



River Watch



Potomac RIVERKEEPER®

The Newsletter of Potomac Riverkeeper, Inc.
Volume 5 Issue 2, Summer 2008

Shenandoah RIVERKEEPER®

Potomac Riverkeeper Pursues Mirant Corp. Energy Utility Cited for 12,677 Clean Water Violations

The Faulkner Fly Ash Storage Facility, operated by the utility Mirant and located 20 miles south of the nation's capital, is discharging selenium, cadmium and other toxic pollutants into Maryland waters. The facility is in violation of the state's water quality rules and is operating without required federal Clean Water Act permits. The illegal pollution is entering Zekiah Swamp, a key part of the Chesapeake Bay watershed.

In formally signaling their intent to sue Mirant, Potomac Riverkeeper and the Environmental Integrity Project identify 12,677 instances of illegal discharges by Mirant. Fly ash contains heavy metals, high levels of sulfates, hydrocarbons, radionuclides, and other pollution toxic to both human health and the environment.

The unregulated and often illegal disposal of fly ash and other combustion waste from power plants in the United States amounts to a hidden subsidy that favors dirty energy sources. Coal-fired power plants and industrial facilities produce approximately 130 million tons of coal combustion waste in the United States each year.

Members of the public are entitled to file suit against violators of the federal Clean Water Act and to seek penalties for such violations. Each day of illegal discharge of each pollutant from each unauthorized discharge point at a site constitutes a separate violation of federal law by Mirant, according to the letter sent to the company.

Coal-fired power plants, like the Mirant Plant in Alexandria, emit fly ash and produce 130 million tons of coal combustion waste in the US each year



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Join us again "At the River's Edge!" Annual Auction & Party

SUNDAY, JUNE 1st, 2008

THE POTOMAC BOAT CLUB
3530 WATER STREET
(K STREET EXTENSION)
GEORGETOWN, WASHINGTON, DC

4:00 to 7:30 pm
Hors D'oeuvres and Drinks

\$100 Individual / \$150 Couple
(*you can pay by check or online*)

Call 202-222-0707 or visit
WWW.POTOMACRIVERKEEPER.ORG

Auction items include:

- a two-person rowing shell
- kayaking trips and gear
- travel and get-away packages
- restaurant meals
- fly-fishing lessons
- tour on the Potomac River
- tour on the Shenandoah River
- original works of art
- a wine tasting
- and much, much more

Our auction has already
begun online at:

WWW.POTOMACRIVERKEEPER.ORG

Free parking provided by Colonial Parking, Inc.
1050 Thomas Jefferson Street, N.W.

Film Festival Draws Enthusiastic Crowd!

Wild & Scenic Environmental Film Festival • Rockville, Maryland

On Friday, March 7, PRK hosted the Wild & Scenic Environmental Film Festival. Wild & Scenic is a traveling film festival that has criss-crossed the country for the last six years.

Despite the heavy rains, over 100 people ventured out to watch six short films covering everything from biodeisel road trips to our cultural obsession with green lawns.

PRK's festival was held at Potomac Paddlesports, where guests were treated to an open bar and snacks, and had the opportunity to win raffle prizes such as kayaking lessons, shirts, and other merchandise.

PRK would like to thank Sunny Pitcher for donating the venue and AV equipment, Karja Hansen for helping us put on the film festival, and Patagonia of Georgetown and Tom's of Maine for their support. We'd also like to thank Jenna Cullinane and Joe Ellis for helping out at the event, and, of course, we'd like to thank everyone who showed up!



Nadia, Ed, and Robin work the check-in table, special thanks to our volunteer Jenna Cullinane (top right), Robin speaks to a full house at Potomac Paddlesports (middle right), the information table and hats (bottom right), Damien tends the bar (left)

Clean Ups Around Watershed a Success

Potomac River Watershed Clean Up • Bull Run Regional Park, Virginia
Calleva Earth Day Clean Up • Riley's Lock, Maryland



The Potomac Riverkeeper staff rolled up their sleeves in April and participated in clean ups all over the watershed, celebrating Earth day over the course of a month!

On Saturday, April 5, Robin Broder and volunteers from PRK joined Rhonda Krafchin, staff, and volunteers from REI of Fairfax and cleaned the Bull Run-Occoquan Trail. The site was one of nearly 300 sites registered under the Alice Ferguson Foundation's 20th Annual Potomac River Watershed Clean Up. Some sites have not completed their clean up yet, but so far volunteers have collected over 144 tons of trash, 99,000 recyclable containers, and 10,000 plastic bags. Way to go!

On Sunday, April 26, Damien Power and Nadia Elguindy joined with members of Calleva to clean up parts of the C&O Canal and Seneca Creek. In addition to cleaning up trash, 70 volunteers donated 280 community service hours painting fences, digging trenches, raking, shoveling, and sanding at Riley's Lock. PRK would like to thank Karen Seibert, who is the director of Calleva's Leadership School, for inviting us to take part in this great event!



Our volunteers are responsible for removing many pounds of trash from our watershed this year, just look at the heap-



IN THE POTOMAC RIVER and its tributaries, the biggest threat to our water is not trash. It is not invasive species, toxic waste, or even raw sewage. The biggest threat to the Potomac River, and to the rest of America's rivers and streams, is polluted runoff. Factory farms are producing billions of pounds of manure each year. Unsustainable development produces tons of dirt and debris. Rain carries these pollutants down our sewer pipes and releases them into our water supply. In addition to contaminating our drinking water, runoff has been linked to pollution in the Shenandoah Valley, which has devastated the local fishing and tourist industries. These industries are making a speedy recovery, but there is still much more work to be done. All things considered, runoff is the biggest problem most people have never heard of. Here is what we are doing to stop it.



Oden Ridge (pictured above) runs shortly into the Shenandoah River

ENFORCEMENT/LEGAL ACTIONS

Shenandoah Riverkeeper Puts Two Virginia Polluters on Notice

Shenandoah Riverkeeper Jeff Kelble put two Virginia polluters on notice last month by filing his intent to sue them if the state does not.

The advance notice is required by law under the Federal Clean Water Act.

The polluters, by not installing required runoff control practices at their sites, are allowing illegal amounts of dirt and other polluted runoff to enter the Shenandoah River, which then moves down the Potomac River and settles in the Chesapeake Bay.

The polluters—Ivy Ridge Developers and the Mace Group—are just two out of 30 polluters being monitored by the Shenandoah Riverkeeper. Ivy Ridge and Mace are prioritized because they do not have their required permits.

Compliance with stormwater permits minimizes the amount of runoff that washes away from construction sites during periods of heavy rainfall. They involve best management practices (BMPs) such as: detaining stormwater to allow dirt to settle, seeding and mulching bare dirt, and protecting storm sewers from polluted runoff.

The practices are important because excess runoff chokes aquatic life by cutting the amount of sunlight and oxygen that is necessary to sustain life. Once fish and plant life start to decline, a chain reaction is set off that spells trouble for residents, businesses, and local governments.

Our actions are part of a larger movement across the Chesapeake Bay to reduce the amount of runoff that reaches our rivers and streams.

In February, the Potomac and Shenandoah Riverkeeper staff—along with staff from other Waterkeeper groups, conservation groups and state agencies—met in Baltimore to attend the **“GET THE DIRT OUT”** training put on by the University of Maryland Environmental Law Clinic.

Potomac Riverkeeper and Shenandoah Riverkeeper will be implementing a “Get the Dirt Out” program over the next year. This program will allow our members and residents to get involved in documenting when construction sites are not protecting our storm drains and (ultimately) our rivers from dirty or polluted runoff.

Numerous studies have indicated that runoff is one of the largest sources of pollution in the Chesapeake Bay.

If you would like to know more about how to report construction site violations, contact the Potomac Riverkeeper (202-222-0707) or the Shenandoah Riverkeeper (540-837-1479).

This program will ask volunteers to make note of the time and location of the runoff and to take pictures of the construction sites that appear to be polluting.

(cont. on next page)



GOVERNMENT REFORM

Waterkeeper Groups Challenge Maryland's Secrecy Over Nutrient Management Plans

Potomac Riverkeeper and other Chesapeake Bay Waterkeeper groups challenged Maryland's Department of Agriculture (MDA) over MDA's refusal to make poultry waste management plans available to the public.

Poultry waste management plans are written by the poultry farmers themselves, and are required by law so that state environmental agencies have a record of what farmers are doing to manage poultry waste—which in Maryland totals one billion pounds annually. Nitrates and phosphates, both found in poultry waste, are a leading source of pollution in our watershed.

The Waterkeeper groups argued that making the plans available to the public enabled citizens—and groups like PRK that represent them—to monitor waste disposal practices and take action when necessary. Keeping the farmers' plans sealed, and away from scrutiny, is against all residents' interest.

Within two weeks of our complaint, the state legislature proposed changes to the law to open the plans to the public. On Monday, February 25, representatives for the Waterkeeper groups met with the staff from the Maryland Attorney General's office and the head counsel for MDA to discuss settlement negotiations. They made the following offer:

- MDA WILL RELEASE ALL NMP'S 3 YEARS AND OLDER IN THEIR ENTIRETY
- MDA WILL RELEASE ALL NMP'S LESS THAN 3 YEARS OLD WITH THE NAME AND ADDRESS OF THE FARMER REMOVED

We are pleased that MDA understands the importance of making poultry waste management plans open to the public. We are also working to make these nutrient management plans open for public commenting beginning in the fall. This way, citizens will be able to weigh in on the plans before they are filed. Stay tuned for updates!

ADVOCACY

Shenandoah Riverkeeper Advises State on POULTRY LITTER *Potomac Riverkeeper Advises on STORMWATER PERMITS*

Shenandoah Riverkeeper Jeff Kelble is serving on a committee that is creating new regulations to manage poultry waste for anyone that uses more than 10 tons per year. This is important because runoff from poultry farms has been linked to pollution in the Shenandoah River in a recent study released by the United States Geological Survey (USGS).

In their inaugural meeting, the committee (the Off-site Poultry Litter Technical Advisory Committee) discussed the issues they will try to resolve. The committee was chartered by Preston Bryant, who is the Secretary of Natural Resources.

Eight items were agreed on for discussion, including: regulatory scheme, soil testing requirements, and application rates of litter. Regulatory schemes dictate how the state will permit farmers who use poultry litter as fertilizer. Some regulatory schemes being considered are permitting individual farmers, creating a general permit for poultry litter users, and permitting by rule. The third option—which Jeff thinks might be adopted—means that no permits are handed out, but any farmer who uses 10 tons of poultry litter or more must comply with predetermined rules.

The difficulty with developing this regulation is creating it in a way that is fair to industrial farmers while at the same time addressing environmental harm. Stay tuned for more updates as they become available.

...

Earlier this year, PRK, along with other waterkeeper groups, commented on Maryland's Department of the Environment (MDE) general stormwater permit, urging the to adoption of stronger stormwater permits. The Shenandoah Riverkeeper will do the same in Virginia when that state's stormwater permit comes up for review this year.

Waterkeeper Alliance Case Heads to the Supreme Court!

After 40 years of debate over the impacts of power plant intake pipes on our waterways, the U.S. Supreme Court has decided to tackle the issue in a case brought by Hudson Riverkeeper, Waterkeeper Alliance, and 12 local Waterkeeper programs.

The issue of intake pipes on our waterways played a big part in the creation of the Hudson River Fisherman's Association in 1966 (which led to the creation of Riverkeeper, our founding program). Last year, under the leadership of Riverkeeper, we all won a major lawsuit against the EPA in front of the Second Circuit Court. In April, the Supreme Court agreed to hear industry appeals on the issue of whether cost/benefit analysis by the EPA should be allowed in determining the Best Technology Available for intake structures.

Riverkeeper argues that this consideration is not necessary, and that cost should not factor into whether or not a group is able to follow the law. We will keep you updated after opening arguments are heard in the fall.

Enter the "River Stories" Video Contest, Win a Toyota Prius!

It seems like every day that we get a phone call or email from a concerned citizen who is working to create a cleaner Potomac watershed for future generations to enjoy.

Whether it's by pressing a state agency to crack down on polluters or by getting out on the riverbanks and removing trash, residents everywhere are making a difference. Whatever it is that you do for the Potomac and its tributaries, videotape yourself doing it and share it with Tom's of Maine, you might just win a Toyota Prius.

It's simple, all you have to do is go to WWW.TOMSOFMAINE.COM/SAVINGRIVERS and enter the "River Stories" Video Contest. Then, submit an original video by October 31, 2008 showing your activities and why you think it's important to take care of rivers. Send a copy to KEEPER@POTOMACRIVER-KEEPER.ORG as well.

More details are available online!



Sewage Right to Know Act Advances!

The Raw Sewage Community Right to Know Act (H.R. 2452) is on the move. This bill, endorsed by the Clean Water Network, would require publicly owned treatment works to monitor their systems for spills and then alert the public when there is the potential to affect public health. There are currently no such requirements nationwide.

As infrastructure deteriorates, keeping people safe and healthy while raising awareness of the need to invest in effective infrastructure is critical. Please contact your Representative and ask them to support H.R. 2452.

Call the Capitol Hill switchboard at 202-224-3121 and ask to be connected to your Representative's office. Ask to speak to the staff person covering environmental issues and convey to them you want the Representative to support H.R. 2452.

If your Representative is already a co-sponsor, it would be helpful to call and thank them for their support!

For updated information, contact American Rivers at [202-347-7550](tel:202-347-7550).

Riverkeeper Gear On Sale! Order Hats Today!

Want to keep your face from burning this summer? Protect it with a new hat from the Potomac and Shenandoah Riverkeepers! First, choose from one of five colors listed below:

- Navy Blue
- Washed Blue
- Washed Green
- Khaki*
- Wheat*

View color options online at
www.potomacriverkeeper.org!

(*Potomac Riverkeeper hat only)

Then, buy one for just \$10 (add \$3 for shipping) at our online store at WWW.POTOMACRIVERKEEPER.ORG. To order a hat through the mail, please indicate hat color and send a check for \$13 to:

POTOMAC RIVERKEEPER
1717 MASSACHUSETTS AVENUE NW
SUITE 600
WASHINGTON, DC 20036

Protect yourself (and the Potomac and Shenandoah Rivers at the same time)! Order your hat today!



Shenandoah Riverkeeper hats also available!

Have Our Organization Come to Yours!

PRK Launches Informational Sessions to Educate Groups about our Watershed

Nadia Elguindy, PRK's Programs and Development Coordinator, has recently spearheaded a program informing people about the threats our Nation's River and its tributaries face. The program also shows how the Potomac and Shenandoah Riverkeepers are working with corporations, local and state governments, and residents to combat those threats.

If you are a member of a civic organization, watershed group, neighborhood watch group, or if you are interested in hearing about how we can work together to restore the Potomac River, you can request a presentation by sending an email to KEEPER@POTOMACRIVERKEEPER.ORG or by calling **202-222-0707**.

The program was launched in mid-April, and within two weeks Nadia had already spread our message to 100 eager listeners at the Wheaton and Bethesda Kiwanis Clubs and the Northern Virginia Chapter of Trout Unlimited.

Don't miss your opportunity to take advantage of this **FREE SERVICE** and learn about how you can help us keep our rivers and streams clean. Contact us today!



Come to our 1st Shenandoah River Rodeo!

The summer is almost here, and before you know it you'll be slopping on sunscreen and heading for the great outdoors. Be sure to keep **SATURDAY, JULY 19** open and join the Shenandoah Riverkeeper for his inaugural Shenandoah River Rodeo!

Local fishing guides are hosting a catch and immediate release fishing competition during the day. Each guide is auctioning off spots on his or her boat for anyone interested.

At 5pm, we are celebrating summer on the riverbanks! The party is going to be held at Bentonville's Low Waterbridge Campground. There will be a food, drinks...even a bluegrass band! Be sure to check it out!

To order tickets online and get directions, visit WWW.POTOMACRIVER-KEEPER.ORG or WWW.SHENANDOAH-RIVERKEEPER.ORG. Tickets are \$30 for members and \$40 for non-members.

For more information, email the Shenandoah Riverkeeper (KEEPER@SHENANDOAHRIVERKEEPER.ORG).



SPECIAL THANK YOU!

Polluters Give Us Lemons, Local Sixth-Grader Makes Lemonade

Max Vogel, a sixth-grader from Bethesda, MD, recently had an assignment to create a science project around the health of the Chesapeake Bay. He chose to highlight the importance of using fluorescent lights and wind power, and created a website about the importance of these two issues.

To draw attention to the website, Max set up a lemonade sale on the Capital Crescent Trail. The lemonade was free of charge, but Max also accepted donations to PRK at his stand. He even printed out information from our website to share with his customers! Max collected \$26.49 and sent the proceeds to our offices in Washington, DC.

We want to share Max's story with all of our members because it demonstrates just one of the many ways that watershed residents are getting involved and restoring water quality in the Potomac River and its tributaries. We are also impressed by Max's charitable donation and his marketing techniques!

Thanks for your support, Max!

Get Your Rebate, Give (Some) Back...

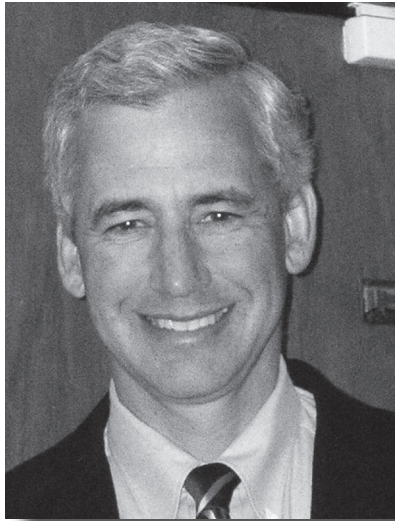
The IRS has already begun mailing out additional tax rebates as part of an economic stimulus package.

When/if you receive one, please consider donating a portion of your tax rebate to stop pollution in our rivers and streams.

It's an investment in all of our futures!

Cabell Williams Joins Board of Directors

In December 2007, Cabell Williams was unanimously selected to join PRK's Board of Directors. Cabell, an avid fisherman, comes to our organization with an extensive background in business development and has been a dues-paying member and board member to other environmental organizations. Please join us in welcoming him.



Cabell founded Williams & Gallagher LLC in 2004 in partnership with his long-time colleague Susan Gallagher. Williams & Gallagher is a private equity firm focused on small market LBO investment opportunities.

Before he opened his private equity firm, Cabell had an impressive 23-year career at Allied Capital Corporation, a \$3 billion business development corporation based in Washington, DC. While at Allied, Cabell held a variety of positions including President, COO and then Managing Director following Allied's merger with its affiliates in 1998. From 1991 to 2004, Cabell either led or co-managed the firm's Private Equity Group.

Over his years at Allied, Cabell served on the board of directors at various public and private companies. Today he is active as a Director of GSC Investment Corp. and several non-profit corporations.

Board Member Publishes New Book

Rena Steinzor, the chair of our litigation committee, is also a published author.

In her latest book, "**MOTHER EARTH AND UNCLE SAME: HOW POLLUTION AND HOLLOW GOVERNMENT HURT OUR KIDS,**" Rena highlights the ways in which the government has failed to protect children from harm caused by toxic chemicals.

Rena also describes ways we can buck this trend and have government once again protecting us from pollution.

Buy sure to buy a copy at WWW.AMAZON.COM today!

PRK STAFF:

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Potomac Riverkeeper & Exec. Dir.
Jeff Kelble
Shenandoah Riverkeeper
Robin Broder
Director of Operations
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Programs & Development
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Spot Pollution? Dial Our Hotlines At:



Shenandoah RIVERKEEPER®
540.837.1479



Potomac RIVERKEEPER®
301-POTOMAC

And then...

If you are in WASHINGTON, DC, call

WASA Hotline (202.612.3440)
if you see sewer leaks (please have a cross street ready).

DC Water Quality Division (202.535.2194)
if you see oil or hazardous substances.

DC Watershed Protection Division (202.535.2240)
if you see sediment/dirt from a construction site or a cement truck washing into the street or storm drain.

DC Department of the Environment (202.535.2615)
for any problem.

If you are in VIRGINIA, call

DEQ Northern Regional Office (703.583.3800)
for all pollution.

DEQ Tidewater Regional Office (757.518.2179)
for all pollution.

DEQ Piedmont Regional Office (804.527.5020)
for all pollution.

DEQ Valley Regional Office (540.574.7800)
for all pollution

If you are in WEST VIRGINIA, call

Emergency Spill Line (800.642.3074)
for all pollution.

Open Dumpster and Litter Line (800.322.5530)
for backup.

If you are in MARYLAND, call

MD Department of the Environment (866.633.4686)
for all pollution.

If you are in PENNSYLVANIA, call

PA Department of Environmental Protection (800.541.2050) for all pollution.

YES! I want to protect and restore the Potomac River! Enclosed is my tax-deductible membership gift to help POTOMAC RIVERKEEPER and keep our Nation's River clean!

☐ \$35 Regular ☐ \$50 Family ☐ \$100 ☐ \$250 ☐ \$500 ☐ Other _____

Name _____

Address _____

City, State Zip _____

Email _____

Phone _____

How did you hear about us? _____

☐ Please send me information about your Riverwatcher program today!

☐ Do not trade my name

Please make checks payable to **Potomac Riverkeeper**. Thank you!

1717 Massachusetts Avenue NW, Suite 600 Washington DC 20036

To become a member online, go to WWW.POTOMACRIVERKEEPER.ORG

Potomac and Shenandoah Riverkeepers Honored for their Conservation Efforts

Our Riverkeepers have been flooded with accolades recently and, while they might not want to brag, we certainly do! Read about how people have been honoring Ed and Jeff below.



Ed Merrifield was profiled in *Washingtonian Magazine's* April edition. He was named one of 30 local "Eco-Heroes!"



PHOTO BY MONTGOMERY KING

Jeff Kelble was named "Virginia Fly Angler of the Year" at the Fly Fishing Festival in Waynesboro, VA (above). Jeff also received the "Outstanding Individual Award" given by the Lord Fairfax Soil and Water Conservation District.

Above left, Ed performs water quality testing on the Potomac. Above right, Jeff receives an award from world-renowned angler Bob Clouser.



Potomac RIVERKEEPER®

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