

HOUSE BILL 910

M3, C5

4lr1131

By: **Delegates Rudolph and James**

Introduced and read first time: February 5, 2014

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Water Quality Certification – Conowingo Dam – Required Studies**

3 FOR the purpose of requiring the Department of the Environment to require an
4 applicant for a certain water quality certification to fund a certain study to
5 determine the impact that the transport of certain sediment behind the
6 Conowingo Dam may have on the Chesapeake Bay and certain other waters;
7 requiring the Department to require an applicant for a certain water quality
8 certification to fund a certain study on the costs and benefits of certain methods
9 of managing certain sediment behind the Conowingo Dam; requiring the
10 Department to require the applicant to fund a certain study on the methods of
11 reducing the impact of flooding, before and during certain weather-related
12 events, on certain communities; requiring the Department to require the
13 applicant to fund a certain study on certain other issues that the Department
14 identifies, based on the conclusions and recommendations contained in a certain
15 report; requiring the Department to review and approve a certain scope of work
16 for certain studies under certain circumstances; requiring the applicant to
17 provide certain updates on its Web site and to complete certain studies by a
18 certain date; requiring the Department to hold certain public hearings on a
19 certain application for a water quality certification and on certain studies;
20 authorizing the Department to adopt regulations to implement certain
21 provisions of law; declaring the intent of the General Assembly; providing for
22 the termination of this Act; and generally relating to water quality and the
23 Conowingo Dam.

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That:

26 (a) The General Assembly finds and declares that the sediment in the
27 reservoir behind the Conowingo Dam contains unidentified materials that may
28 contain high levels of nutrients that may damage the Chesapeake Bay and other

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 waters downstream from the Conowingo Dam if the sediment is transported from
2 behind the reservoir into the waters downstream.

3 (b) As part of its review of an applicant's application for a water quality
4 certificate for the Conowingo Dam relicensing process, as required under Section 401
5 of the federal Clean Water Act and as cited in COMAR 26.08.02.10, the Department of
6 the Environment shall require an applicant to fund studies to determine:

7 (1) the impact that the transport of sediment contained in the
8 reservoir behind the Conowingo Dam may have on the Chesapeake Bay and other
9 waters downstream, including:

10 (i) the identification and impact of materials contained in the
11 sediment, which may contain high levels of nutrients;

12 (ii) the impact of weather-related events on the sediment;

13 (iii) the environmental impact of the sediment; and

14 (iv) any other impact that the Department of the Environment
15 specifies;

16 (2) the costs and benefits of various methods of managing the
17 sediment contained in the reservoir behind the Conowingo Dam, including:

18 (i) innovative reuse, as defined in § 5-1101(a) of the
19 Environment Article, which shall be evaluated based on a demonstration project and
20 other criteria to validate the proof of concept for the technology; and

21 (ii) any other method that the Department of the Environment
22 identifies;

23 (3) methods of reducing the impact of flooding, before and during high
24 river flows that are caused by weather-related events, on communities located
25 downstream from the Conowingo Dam; and

26 (4) the impact of any other issue that the Department of the
27 Environment considers to be appropriate based on the conclusions and
28 recommendations contained in the final study report of the Lower Susquehanna River
29 Watershed Assessment being conducted by the U.S. Army Corps of Engineers and the
30 Department of the Environment.

31 (c) Before an applicant for a water quality certification begins to conduct a
32 study required under subsection (b) of this section, the Department of the
33 Environment shall review and approve the scope of work for the studies.

1 (d) An applicant for a water quality certification that is required to conduct a
2 study under subsection (b) of this section shall:

3 (1) provide regular updates on its Web site on the progress of the
4 study; and

5 (2) complete the study by May 31, 2017.

6 (e) (1) The Department of the Environment shall:

7 (i) publish the studies on its Web site; and

8 (ii) hold public hearings on the application for water quality
9 certification and the results of any study conducted under subsection (b) of this
10 section.

11 (2) The Department of the Environment may adopt regulations to
12 implement the provisions of this section.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 June 1, 2014. It shall remain effective for a period of 3 years and, at the end of May 31,
15 2017, with no further action required by the General Assembly, this Act shall be
16 abrogated and of no further force and effect.