



Conowingo Dam Re-Certification Efforts Continue November 2023

MDE is [reconsidering](#) its CWA Section 401 certification issued to Constellation (formerly Exelon) for the Conowingo Dam in 2018. This certification is required prior to the Federal Energy Regulatory Commission's (FERC) issuance of the Dam's operating license, referenced below.

In addition to accepting public comment, MDE also conducted supplemental briefing during summer 2023. Constellation is seeking removal or revision of numerous aspects of the 2018 certification, including the nutrient reduction obligations and dredging obligations. The environmental groups continue to urge MDE to strengthen the 2018 Certification, calling the Dam's routine nutrient and sediment discharges one of the main causes of Susquehanna River and Chesapeake Bay pollution, and the main reason they do not meet state water quality standards.

There has been a long-running and litigious debate over the Dam's impact on Chesapeake Bay pollution. In 2018, MDE ordered Constellation Energy, as a condition to keep operating the dam, to either deal with untrapped pollution or pay the state \$172 million a year to have it done. Constellation, then a part of Exelon Corp., sued MDE in response. This led to an out-of-court settlement in which Exelon agreed to spend over \$200 million to reduce nutrient and sediment pollution flowing down the river. In turn, the state waived its right to impose its previous conditions on the dam's operating license. Environmental groups and others objected to the deal, but in 2021, FERC issued the new license without any additional conditions. In 2022, after an appeal by environmental groups, a federal appeals court [vacated](#) FERC's decision to grant the Dam's license and remanded it back to FERC for further review.