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Via Electronic and Regular Mail

Benjamin H. Grumbles
Secretary
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Re: Comments on MDE's Draft 2018 Integrated Report of Surface Water Quality

Dear Secretary Grumbles:

The Clean Chesapeake Coalition ("Coalition") has reviewed the Draft 2018 Integrated Report of Surface Water Quality ("Report"), dated February 13, 2018. The Coalition recognizes the importance of the Water Quality Report and appreciates the Maryland Department of the Environment's commitment in meeting the goals of the federal Clean Water Act ("CWA"). The Coalition comments are consistent with our mission of advocacy and raising awareness to improve the water quality of the Chesapeake Bay in the most effective and fiscally responsible manner possible.

We commend MDE for highlighting the important relationship between the Report and the pending application of Exelon for CWA Section 401 water quality certification ("WQC") from the State of Maryland for Conowingo Dam relicensing. The Report's water quality dataset and analysis related to the Maryland portion of the Lower Susquehanna River, in both the portion upstream of Conowingo Dam (aka "Conowingo Reservoir") and downstream of the Dam, is long-overdue by the State. As acknowledged in the Report, the waters in that portion of the Lower Susquehanna River were previously unassessed or under-assessed.

Notably, and of keen interest to the Coalition counties, the previously neglected but now collected data and information has helped to inform a new Category 5 listing for total phosphorus in the Conowingo Reservoir, a new Category 3 (insufficient data for assessment) listing for surface debris in the Conowingo Reservoir, and Maryland's first ever impairment listing (Category 4c, – impaired by pollution not caused by a pollutant) for flow alteration (changes in depth and flow velocity) for the portion of the Susquehanna River immediately downstream of the Dam and extending to the head of tide. Even though TMDLs are not required

for waterbody impairments assigned to Category 4c, the State can, and is hereby encouraged to, utilize all water quality management and restoration approaches at its disposal to address the sources of impairment. In this case of downstream water quality (and habitat) impairments due to the alteration of natural river flow by Conowingo Dam, the pending WQC application review by MDE for Dam relicensing is an appropriate regulatory mechanism by which to impose conditions on the operations and maintenance of the Dam to address and minimize such impairments.

Also noteworthy in the Report data is the verified amount of *Chlorophyll a* in the Conowingo Reservoir, indicating an excessive level of total phosphorus accumulated along with an enormous amount of sediment; and resulting in the new Category 5 listing. The Report's information and category listings with respect to Conowingo Dam and the Lower Susquehanna River confirm the downstream threats posed by the accumulated nutrient-laden sediments in Conowingo Reservoir whenever heavy rains and storms trigger the scouring or flushing of those pollutants out of the Reservoir and into the upper Bay in shock loading proportions.

Tables 30 and 31 of the Report reference PCBs as the impairing substance in the Lower Susquehanna River/Conowingo Dam. How will the PCB pollutants be analyzed in the Conowingo Reservoir and downstream? Is the State of Maryland working with Pennsylvania in conducting a PCB study in the Conowingo Reservoir? What other types of toxic contaminants will be characterized in the Conowingo Reservoir? Given that approximately 3,000 acres of Conowingo Reservoir are in Maryland and the other 6,000 or so acres of the 9,000-acre reservoir are in Pennsylvania, coordination and consensus among these neighboring states is imperative in order to achieve measurable water quality improvement in the Lower Susquehanna River. Can this Report be used to compel Pennsylvania to finally list the Susquehanna River as impaired?

Deservedly so, the Report spotlights the Bay TMDL recalibration (Midpoint Assessment) and significant water quality impacts attributable to Conowingo Dam as areas of special State concern. The new data and information in the Report should further justify the conditions recommended by the Coalition to MDE regarding the pending WQC for Conowingo Dam relicensing. Once again, we applaud MDE for its deliberate focus in the Report on impairments to Maryland water quality related to Conowingo Dam. As the Susquehanna River is the single largest source of pollution loading to the Maryland portion of the Chesapeake Bay, and it all flows through Conowingo Dam (even more so now that the Reservoir has lost all trapping capacity), there are significant cost efficiencies to be gained in tackling the Conowingo factor.

Thank you again for the opportunity to submit comments on behalf of the Coalition.

Sincerely,



Ronald H. Fithian,
Chairman and Kent County Commissioner