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December 17, 2012

Honorable Lisa P. Jackson  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Administrator Jackson:

I am writing on behalf of the Citizens Advisory Committee (CAC) to the Chesapeake Executive Council to encourage EPA to become actively engaged in the relicensing of the Conowingo hydroelectric project on the Susquehanna River and help ensure that the final license or settlement agreement approved by the Federal Energy Regulatory Commission (FERC) includes plans to manage, mitigate or remove the massive amount of sediment accumulated behind the dam.

For many years we have advised the Executive Council of our continuing concerns about the massive build-up of sediment behind the Conowingo Dam and the serious impacts that scouring of that sediment -- and the nitrogen and phosphorus attached to that sediment -- during major storms has on the water quality and living resources of the Chesapeake Bay. According to a US Geological Survey report released on August 30, 2012 -- the day before Exelon filed its application with FERC -- the Conowingo Dam is rapidly nearing capacity in its ability to trap sediment and the consequence is that "large storms are already delivering increasingly more suspended sediment and nutrients to the Bay." While recent Super-storm Sandy apparently did not cause significant scouring of sediment from the Conowingo as did Hurricanes Agnes, Irene and Tropical Storm Lee, it underscored the very real, current and future threat that the Conowingo's accumulated sediment poses to the Susquehanna and Chesapeake Bay restoration efforts.

At our quarterly meeting at the Conowingo Visitors Center on November 29, we learned that:

- FERC is expected to issue its Ready for Environmental Assessment (REA) decision in early 2013.
- Studies on sediment conducted by Exelon's consultants and submitted to FERC in the Final License Application used an inappropriate model which under-estimates scouring impacts, according to the USGS.
- The application does not address options to manage, mitigate or remove the massive amount of sediment accumulated behind the dam or establish benchmarks for potential impacts and actions, as requested by the State of Maryland and required by the FERC in the approved study plan and the Director's letter of February 10, 2010. Instead, its sediment management plan calls for best management practices (BMPs) to control sediment introduced from Project lands and identifies benchmarks and thresholds for action to address sediment issues that may affect Project operations, not the downstream impacts on the water quality and living resources of the lower Susquehanna River and Chesapeake Bay.
- The U.S. Army Corps of Engineers' Lower Susquehanna Watershed Assessment, which is evaluating measures to maintain or increase Conowingo Dam sediment storage capacity and to reduce sediment and nutrient transport from Conowingo Dam into Chesapeake Bay during river high flow events, is not expected to be completed until September 2014 and will not lead directly to a project to manage, mitigate or remove the accumulated sediment.
- EPA has not filed any comments or otherwise been engaged in the relicensing process to date.

In view of EPA's Federal leadership of the Chesapeake Bay Program, as well as the agency's responsibilities under Sec. 309 of the Clean Air Act to review and publicly comment on the environmental impacts of major federal actions, we believe it is important and timely for EPA to advise the FERC of its concerns about the serious threat the accumulated sediments pose to the Chesapeake Bay and the priority EPA and the Bay Program places on addressing the sediment issues in the Federal relicensing process.

Your attention to this matter is greatly appreciated and we look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Dawes".

John Dawes  
Chair, Citizens Advisory Committee

cc: Jeff Corbin, Senior Advisor on Chesapeake Bay and Anacostia River, EPA  
Nick DiPasquale, Director, Chesapeake Bay Program, EPA  
Jim Edward, Deputy Director, Chesapeake Bay Program, EPA  
Shawn Garvin, Region III Administrator, EPA  
John Griffin, Secretary, Maryland Department of Natural Resources  
Michael Krancer, Secretary, Pennsylvania Department of Environmental Protection  
Robert Summers, Secretary, Maryland Department of the Environment