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**D.C. Court Hears Legal Challenge of FERC's Order to Grant 50-year License
to Constellation Energy to Operate Conowingo Dam**

Waterkeeper groups fight to ensure Constellation Energy pays it fair share and does not destroy the Bay

(Takoma Park, MD) – Today, Waterkeepers Chesapeake, Lower Susquehanna Riverkeeper, and Sassafras Riverkeeper, represented by Earthjustice and joined by the Chesapeake Bay Foundation, provided arguments at the U.S. Court of Appeals for the District of Columbia Circuit in support of their [petition](#) for the review of the Federal Energy Regulatory Commission's (FERC) relicensing of the Conowingo Dam.

The groups seek to reverse FERC's decision to grant a new 50-year license to Constellation Energy (formerly Exelon Generation, LLC), which will allow the power company to operate the dam without taking the steps necessary to reduce pollution to the Chesapeake Bay, including the 200 million tons of sediment trapped behind it, or to pay the costs needed for cleanup efforts.

"Today, none of the respondents—Maryland Department of the Environment, Federal Energy Regulatory Commission and Constellation Energy—could demonstrate that the new license for Conowingo Dam would meet water quality standards or the requirements of the federal Clean Water Act," said Betsy Nicholas, executive director of Waterkeepers Chesapeake. "We look forward to the court's decision which we expect to vacate this license and allow for substantive protection of the Lower Susquehanna River and Chesapeake Bay water quality and habitat for the next 50 years. This is exactly why we went to court today. We can't stand by and let this happen."

The court heard arguments today about how FERC's action is unlawful and violates the Clean Water Act, Federal Power Act, and National Environmental Policy Act requirements. More than three years ago, the Maryland Department of the Environment (MDE) identified the requirements that are necessary to run the Dam in compliance with water quality standards. Waterkeepers Chesapeake and the other plaintiffs argued today that the license FERC issued to Constellation Energy does not include any of these cleanup requirements necessary to restore the health of the Lower Susquehanna River and the Chesapeake Bay.

"In addition to trying to rewrite the clear language of the federal Clean Water Act to a more favorable position for Constellation Energy, their counsel also stated that the company entered the settlement agreement with Maryland because it allows them greater control over the flow and release of water, which is how they make money, at the cost of all of the aquatic species and downstream water quality," said Ted Evgeniadis, Lower Susquehanna Riverkeeper. "The settlement agreement had nothing to do with the health of the river and the communities who depend on it."

“Today the Chesapeake Bay and the Susquehanna River had their day in court,” said James Pew, an attorney from Earthjustice. “We look forward to the Court’s decision.”

In 2018, Gov. Larry Hogan's administration announced they intended to charge Constellation Energy up to \$172 million *each year* unless it came up with a plan to trap as much nutrient pollution as it had years ago. But when Constellation Energy challenged them in court, the state backed down, arriving at a [settlement](#) that would charge Constellation Energy a total of \$1.2 million per year over the next 50 years.

FERC’s decision leaves Bay state taxpayers responsible for paying for the dam cleanup instead of requiring Constellation Energy to pay its fair share. The actual cost of meaningfully reducing the 200 million tons of nutrients and sediment behind the dam was estimated to be between \$53 – \$300 million per year in the Conowingo Dam Watershed Implementation Plan. Unless the court rules in favor of Waterkeepers Chesapeake et al., Constellation Energy is only responsible for paying less than 1% of what was required under the original water quality permit.

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Waterkeepers Chesapeake fights for clean water and a healthy environment by supporting Waterkeepers throughout the Chesapeake and coastal regions as they protect their communities, rivers, and streams from pollution. www.waterkeeperschesapeake.org

Lower Susquehanna Riverkeeper Association is dedicated to improving the ecological health of the Lower Susquehanna River Watershed and the Chesapeake Bay. Current and future citizens of the Lower Susquehanna River Watershed deserve high water quality, wise and sustainable use of all aquatic resources, and preservation of aesthetic value of our waterways. Improvement will come about through education, research, advocacy, and insistence upon compliance with the law. www.lowersusquehannariverkeeper.org