



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Office of Water Management

# **FERC Relicensing of Exelon Energy's Lower Susquehanna Hydro Facilities**

Chesapeake Bay Commission Meeting

September 19 & 20, 2013

# Exelon's Current FERC Licenses

- FERC Licenses for Conowingo and Muddy Run  
Expire August 2014
- Exelon Seeking New 46 Year Licenses
- 401 Water Quality Certification Approvals  
from Pennsylvania and Maryland

# Section 401 of the Federal CWA

- Section 401 of the Clean Water Act Provides Water Quality Authority to States
- Section 401 Includes Water Quality and Water Quantity Issues
- Conditions Established Under 401 Become Conditions of the FERC License
- 401 Conditions Are Enforceable by States and Citizens

# FERC Relicensing Process-Who's Involved

- State and Federal Resource Agencies and NGOs Active in FERC/401 Process
- Pennsylvania Has 401 Lead for Muddy Run
- Maryland Has 401 Lead for Conowingo
- USFWS Also Has “Prescriptive Authority” Focused on Migratory Fish

# FERC Relicensing-Muddy Run Status

- Exelon Has Filed 401 Application to PADEP for Muddy Run Project
- PADEP Has Provided Draft 401 to Resource Agencies and Exelon
- Exelon and Resource Agencies Are Working Toward a Final Settlement Proposal
- PADEP Will Be Seeking Public Comment on the 401 Application and Draft 401 Certification

# Draft Muddy Run 401 Certification

- Draft 401 Includes:
  - Fish Passage Requirements
  - Minimum Stream Flow
  - Dissolved Oxygen Requirements
  - Endangered Species Protection
  - Compensatory Mitigation

# Draft Fish Passage Targets

- Upstream and Downstream Passage Targets and Requirements Proposed for:
  - American Shad
  - American Eel
  - Resident Fish
- Monitoring Required to Determine Compliance

# Draft Flow, D.O., Endangered Species

- Minimum Stream Flow to Coordinate Muddy Run and Conowingo Projects Proposed
- Dissolved Oxygen Testing to Ensure Continued Compliance Proposed
- Endangered Species Evaluation Required to Ensure Continued Compliance



# Draft Compensatory Mitigation

- \$8 Million Over 16 Years for Habitat/Sediment Projects in York and Lancaster County
- Exelon to Trap and Transport Approximately 1 Million Eels from below Conowingo Dam to Susquehanna Watershed for 16 Years
- Exelon to Provide Flow Model to SRBC

# Other significant components of draft 401

- PADEP Proposing that All 401 Certifications issued in 2014 Include 2030 Reopener
- In 2030, FERC License for Safe Harbor and Holtwood Will Be Up For Renewal and Therefore New 401 Certification Will Be Needed Accordingly.
- PADEP Wants to Assure that All Facilities Participate in 401 Process in 2030



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**Deputy Secretary  
Kelly Heffner  
kheffner@pa.gov**