



210 S. CROSS STREET, SUITE 101  
CHESTERTOWN, MARYLAND 21620  
PHONE: (410) 810-1381  
FAX: (410) 810-1383

[WWW.CLEANCHESAPEAKECOALITION.COM](http://WWW.CLEANCHESAPEAKECOALITION.COM)

March 4, 2016

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

*Re: Conowingo Hydroelectric Project, FERC Project No. 405 – Applicant's  
Withdrawal of Application for Water Quality Certification*

Dear Secretary Bose:

Although commonly known by the interested parties to the above captioned relicensing, the Clean Chesapeake Coalition (the "Coalition") writes now to file with Federal Energy Regulatory Commission docket P-405-106 the enclosed February 5, 2016 letter from Exelon withdrawing its Water Quality Certification Application to the State of Maryland for the Conowingo Hydroelectric Project.

Very truly yours,

A handwritten signature in blue ink that reads "Chris MacLeod".

Charles D. MacLeod  
FUNK & BOLTON, P.A.  
36 S. Charles Street, 12<sup>th</sup> Floor  
Baltimore, MD 21201  
*Counsel for the Clean Chesapeake Coalition*

Enclosure

cc: Secretary, Maryland Department of the Environment  
Secretary, Maryland Department of Natural Resources  
Clean Chesapeake Coalition



February 5, 2016

The Honorable Benjamin H. Grumbles  
Secretary  
Maryland Department of the Environment  
1800 Washington Boulevard  
Baltimore, MD 21230

**Re: Withdrawal of Application for Water Quality Certification  
Conowingo Hydroelectric Project (FERC Project No. 405)  
Cecil and Harford Counties**

Dear Secretary Grumbles:

Exelon Corporation, on behalf of its wholly-owned subsidiary, Exelon Generation Company, LLC ("Exelon") is in the process of relicensing the Conowingo Hydroelectric Project ("Conowingo Project") located in Cecil and Harford Counties, Maryland. Pursuant to Section 401 of the Clean Water Act, 33 U.S.C. § 1341, prior to obtaining a new license from the Federal Energy Regulatory Commission, Exelon must obtain a water quality certification from the Maryland Department of the Environment ("MDE"). Exelon filed its currently pending application for a water quality certification on March 3, 2015.

As you know, Exelon entered into an agreement with MDE to work with state agencies in Maryland, the U.S. Army Corps of Engineers, the U.S. Geological Survey, the University of Maryland Center for Environmental Science ("UMCES"), and the U.S. Environmental Protection Agency to design and conduct a multi-year sediment study ("Sediment Study") that will provide additional information to MDE in support of its consideration of Exelon's application. The goals of the Sediment Study are to quantify the amount of suspended sediment concentration, associated nutrients, suspended sediment load, and nutrient load present in the major entry points to the Lower Susquehanna River Reservoir System and the upper Chesapeake Bay. Exelon will contribute up to \$3.5 million to fund the Sediment Study.

The Clean Water Act requires that states act on applications under Section 401 within one year. Although Exelon continues to work with the Maryland agencies, UMCES, and the other participants to conduct the Sediment Study, the Sediment Study will not be completed before the expiration of the statutory one-year period on March 3, 2016. Therefore, Exelon is withdrawing its pending application for a water quality certification.

Federal Energy Regulatory Commission policy requires that an applicant resubmit its request for a water quality certification within 90 days of the date of withdrawal.<sup>1</sup> Accordingly, Exelon will work with MDE to coordinate the refiling of its application for certification within the next 90 days. In addition, as previously discussed, Exelon agrees that if the withdrawal and resubmission of the application for certification continues to be necessary,

---

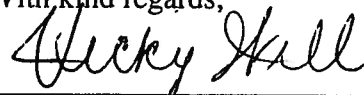
<sup>1</sup> See Letter from Federal Energy Regulatory Commission Staff to Skykomish River Hydro, Inc., Project No. 10942-001 (Jan. 14, 2003) ("Consistent with Commission policy, a request for section 401 certification must be on file with the Commission within 90 days of the date of . . . withdrawal to allow continued processing of [the] application.").

February 5, 2016

the Federal Consistency timeclock under the Coastal Zone Management Act shall be automatically stayed until one year from the date that Exelon resubmits its application for certification to MDE.

Please do not hesitate to contact the undersigned with any questions regarding this matter.

With kind regards,



---

Vicky Will  
Vice President, Operations Support  
Exelon Power  
Exelon Generation Company, LLC  
300 Exelon Way  
Kennett Square, PA 19348  
Tel: (610) 765-5611  
Email: Vicky.Will@exeloncorp.com

CC: Steve Johnson (MDE)  
Steve Talson (Maryland Energy Administration)