



**MARYLAND DEPARTMENT OF THE ENVIRONMENT  
PUBLIC NOTICE ANNOUNCEMENT**

**MDE IS SOLICITING LIMITED PUBLIC COMMENTS RELATED TO THE SECTION 401 WATER QUALITY CERTIFICATION, 17-WQC-02, ISSUED ON APRIL 27, 2018, TO CONSTELLATION POWER GENERATION, LLC (FORMERLY EXELON) FOR THE CONOWINGO HYDROELECTRIC PROJECT**

**Background:** On April 27, 2018, the Maryland Department of Environment (MDE or Department) issued to Constellation Power Generation LLC (formerly Exelon) a Clean Water Act, Section 401 Water Quality Certification (WQC) required as part of the relicensing of the Conowingo Hydroelectric Project by the Federal Energy Regulatory Commission (FERC). Under federal law and as part of FERC's relicensing process, Constellation is required to obtain a WQC from the Department for the continued operation of the project. The WQC was subsequently administratively appealed by Constellation Power Generation LLC and Stewards of the Lower Susquehanna, d/b/a Lower Susquehanna Riverkeeper Association, and Waterkeepers Chesapeake. The WQC and supporting information is available on the Department's website at the following link: <https://mde.maryland.gov/programs/water/WetlandsandWaterways/Pages/ExelonMD-Conowingo-WQCApp.aspx>

In 2019, MDE and Constellation entered into a water quality settlement agreement and in 2021, FERC issued a license incorporating certain terms and conditions of the settlement. The FERC license was subsequently challenged in the U.S. Court of Appeals for the D.C. Circuit. On December 20, 2022, the D.C. Circuit ordered that the FERC license be vacated, in part to allow completion of the WQC administrative process that was interrupted by the settlement. In light of the D.C. Circuit's decision, administrative review by MDE has resumed.

**Purpose:** The purpose of this public notice is to solicit public comments **limited** to newly available data, science or information related to water quality standards or impacts since April 27, 2018 when the WQC was issued, as applicable to Maryland's WQC decision. Be advised, MDE is voluntarily placing this public notice and offering this limited comment period. As such, all information is being voluntarily submitted to MDE. Submission of comments and information in response to this public notice does not afford the commenter with any additional legal rights to challenge the WQC issued on April 27, 2018.

Any person interested in commenting on this limited solicitation for public comment is invited to submit written comments to the Department beginning June 30, 2023 through August 1, 2023 via email at [conowingo.mde@maryland.gov](mailto:conowingo.mde@maryland.gov) or by mail, Attn: Regulatory and Customer Service Division Chief, Wetlands and Waterways Protection Program, Water and Science Administration, Maryland Department of Environment, 1800 Washington Boulevard, Suite 430, Baltimore, Maryland, 21230 Attn: Conowingo Dam WQC. **All comments must be submitted by 11:59 p.m. on August 1, 2023.**