown
Lieutenant Governor

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The Honorable Jay L. Newcomb
President of the Dorchester County Council
County Office Building
P. O. Box 26
Cambridge, MD 21613

Dear President Newcomb:

Thank you for your letter regarding the relationship among the Chesapeake Bay total maximum daily loads (TMDLs), Maryland's Bay Watershed Implementation Plan (WIP) and sediment accumulation behind the Conowingo Dam. The Maryland Department of the Environment (MDE) appreciates your interest in this matter.

MDE understands Dorchester County Council's concerns about the cost of the WIP, however, the State is committed to working with the Counties to support implementation efforts through the Bay Restoration Fund, the State Revolving Loan Fund and the 2010 Trust Fund. We have also worked hard to build as much flexibility as possible into the WIP to allow Counties and others to identify and use the most cost-effective pollution control measures. The pollution control measures required in the WIP work by controlling nutrient and sediment pollution to our groundwater, streams, rivers, reservoirs and the Chesapeake Bay. With the WIP we are thus protecting and restoring not only the Bay but our fresh water supplies as well, which are critical to public health and the economy. Most Maryland citizens would agree that clean water is worth the expense.

In your letter you raise the concern that the County can not afford to spend money on controlling pollution sources in the County "...while there is little focus and nothing spent to address the largest source of nutrient and sediment loading to the Bay." The Susquehanna River is the Bay's largest tributary and is a large source of the nutrient and sediment load to Chesapeake Bay. That is why the Commonwealth of Pennsylvania and the State of New York, which make up most of the Susquehanna Watershed, are spending millions on their own WIPs and are focused on controlling pollution from all of their sources just like Maryland. Water quality monitoring in the Susquehanna River demonstrates that the upstream states are making significant progress in reducing pollutant loading to the Bay. Just because the upstream states control large portions of the Bay Watershed and contribute a large share of the nutrients and sediment to the Bay does not absolve Maryland from controlling pollution from our State and completing our own WIP.

The Bay TMDL was developed by the U.S. Environmental Protection Agency (EPA) using scientifically rigorous water quality monitoring and computer modeling tools that are the best available anywhere. The nitrogen, phosphorus and sediment allocations contained in the TMDL were established to meet water quality standards in the Bay and its tributaries in conformance with the federal Clean Water Act and in compliance with a federal judicial consent decree. Maryland's WIP, and those of all of the other watershed States (NY, PA, DE, MD, VA, WV) and the District of Columbia, must be implemented to achieve the loading allocations by controlling pollution from wastewater, agricultural runoff, urban/suburban runoff, septic systems and atmospheric deposition.

You are concerned that the Bay TMDL "...neglects to take into account the largest contributing source to the nutrient loading of the Bay: the water and the sediment flowing through the Conowingo Dam during major storm events and on a day-to-day basis." However, the Chesapeake Bay TMDL does account for the nutrients and sediments flowing through the Conowingo Dam. Both the water quality model that simulates how the Bay responds to pollution loads and the watershed model that simulates pollution loads to the Bay used to develop the TMDL were calibrated using observed water quality monitoring data that has been collected in the Bay and its tributaries by the watershed jurisdictions since initiation of the Bay-watershed-wide monitoring program in 1984. These data collected over the years account for periodic large storm events that dislodge sediments and nutrients deposited throughout the watershed, including those behind the Conowingo Dam.

We are also well aware of the recent report by the United States Geological Survey regarding sediment storage processes behind the dams and the impact of Tropical Storm Lee. It has long been recognized that the sediment behind the dams is a problem for the Bay. The conclusion of a 2002 Chesapeake Bay Program scientific and engineering study of possible control measures was that the most-effective strategy for reducing the impact of the sediments behind the dams is to control the sources of sediments throughout the watershed. This is precisely the focus of the Watershed Implementation Plans of New York, Pennsylvania and Maryland. At the same time, Maryland is working with the United States Army Corps of Engineers, Baltimore District, to evaluate strategies to control sediment and other pollutants trapped in the reservoirs of the lower Susquehanna River watershed, including those that accumulate behind the Conowingo Dam. The State's efforts include working with the Federal Energy Regulatory Commission in the re-licensing of the Conowingo Hydroelectric Plant and placing requirements in MDE's federal Clean Water Act Section 401 water quality certification process to address the sediment trapped behind the dam.

Without a doubt, Tropical Storm Lee had a major impact on Chesapeake Bay. Fortunately, storms of that magnitude occur infrequently (on average, in one out of every twenty years – 5% of the time). Lee was the second largest storm on record for the Susquehanna, exceeded only by Hurricane Agnes in 1972. The sediment plume in the photograph included with your letter clearly shows that the effect of flooding on the Susquehanna occurs primarily in the Bay, not in its tributaries. Other tributaries like the Choptank in Dorchester County are more directly influenced by sources within their own watershed. Just like in the reservoirs in the lower Susquehanna, sediment and nutrients are trapped in every farm pond, stormwater pond and reservoir throughout the Choptank watershed and storm events carry trapped pollutants into local streams and rivers. The key to restoring the Bay and its tributaries, including the



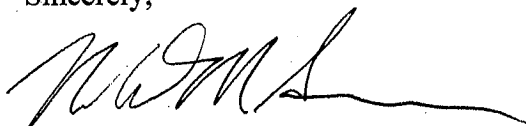
Choptank, lies in reducing the input of pollution from sources throughout each watershed. Over time, as the Bay watershed is cleaned up and historic deposits behind Conowingo Dam and in other ponds and reservoirs are diminished, storms will have less and less impact on a healthier and more resilient Bay and tributaries.

Maryland and its counties, including Dorchester, benefit more directly from the amenities, economic activity, tax revenues and heritage of the Chesapeake Bay than do upstream states and their local governments. Due to its proximity, Maryland sources also tend to have a more direct impact on Bay water quality than do those in other states. For these reasons, it makes sense for Maryland to be a leader in the Bay restoration effort. Local water quality problems in Maryland, which are independent of the Susquehanna River loads, demand our action. In short, although sediment behind Conowingo Dam is a valid concern that demands our attention and resources, it should not delay action on Bay restoration by Marylanders. If we had the same attitude about repairing our homes and infrastructure because of the chance of a damaging hurricane, no one would be living in New Orleans, Florida, North Carolina or now, with Sandy, in New Jersey or New York City. Those communities are certainly worth rebuilding – and so is Chesapeake Bay and the groundwater, streams, rivers and reservoirs that make up the watershed and our fresh water supply.

You conclude your letter by saying that you would be pleased to discuss actions that could be pursued to make a meaningful difference in the water quality of the Bay. As discussed above, I believe that the Bay TMDL and the WIPs describe the actions that must be pursued to make a meaningful difference in the water quality of the Bay and its tributaries. I also would be pleased to discuss these actions with you. I will be attending the Maryland Association of Counties (MACo) annual winter conference in Dorchester County this January and will be participating in panel discussions at the conference regarding the Bay TMDL and Maryland's WIP. I would be happy to meet with you and other members of the County Council during the conference or at another time in Dorchester County if you are interested in discussing these important issues.

Thank you again for your letter. Please do not hesitate to contact me at 410-537-4187 or by email at bsummers@mde.state.md.us if you have any questions.

Sincerely,



Robert M. Summers, Ph.D.
Secretary

cc: ✓ Leslie Knapp Jr., Legal and Policy Counsel, Maryland Association of Counties

