The Official Newsletter of POTOMAC RIVERKEEPER® NETWORK

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YEAR IN REVIEW



The Future of Our Rivers and the Clean Water Act

This Year In Review edition of our Newsletter is dedicated to the 1972 Clean Water Act. President Nixon signed this land-mark environmental law after initially vetoing it, and since then it has been the foundation for 45 years of progress toward cleaning up our rivers. While our work is not finished meeting the Clean Water Act's goal of swimmable, drinkable, fishable waters, the Potomac and Shenandoah Rivers have become iconic symbols of beauty. People are coming back to these waterways in droves and the Potomac is far from the "National Disgrace" President Lyndon Johnson labeled it.

When we reflect on Potomac Riverkeeper Network's (PRKN) greatest accomplishments in 2016 they are inexorably tied to the Act.

Settlement of our Clean Water Act suit against the Washington Suburban Sanitary Commission (WSSC) for discharges of toxic metals and sludge from their drinking water treatment facility on the Potomac near Great Falls. PRKN, represented by Environmental Integrity Project, took WSSC to court using the Clean Water Act's powerful "Citizen Suit" provision, which allows us, or any member of the public injured by pollution, to file suit in federal court against a polluter. This provision is our most potent tool, giving us a means of protecting the public's right to clean water. Few countries

in the world have provisions like this. Our settlement requires WSSC to invest in years of treatment upgrades that will eliminate discharges of millions of pounds of toxic sludge into the Potomac, and fund \$1,000,000 in pollution reducing stormwater runoff projects in Montgomery County.

PRKN settled our citizen suit against NRG energy, one of the largest U.S. energy companies, for discharging excessive nutrients into the Potomac and Patuxent Rivers from three of its power plants in violation of its Clean Water Act permits. Nutrient pollution causes algae blooms and is the primary source of pollution that harms Chesapeake Bay. The settlement requires NRG to remove tens of thousands of pounds of nitrogen and phosphorous per year from their discharges, and fund \$1,000,000 in environmental projects to reduce nutrient pollution in these rivers. Before the Clean Water Act, influential power companies like NRG were deemed "too important" to bother and issues like this lingered for decades under the watch of governments frozen with political fear.

We crossed the halfway point in getting 100% of cattle out of the Shenandoah River. This is a major milestone in achieving our goal of a river free of bacterial impairment, destroyed and denuded banks, and harmful algae. On the surface, our progress has come through one on one interaction with landowners,

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A LETTER FROM THE PRESIDENT



DEAR MEMBERS.

The post-election power shift in Washington creates new challenges to our mission of keeping the Clean Water Act's promise of swimmable, drinkable and fishable waters alive. If even a

fraction of the campaign rhetoric becomes reality, we're on the brink of the most dramatic federal regulatory rollbacks in decades. While our President-elect aims to break the gridlock or "drain the swamp" in Washington, we are deeply concerned that environmental protections will get caught in the cross-hairs: President-elect Trump has promised to dismantle the EPA "in almost every form".

But Americans are still united in our vision for clean water and this is the ray of hope that I want to shine brightly as we dedicate this issue of our newsletter to the Clean Water Act. There is no law which deserves more credit for the 45 years of progress we've made in cleaning up the Potomac -- once considered a "national disgrace".

And though it's not my custom to solicit our members in this quarterly letter, I would be failing in my duty if I didn't point out that our ability to meet these new challenges is directly tied to your support and engagement.

Your greater support means stronger advocacy — more water monitoring for use in court against polluters, more yard signs alerting the public about raw sewage being dumped into our rivers, and more events that build appreciation for these unique and amazing rivers we love and work to protect— to name just a few. As details of the incoming administration's plans to gut clean water protections come into focus, Americans are mobilizing en masse to financially support nonprofits as a critical counterbalance to this destructive agenda. I just hope people don't overlook the small and regional groups.

There's no replacing the local grassroots actions that organizations like PRKN take to protect our own river's most precious assets.

To this effect, your **greater engagement** is more critical than ever, as citizen action will undoubtedly be a key to resisting a runaway anti-environmental agenda. And I'm talking about "across the aisle" type engagement. As I've said many times we're lucky that our membership is made up of an even mix of conservative and liberal thinkers and it's this diversity in representation that makes us more relevant to our lawmakers than ever. We urge you to stay tuned to the "Riverkeeper Channel" (action alerts, enews, newsletters and social media) for the most valuable actions you can take to amplify your voice.

These election results will also demand increased vigilance in identifying and preventing polluters who will inevitably be emboldened by the cavalier attitude taken by the President-elect toward our natural resources.

With your help, we'll redouble our advocacy at the state and local level to protect what we cherish about the Potomac and Shenandoah. We will also work with Waterkeepers Chesapeake, Waterkeeper Alliance, and other regional and national partners to fight the attacks on the Federal Clean Water Act.

Together, we've accomplished a lot. Now we need your support to continue to be the voice of the Potomac and Shenandoah rivers for future generations. ■

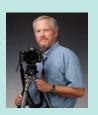
See you on the river,

Jeff Kelble, President

We Thank Emily & Roy

Emily Rainone joined Potomac Riverkeeper Network's staff in 2016 as the Director of Operations & Finance. Emily was responsible for overseeing the day to day administrative, financial, and human resources functions of the organization. She did a great job of instituting new processes and getting us organized. We wish her well as she pursues an accounting degree.

We thank Roy Sewall for his service on our Board of Directors. Not only did he lend his expertise as a professional photographer, he gave us encouragement and leadership in raising awareness of PRKN's successes and creating impactful communications.



We are grateful for his passion for the river and are happy that he will remain a close friend to PRKN.

Welcome to Lauren Gulley



We want to welcome Lauren Gulley as our new Development Manager. Lauren joins PRKN from WAMU 88.5 FM, where she held progressively responsible fundraising positions in the Membership department. She earned an Executive Certificate in Nonprofit Management from Georgetown University and B.A. in Communications from the University of Toledo. Lauren will be responsible for member communications, outreach and event management, and fundraising assistance.

UPPER POTOMAC RIVERKEEPER

FRACKED GAS PIPELINE THREATENS POTOMAC AND C&O CANAL

LANDOWNERS FACE PROPERTY LOSS BY FMINENT DOMAIN

Upper Potomac Riverkeeper and Morgan County, West Virginia residents are raising the alarm about Mountaineer Gas Company's backdoor efforts to route a new natural gas pipeline from the Martinsburg area west to Berkeley Springs, and east to Jefferson County. Construction of the pipeline is contingent on construction of a second pipeline, called Columbia Gas, that would bring fracked gas from Pennsylvania under the Potomac River and C&O Canal near Hancock, Maryland.

Local landowners are resisting unwelcome pressure from gas company "landmen" demanding access to their property to conduct surveys for the pipeline route. When landowners say no, the landmen threaten the use of eminent domain, despite the fact they don't really have that power. Upper Potomac Riverkeeper and local residents are also concerned about the impacts from the two pipelines, which are slated to cross pristine mountain streams and tunnel under the Potomac and National Park Service property along the Canal.



Over 50 people gathered in Hancock on October 23rd to protest the development of a pipeline through a national park and under the river.

Mountaineer Gas began bullying residents with ultimatums and eminent domain threats after receiving conditional approval from the West Virginia Public Service Commission for the proposed route. The pipeline would cross four major streams in an area where Karst geology is prevalent. Karst is porous limestone that can rapidly dissolve and form pathways between the surface and groundwater, including streams. Given the fact that even new pipelines leak, if leaks occur in Karst areas they can pose a risk to drinking water wells, contaminate streams and develop sinkholes that can threaten the integrity of the pipeline.

The Morgan County community submitted more than 70 letters of protest to Mountaineer Gas, and on October 4th, Upper Potomac Riverkeeper provided expert testimony for Blue Heron Environmental Network in filing a motion to intervene in the Mountaineer Gas state application



proceeding. Our goal was to force the state to thoroughly review the project's environmental impacts before approving it. We suffered a setback when the Public Service Commission allowed the project application to proceed, although the Commission noted the validity of our concerns in its ruling. One thing is clear; the battle is far from over. We are gearing up to engage on the upcoming federal and state permits Mountaineer still needs before they can go forward.

The spirit of the community rose with the good news that the WV Supreme Court ruled that gas companies could not use eminent domain to forcefully access private property for an in-state pipeline. However, the next day U.S. Senator Joe Manchin floated the idea of the state taking over the project so that eminent domain could be imposed on landowners.

To make things more complicated, the future of the Mountaineer Gas pipeline is tied directly to approval of the Columbia Gas pipeline, as we mentioned earlier. We learned that Columbia Gas has been quietly seeking permission from the National Park Service to obtain access to a right-of-way to drill under Park property and the Potomac River, without any notice that a private company was seeking access to federal park land for private benefit. Since the Potomac River provides drinking water to over 6 million people, any project that crosses or tunnels under it must be subject to the strictest environmental scrutiny. Many local residents agree with us, rallying at a recent Town Hall meeting in Hancock to oppose this project.

These pipeline projects pose a real risk to the Potomac River, pristine mountain streams, drinking water supplies, and private property in Maryland and West Virginia. ■

WHAT YOU CAN DO

Send a letter to the National Park Service. Go to our website under Take Action to send an email telling the NPS that the public demands transparency and full review before any fracked gas pipeline is approved that threatens the C&O Canal and the Potomac River. Write your local paper, put a sign in your yard, and talk to your neighbors! And follow Upper Potomac Riverkeeper on Facebook for the latest updates.

When we band together to demand accountability and respect for our communities, our voices will be heard.

POTOMAC RIVERKEEPER

ALEXANDRIA'S SEWAGE PLAN STINKS: CITY APPROVES PLAN TO CONTINUE DUMPING RAW SEWAGE INTO THE POTOMAC

Alexandria's historic Old Town has a shocking sewage problem that poses a serious public health risk to anyone who paddles, rows or swims in the Potomac River near this thriving waterfront community. Every time it rains more than a trace, stormwater rushes into the city's antiquated combined sewer system, mixes with raw sewage and is diverted directly into the Potomac River and Hunting Creek. Alexandria dumps upwards of 150 million gallons of untreated sewage into these waterways every year, as it has for decades.

After years of inaction, Virginia regulators were forced to get involved with Alexandria's pollution of Hunting Creek, after testing revealed it was severely degraded by sewage. The city was required to minimize or ideally eliminate the three "outfalls" that dump raw sewage into the Creek, and they sent a plan to the state for approval in August. Only one problem; the plan completely fails to address the fourth and largest of Alexandria's sewage discharges, which dumps about 70 million gallons of untreated sewage into Oronoco Bay and the Potomac River annually.



Potomac Riverkeeper Dean Naujoks speaking to reporter Peggy Fox of WUSA9 at Oronoco Bay on the Potomac.

To add insult to injury, Oronoco Bay is heavily used for fishing, paddling, and rowing. The TC William High School Crew Team's boathouse is just across the Bay, in plain sight of the discharge pipe. Since dangerous levels of sewage bacteria like e.coli can persist in the water column for several days, it's likely that crew teams have unknowingly practiced in sewage infested waters. Water quality sampling in the bay done by Alexandria from 2007-2012 clearly shows frequent violations of state bacterial standards in place to protect public health. This means Oronoco Bay is often unsafe for human contact.

Ironically, Alexandria is beginning to redevelop its waterfront, encouraging people to visit the waterfront and recreate on the Potomac in hopes of the city becoming the next Georgetown. After it rains, sewage laden stormwater combined with toilet paper, condoms, and trash washing off city streets flushes into Oronoco Bay. Untreated sewage also flushes high levels of nutrients into the river, causing algae blooms that foul the Potomac and can present their own health risks.

Alexandria's elected officials are ignoring the fact that the city's identity and future tourism is directly tied to a clean, safe Potomac River. We are confident that if Alexandria business leaders and citizens knew the extent of the city's sewage problem, they would never support the city's plan to let sewage dumping continue for twenty years. The public deserves to know that investments in stormwater are good economic investments for the city of Alexandria.

Potomac Riverkeeper began tackling Alexandria's sewage problem in early



2015, and it didn't take long for us to find allies. Senator Scott Surovell, who represents more than 200,000 constituents down river from Alexandria, recently wrote to Virginia regulators at the Department of Environmental Quality (DEQ), demanding that Alexandria deal with its Potomac River sewage dumping now, as part of its overall sewage reduction plan.

We recently urged residents to write to the city council as they developed the 2018 budget, and over 300 residents demanded action. In an attempt to deflect public pressure and unwanted media attention on the issue, the council presented a plan to "accelerate" the timeframe to address the Potomac outfall — but it still allows 70 million gallons of sewage to be dumped in the river each year for **the next 15 (or more) years**. That's far too long for Alexandria to allow this public health threat to persist.

At a city council hearing in November, Potomac Riverkeeper Dean Naujoks was joined by Alexandria residents who told the council that its current plan is unacceptable. So far city officials are content to conduct business as usual, and Virginia regulators are unwilling to use their authority to require a full cleanup of Alexandria's disgraceful sewage problem now. We have called on Virginia DEQ to hold a public hearing before approving this fatally flawed plan, but we need your help to keep up the pressure.

WHAT YOU CAN DO

Send a letter to the Mayor and City Council of the City of Alexandria to demand action on this serious public health issue. Go to Take Action on our website and send an email asking them to make this a funding priority in the next budget. Write to your local paper, put a sign in your yard, and talk to your neighbors! And follow Potomac Riverkeeper on Facebook for the latest updates.

When we band together to demand action and respect for our public health, our voices will be heard.

SHENANDOAH **RIVERKEEPER**

LEGACY TOXINS STILL IMPACTING THE SHENANDOAH RIVER



South River cuts right through Waynesboro, home to Virginia's Fly Fishing Festival.

Most folks have a bucolic image of the Shenandoah Valley as a gentle river framed by green rolling hills. The legacy toxins that haunt the Shenandoah River aren't part of this pretty picture. Mercury, heavy metals, PCBs, pesticides, and the potential for other toxins from fracking and gas pipelines are out of sight, and, too often, out of mind.

For the last few years, Shenandoah Riverkeeper has been actively working with the South River Science Team (SRST) to address the issue of toxic mercury in the South River and the Shenandoah caused by the DuPont textile plant in Waynesboro, Virginia. That plant stopped using mercury in their manufacturing process in 1950, but left behind a toxic legacy.

Late this summer, Virginia DEQ approved DuPont's work plan to design the initial phase of work to remediate and restore South River riverbanks containing mercury. Shenandoah Riverkeeper Mark Frondorf walked the remediation site with other SRST members last month to get a better understanding of the remediation methods.

DuPont first realized mercury had escaped into the Shenandoah River back in 1976, during plant expansion activities. Following the discovery, scientists studying the issue were surprised to learn that, instead of mercury levels declining over time, they had actually remained constant. The reason? The toxic mercury had become contained in riverbank soils, which leach mercury back into the river during high water.

DuPont has taken positive steps to address the problem and support the community. They funded the South River Science Team. They agreed to remove as much mercury as possible and stabilize the riverbank. Eroding riverbanks with elevated soil mercury levels will be excavated and areas of lower mercury levels will have the soil capped using a mixture of biochar and sand within an engineered fabric blanket.

Nonetheless, real concerns remain. Waynesboro and regional officials have reason to believe that the region may not receive sufficient funds to restore the river and its wildlife to its natural condition before the mercury spill. Details about this will be in the draft consent decree Department of Natural Resources officials say is likely to be released before the end of the year for public comment. Your support in filing comments alongside Shenandoah Riverkeeper will be critical to ensuring that funding is used to restore the areas most impacted by this toxic legacy.

Unfortunately, the mercury from Dupont's textile plant isn't the only industrial pollution in the river. In 2010, a typical year, 375,000 pounds of toxic pollution, ranging from heavy metals to chemicals, were dumped into the

Shenandoah River under Virginia water pollution permits. This is on top of the excess nitrogen and phosphorous entering the river from agricultural fields, which cause algae blooms and oxygen deprivation that threaten its ecological health.

One bright spot is the cleanup of the Avtex Fibers Superfund site in Front Royal. This was a rayon-manufacturing complex covering 440 acres on the Shenandoah River. They first made parachutes in World War II and later, solid rocket booster components. The plant deposited a stew of toxic chemicals into unlined basins and landfills, and contaminated water as much as 400 feet deep. When it was no longer profitable, the company declared bankruptcy and abandoned the site.

Although remediation work began in 1989, it took EPA ten years to wield its strong authority under the Superfund law and compel the company to accept cleanup responsibility. In 2014, EPA announced that remediation was successfully completed. After 25 years of cleanup, costing \$150 million, much of the site was suitable for new building, while 240 acres above the old disposal basins were designated for long-term protection.

We would be remiss if we did not recognize that the Presidential election has changed the political landscape, and will undoubtedly affect our future efforts to protect the watershed using the Clean Water Act, Superfund and other critically important environmental laws. Citizen enforcement of environmental laws by Waterkeeper organizations like ours is now more important than ever.

Shenandoah Riverkeeper Fall Ride & Hike a Big Success!

Over 60 people came out on Sunday, October 23rd for the inaugural Shenandoah Riverkeeper Fall Foliage Ride & Hike held at the Shenandoah University River Campus at Cool Spring Battlefield in Berryville, VA.

Hikers and bikers enjoyed gorgeous sunny weather, albeit a bit breezy, while exploring the 5.2-mile loop that shadows the river's shoreline. A few people also cast lines into the river. During our post-ride barbeque, we had lively conversations about our efforts to protect the Shenandoah River.

Thanks to Rt. 11 Potato Chips, Spindrift, and Shenandoah Valley Water Company for donating to our barbeque.









Yoga & Clean Water - A Great Combo!

When **Spindrift**, the eco-friendly sparkling fruit drink company that sponsored our **Paddle Potomac! Paddle Shenandoah!** event last summer, approached us about being the non-profit beneficiary of a yoga event with **Grip the Mat** we celebrated by attempting the boat pose.

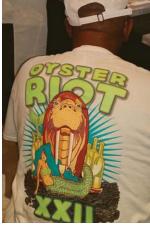
Held at **Big Chief**, a funky new bar (with an amazing rooftop) in Ivy City, DC, the sell out event was a huge success that generated nearly \$2,500 for Potomac Riverkeeper Network. Even more important, we introduced our organization to a socially conscious crowd of 20-somethings — potential future members who will carry our work for clean water into the next generation. Check out future events at www.GripTheMat.com.















Thank You Clyde's Restaurant Group!

Old Ebbitt Grill's annual Oyster Riot is one of Washington D.C.'s greatest parties of the year. Always held the Friday and Saturday before Thanksgiving, the Riot is D.C.'s premier food and wine event. Each night this year, we were among the nearly 1000 people devouring tens of thousands of oysters while enjoying gold medal winners of the International Wines for Oysters Competition and grooving to some awesome tunes.

And the best part... all three Riots benefited Potomac Riverkeeper Network!!

World Rivers Day Paddle

Upper Potomac Riverkeeper Brent Walls celebrated World Rivers Day paddling the South Branch of the Potomac with 25 people! This free paddle began at Trough General Store & Canoe Rentals. The weather was perfect as we floated 6.5 miles to Camp Wapocoma. We ended the day with great pulled pork sandwiches from Dickey's BBQ Pit. We hope you can join us next year!







YEAR IN REVIEW (CONT'D)

100% government cost share for landowners' fencing and off-stream water development, and sustained pressure on state agencies. But the Clean Water Act provided the framework of the Chesapeake Bay TMDL, which requires Virginia to remove 60% of cattle from its rivers by 2017, and 95% by 2025. State agencies also had to act on our Agricultural Stewardship complaints related to instream cattle.

Our progress on our Possum Point coal ash campaign is rooted in the Clean Water Act. Since we discovered a criminal 27.5 million gallon dumping of toxic water from their ash pits in April, we challenged Dominion's Clean Water Act permit in state court, and convinced Prince William County to do the same. Our legal and political pressure paid off, and Dominion voluntarily invested in technology to filter out the toxic metals in their discharge, stopped discharging toxic leachate from the coal ash lagoon's engineered toe drain, and agreed to re-start perimeter groundwater monitoring. We believe the groundwater monitoring will show that Dominion's coal ash waste pits are polluting nearby drinking water wells, and must be fully cleaned up to protect residents' water and Quantico Creek.

We finalized a settlement agreement with Marlowe Town Center wastewater treatment plant in Berkeley County, West Virginia. This sewage treatment plant had repeatedly violated its Clean Water Act permit, discharging raw sewage into Widewater, known as the most heavily used recreational area on the upper Potomac. Following the filing of our citizen suit, Berkeley County Public Service Sewer District agreed to make repairs that will eliminate the violations of the Clean Water Act and end the threat of illness facing swimmers, tubers, waterskiers and fishermen in that area. Marlowe is a textbook example of why citizen provisions were written into the Clean Water Act, which is to allow the public to step in when a polluter violates the law, and government fails to act.

As we prepare for 2017 and a new Presidential administration, our offensive-minded strategy of stopping pollution at its source will need to be paired with a sophisticated defense strategy that protects the Clean Water Act and other environmental laws we rely on to do our work. The Clean Water Act allows us to fight for our rivers. But we may also find it necessary to fight for the Clean Water Act itself.

PROGRAM UPDATES

SHENANDOAH **RIVERKEEPER**

COURT CHALLENGES TO VIRGINIA'S WEAK PERMITS ON SEWAGE SLUDGE AND CONSTRUCTION POLLUTION MOVE FORWARD

After years in judicial limbo, our appeals of statewide permits governing sewage sludge disposal on farm fields, and stormwater controls on large construction sites are on the path to resolution. In September, Sarah Fox of the Georgetown Law School Clinic argued our case on the sludge permit, explaining to a state Circuit court judge how the weak permit was not protective enough to prevent pollution from sludge being used on farm fields as fertilizer. Ms. Fox clearly described how the permit would allow sludge to contaminate Shenandoah valley streams and groundwater in areas of Karst topography, porous rock formations that underlie much of the Valley. Meanwhile, the Georgetown team is putting the finishing touches on our briefs in the Construction permit case due in December. SRK is challenging a lax permit that severely restricts public participation and fails to require prevention of sediment runoff into nearby waterways, fouling valuable stream habitat for spawning smallmouth bass and trout. We expect a ruling before the end of 2016 on the sludge case, and early next year on the construction permit suit.

POTOMAC RIVERKEEPER

VIRGINIA COURT DENIES PRK'S POSSUM POINT APPEAL

In November, the Richmond City Circuit Court denied PRK's appeal of Dominion's state permit regulating Possum Point's discharge of coal ash wastewater from its massive coal ash waste pit into the Potomac River. PRK, represented by the Southern Environmental Law Center, challenged the state's failure to use technology based pollution limits when it allowed Dominion to drain water from the ash pit into Quantico Creek and the Potomac. While Dominion had succumbed to public pressure and voluntarily agreed to better treatment of the wastewater before discharging it, PRK argued that Virginia regulators should have made those limits mandatory. PRK has been monitoring Dominion's dewatering, and so far the treatment is keeping harmful levels of arsenic and other toxic metals out of the Potomac. We are gearing up for the next

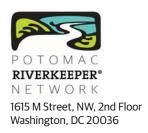
battle at Possum Point, over the final disposal of toxic coal ash. Dominion would like to leave it in leaking waste pits and walk away. PRK will fight to make sure the millions of tons of coal ash are disposed of safely in lined land-fills where they can no longer pollute our waterways.

UPPER POTOMAC RIVERKEEPER

UPRK AND DON'T FRACK MARYLAND COALITION RESPOND TO MARYLAND'S PROPOSED FRACKING REGULATIONS

Upper Potomac Riverkeeper Brent Walls is teaming up with Waterkeepers Chesapeake and a diverse group of local activists in Western Maryland to voice our opposition to the state's industry-friendly regulations for fracking the Marcellus Shale in Garrett and Alleghany counties. We support the Coalition's call for a statewide ban, citing the fact that no state has developed and enforced regulations protective enough of the environment and public health to warrant allowing it. In fact, Maryland's proposed regulations are remarkably weak and would put our drinking water, air and health in danger. Our coalition will submit formal comments by the December 14 deadline, and we're gearing up to fight for a permanent ban in the state legislature this winter. Make sure to add your voice to the chorus that's calling out the weak regulations, and fighting for a permanent ban on this harmful and dangerous practice. Go to www.DontFrackMD.org.

Maryland voters have spoken: In Garrett Co., a top target area for fracking, voters support a ban by more than a more than a





2016 was a banner year for watershed protection. We have a lot to be thankful for — first and foremost, your support for our work defending the nation's river. We locked horns with the biggest polluter in Virginia on coal ash, launched a campaign to create Maryland's first Wild & Scenic river designation, stood up against a fracked gas line that threatens the national park and drinking water, and introduced an annual paddle event that brought hundreds of families to our rivers — many for the first time. Your support makes our work possible. THANK YOU!