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Comments of the Clean Chesapeake Coalition

Re Draft Conowingo Watershed Implementation Plan

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The Clean Chesapeake Coalition represents elected officials from Caroline, Cecil, Dorchester, Kent and Queen Anne's Counties as they work together for measurable improvement to the water quality of Chesapeake Bay in the most prudent and fiscally responsible manner – through research, coordination and advocacy. Since organizing in 2012, a primary area of focus for the Coalition counties has been the enormous pollution loading to the Maryland portion of Chesapeake Bay resulting from the loss of trapping capacity in the reservoir behind the Conowingo Dam. The Coalition applauded the proposed development of a targeted and actionable watershed implementation plan (WIP) as a step towards tackling the [Conowingo Factor](#) and as such, has been following keenly the efforts of the CWIP Steering Committee and development of the Draft CWIP.

Having attended virtual meetings of the Steering Committee and informational webinars, and having reviewed the CWIP Framework, Timeline, Activity Scopes of Work 1, 2 and 3, and the Draft CWIP, there are serious concerns about direction, scope and feasibility. Our comments and observations follow:

1. A Picture Is Worth A Thousand Words. We start with some pictures of the problem (aka Conowingo Factor) that is the impetus for the CWIP, calling the attention of Chesapeake Bay Program, Chesapeake Bay Commission, and all stakeholders to satellite images of Chesapeake Bay on December 29 and 30, 2020 showing a plume of scoured nutrient-laden sediment and pollution extending downstream from Conowingo Dam well past the Bay Bridge to Popular Island, after the Susquehanna River flow peaked above 300,000 cfs. Per available data, the predicted sediment load to Chesapeake Bay from Susquehanna River through Conowingo Dam at a river flow rate of 300,000 to 400,000 cfs is 0.5 to 1.5 million tons. The average annual sediment load through Conowingo from Susquehanna River is an estimated 3.5 million tons. With the loss of trapping capacity (dynamic equilibrium), much of that load now flows freely into upper Bay. So, in a matter of days during the final week of 2020, the Bay was loaded with nearly one-half of the annual nutrient-laden sediment loading from Susquehanna River. See attachment with NASA satellite images and NOAA images showing Suspended Matter and Turbidity.

As CWIP development plods on and litigation initiated by Exelon pends in the courts and the proposed water quality certification Settlement Agreement between MDE and Exelon pends before FERC, the Conowingo Factor remains unsolved and unrelenting in terms of downstream environmental damage and undermining Bay TMDL and WIP efforts and expenditures.

2. Nothing New or Innovative. Among the five Guiding Principles of the CWIP Framework is Efficiency in Innovation. The 5th Principle reads:

Implement the Conowingo WIP building on existing, successful programs, as much as is feasible, **to avoid creating duplicative bureaucracies**. At the same time, strive for innovation, **leverage new technologies**, and, where appropriate, **develop new implementation approaches**. [emphasis added]

As presented, the Draft CWIP will indeed foster “duplicative bureaucracies” with nothing new or innovative to address the Conowingo Factor. Proposing existing BMPs – forest buffers, urban stormwater management, soil conservation, agriculture restrictions, etc. – is hardly a new plan.

Recognizing that the loss of trapping capacity in Conowingo reservoir requires an additional reduction of 6 million pounds of nitrogen and 0.26 million pounds of phosphorus loading to Chesapeake Bay to meet TMDL goals, there is simply not enough money or proven technology to mitigate the impacts of such pollution loading by way of downstream (below the Dam) BMPs. The entire focus of the CWIP should be upstream – in the Conowingo reservoir for dredging and sediment management and in the geographic extent of the primary CWIP strategy (the Susquehanna River Basin) for measures that will reduce pollution loading to Susquehanna River. The focus should be on pollution loading reduction at the source, not hopeful mitigation downstream after the loading.

3. MDE Water Quality Certification for Conowingo Dam as a Resource. The Clean Water Act Section 401 water quality certification for Conowingo Dam relicensing issued by Maryland Department of the Environment (MDE) in April 2018 should inform the CWIP in terms of scientifically justified programs and measures to address and mitigate the environmental degradation attributable to the Conowingo Factor.

It is astounding that there is no serious consideration in the Draft CWIP of either beneficial use of dredge spoils or cultivation of oysters as a best management practice (BMP), despite both being part of MDE’s bold and historic water quality certification for Conowingo Dam relicensing. At a minimum, we would expect dredging to be mentioned as an option for offsetting the assumption error in the original Bay TMDL (Appendix T), especially given that the Framework on the Steering Committee’s web page specifically encourages this among the innovative components to be considered (*see* page 4, item 6: “Managing reservoir sediment through dredging and innovative and/or beneficial re-use...”). If the plan is to wait for the Conowingo Sediment Characterization and Innovative Reuse and Beneficial Use Pilot Project managed by Maryland Environmental Service to be completed, then that project (first announced in 2017) should be expedited.



In that same vein, we note that the final CWIP will be guided by the *2014 Watershed Agreement* and the *2010 Bay TMDL*, neither of which adequately considered the lost trapping capacity at the Conowingo Dam. Indeed, the *2014 Watershed Agreement* makes zero mention or reference to the Conowingo Factor. Relying on the same familiar BMPs will make it decidedly difficult to “avoid double-counting” (Guiding Principle #4). For example, if a stream restoration project or stormwater management facility is installed near a Pennsylvania tributary leading to the Susquehanna River, how will/can it be determined that credit for such BMP is attributable to the CWIP or Pennsylvania’s WIP? In the scheme of things, why would it matter if the BMPs in both WIPs are the same?

4. Data Quality and Message. It is well known and documented that the 2016 Lower Susquehanna River Watershed Assessment (LSRWA) was flawed in its assumptions and modelling, due in part to Exelon’s out-sized influence on the process. It is disingenuous for government agencies and environmental NGOs to cite the LSRWA as the best available “science” for the conclusion that dredging some amount of the accumulated nutrient-laden sediment in Conowingo reservoir is unfeasible and/or cost-ineffective as a sediment management strategy, and therefore off the table; while promising taxpayers that implementation of the same old BMPs upstream in the most dilatory of the Bay watershed states is more cost-effective and better for the Bay’s health. We expected that development of the CWIP would include serious consideration of dredging and other sediment management options as practices intended to keep some of the accumulated sediment and other contaminants sitting in Conowingo reservoir from every reaching the Maryland portion of the Bay. Can some of the \$600,000 awarded to the CWIP be used to re-run the LSRWA models to account for the now undeniable state of dynamic equilibrium in the reservoir?

On the CBP website is an article titled “Long-awaited Conowingo plan begins to take shape” and in that article a project manager from the Center for Watershed Protection is quoted as saying: “addressing the increasing nutrient and sediments loads to the Chesapeake Bay as a result of the Conowingo Dam...is a complex and challenging task.” To the contrary, addressing the Conowingo factor can and should be approached in simplistic terms: the 14-mile (9,000-acre) Conowingo reservoir is the largest stormwater management pond in the entire Bay watershed and it is full (after more than 90 years of trapping); without dredging there will be no trapping function; without trapping some Susquehanna River pollution the upper Bay has no ecological breathing room and will be suffocated in sedimentation as more frequent and intense weather events are projected to befall the Bay watershed due to climate change.

It would be an understatement to say that we are disappointed by the Draft CWIP. Coalition counties are not prepared to accept that the situation at Conowingo Dam is the new normal or that time is on the side of downstream interests to address the Conowingo Factor. The CWIP was heralded as a unique approach to a complex problem and instead seems to be redundant at best when compared to other Bay watershed state WIPs. Reallocating the load among jurisdictions does nothing to prepare us for the ecological damage the next major storm event will cause in the Bay. To be meaningful, the CWIP must focus primarily on regaining the



trapping benefit the Conowingo reservoir provided for nearly 90 years by way of dredging and ongoing sediment management. Instead, the Draft CWIP kicks the heart of the problem like a can into “Contingency Plans & Opportunities” to be considered (maybe) later, hoping illogically and despite hard, scientific evidence that shows what another Hurricane Agnes or Tropical Storm Lee means in terms of harm to flora and fauna north of the Bay Bridge.

The Coalition will continue participating in the CWIP development process in hopes that there is time to turn this new plan into something worthy of the public resources earmarked for this effort. The CWIP is an opportunity to identify smart, measurable, unique solutions, rather than throwing more money at programs, policies and practices that have not achieved their current benchmarks in terms of measurable water quality improvement. (*see* latest 2020 State of the Bay Report by Chesapeake Bay Foundation – a D+).

Coalition county officials refuse to accept as the new normal for the Maryland portion of Chesapeake Bay that all the dam reservoirs in the lower Susquehanna River are full, that enormous amounts of Susquehanna River (PA and NY) pollution are no longer being trapped behind Conowingo Dam, that more storms and harmful scouring events are inevitable and that dredging Conowingo reservoir is off the table.

Attachment: (2020 Year End Flush – Conowingo Dam Sediment Plum December 29-30, 2020)

cc: Maryland Rural Counties Coalition

