



CONOWINGO DAM

Background/ Fact Sheet

AERIAL PHOTO: JOHN PAVONCELLO, MAY 2019

HOW WE GOT HERE

- Conowingo Dam's federal license expired in 2014. A new 50-year license required Constellation (then Exelon) to obtain a Water Quality Certification (WQC) from the State.
- In April 2018, Maryland Department of the Environment (MDE) issued a Water Quality Certification for Conowingo Dam under Section 401 of the Clean Water Act.
- Constellation, Waterkeepers Chesapeake and Lower Susquehanna Riverkeeper Association administratively challenged that WQC and requested Reconsideration.
- Constellation also filed multiple judicial challenges.
- MDE entered into a settlement in 2019 with Constellation, and Constellation dropped its legal challenges.
- The Federal Energy Regulatory Commission (FERC) then accepted that settlement and issued Constellation a new 50-year operating license in 2021.
- Waterkeepers Chesapeake, Lower Susquehanna Riverkeeper Association, ShoreRivers, and Chesapeake Bay Foundation challenged the FERC License because it did not include the 2018 Water Quality Certification as required by law under the Clean Water Act.
- In December 2022, the DC Circuit Court vacated the License which allowed MDE to restart the Administrative Reconsideration of the WQC.

We want to acknowledge the substantial contributions from our attorneys at **Earthjustice** who provided counsel for over a decade. Among many other things, they led our successful legal challenge of the license, drafted supplemental briefs for the reconsideration, and assisted in the mediation.

For the reconsideration process and mediation, we were supported by excellent counsel from **Evan Isaacson at Chesapeake Legal Alliance** and attorneys **Sandra Franco** and **Jesse Dillon**. They went above and beyond in their efforts to bring the mediation to a successful conclusion.

RECONSIDERATION PROCESS

- In 2023, MDE established a Reconsideration process with a goal of creating a legally durable WQC based on the best science.
- The Reconsideration process included three components:
 - MDE conducted a top-to-bottom review of all the available science.
 - MDE sought public input from June 30 to August 1, 2023, as well as re-briefs and submissions from all the parties in the Reconsideration process, to solicit newly available data, science or information related to water quality standards or impacts since the first WQC was issued in 2018.
 - A confidential mediation process began in spring 2024 with MDE, Constellation, Waterkeepers Chesapeake and Lower Susquehanna Riverkeeper Association.

RECONSIDERATION PROCESS CONT..

- The outcome of this process would require MDE to either uphold or invalidate the 2018 WQC or issue a Revised WQC.
- Mediation:
 - There were over 30 multi-hour mediation sessions with MDE, Constellation, Waterkeepers Chesapeake, and Lower Susquehanna Riverkeeper Association, as well as both parties' outside counsel.
 - There were numerous additional 1:1 conversations between each party.
 - The first half of the mediation was dedicated primarily to taking a deep dive into the relevant issues to ensure everyone had a common picture of the issues at stake and information available.

WHAT HAPPENS NEXT

- The mediation process successfully concluded in September 2025 with a settlement among the parties which serves as a companion to a Revised Water Quality Certification.
- MDE issued a Revised Water Quality Certification with substantive conditions on October 2, 2025.
- The Revised Water Quality Certification will be submitted to FERC to be incorporated as part of Constellation's license to operate the dam.
- These WQC conditions will then be enforceable.

WHAT'S IN THE WQC AND SETTLEMENT

- Constellation is committing to \$341M in environmental projects and operational work over the next 50 years to support the health of the Susquehanna River and Chesapeake Bay. In comparison, the 2019 settlement was valued at approximately \$230M.
- The new terms include:
 - \$87.6M in commitments for water quality and resiliency projects.
 - \$77.8M in effort to remove trash and debris.
 - \$28M to secure fish and wildlife passage.
 - \$23M for Maryland DNR to build and operate a freshwater mussel hatchery.
 - \$18.7M to support the prerequisite analysis and work to dredge behind the dam.
 - \$9.4M to control invasive species and protect the river's ecosystem.
 - The capital project improvements are front loaded, so they will be completed early in the term of the license.
 - Waterkeepers Chesapeake and Lower Susquehanna Riverkeeper Association have ongoing oversight roles in the implementation of the WQC and settlement.

This is a real, substantial step toward addressing the sediment trapped behind the dam and represents Maryland's first major allocation of dollars to advance dredging there.

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[HTTPS://WWW.LOWERSUSQUEHANNARIVERKEEPER.ORG](https://www.lowersusquehannariverkeeper.org)



ROBIN BRODER
ACTING EXECUTIVE DIRECTOR
ROBIN@WATERKEEPERSCHESAPEAKE.ORG

TED EVGENIADIS
LOWER SUSQUEHANNA RIVERKEEPER
TED@LOWSUSRIVERKEEPER.ORG

