

RIVERWATCH



The Official Newsletter of Potomac & Shenandoah **RIVERKEEPER®**



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EarthShare/CFC #87828



What we do

Defining our programs

Now in its 13th year, Potomac Riverkeeper, Inc. has evolved from a small member of the Waterkeeper Alliance keeping watch over just the Potomac River, to a network of three licensed Riverkeepers under one parent organization, with responsibility for the Potomac River, Upper Potomac, and Shenandoah River—nearly the entire Potomac watershed. With the help of citizen volunteers and a small army of pro-bono attorneys, we look out for and seek to solve the challenges that face our rivers and keep them from being truly swimmable, drinkable, and fishable from the headwaters of the Potomac and Shenandoah down to the Bay. How do we do this?

Assessment

With the help of citizen volunteers and reports through our website and award-winning Water Reporter App, pro-bono law clinics, volunteer EPA database researchers, and interns, our staff works diligently to keep tabs on the health of our rivers, looking for evidence of pollution, runoff, fish kills and lesions, algae blooms, and other signs of compromised water quality. We dedicate time each month to patrol our rivers and work to promote recreation and provide quality inputs for the dozens of drinking water plants that serve the 6 million people in our watershed. Some of the problems we observe through monitoring, such as fish kills and fish lesions in the Shenandoah, and sewage overflows in the DC area, are ongoing examples of problems we have been fighting for years. Some of these problems are new, and we do our best to notify the government agency with oversight, contact the polluter, and, if need be, take legal action.

Enforcement & Advocacy

In many ways, our Enforcement & Advocacy Program is the heart of our work. We take information from our monitoring and community activity and push to create positive change. At any given time, we have roughly two dozen active enforcement and advocacy matters on our books, from commenting on pollution permits that we don't believe meet the requirements of the Clean Water Act and pushing the government to recognize major pollution problems and act on them, to filing lawsuits against polluters and government agencies that allow pollution to continue unchecked. Currently, we are pushing the Virginia government to control runoff from construction sites, and EPA and the Virginia government to recognize the enormous scope of the algae problem in the Shenandoah. We are also working with West Virginia agencies to require daily water testing in permits given to entities that discharge into the Upper Potomac, as well as closely watching DC Water's attempts to halt plans to construct stormwater tunnels we believe are essential to control sewage overflows into the Potomac. We do not do this alone—our general counsel and legal fellow work with over a dozen lawyers across the region at law clinics, legal advocacy shops, and law firms, harnessing over \$950,000 in donated legal firepower in 2013 alone.

Enforcement & Advocacy Initiatives

MAJOR POLLUTERS
AGRICULTURE
STORMWATER
SEWAGE
FRACKING & MINING
WATER BODY STANDARDS

River Access & Recreation

We also work to bring our members and the public down to the river through our river access activities. What's the point of all this hard work if we're not going to enjoy the beautiful bodies of water that flow through our communities? Among our founding members are avid hikers, swimmers, fishermen and paddlers who consistently use the Potomac and Shenandoah, and we want more people to enjoy this resource as much as we do. Our activities in this area range from bringing people down to the water in Washington for cleanups, to our annual Shenandoah Riverfest in Virginia, to our mapping project, under which we are assembling a library of access maps to some of the most beautiful paddling areas in the Upper Potomac region.

Obviously, we can do none of this alone. We depend on you, our members, for financial support, as our eyes and ears on the ground, to provide us with the standing required to get into courts of law to sue polluters, and to get the word out not only about the perils facing our rivers, but also about the tremendous resource these represent to our area, and how we should treasure them. ■

A LETTER FROM YOUR RIVERKEEPERS

Dear Members,

As we announced in the last issue of River Watch, we have been busy making changes at Potomac Riverkeeper, Inc. this year. First and foremost we are thrilled to announce that Jeff Kelble, our long time Shenandoah Riverkeeper, will be our new President as of July. Second, we are in the process of making significant changes to the way our Riverkeeper programs operate and how we communicate our work to our members and the public.



Most significantly, we are now three Riverkeepers under one umbrella organization. Potomac Riverkeeper, Inc. now has three Riverkeeper "branches": the Potomac Riverkeeper branch, which covers the area of the Potomac from Frederick, Maryland down to the Bay; the Upper Potomac Riverkeeper branch, which covers the scenic upper areas of the Potomac from its headwaters through West Virginia, Pennsylvania and Maryland down to Frederick; and the Shenandoah Riverkeeper branch, covering the North Fork, South Fork and Main Stem as they flow through Virginia and West Virginia into Harper's Ferry.

We have also re-organized how we describe our work, dividing it into three programs: Assessment, Enforcement & Advocacy, and River

Access & Recreation (see "What We Do, on page 1). Enforcement and advocacy is a huge part of what we do, and we have organized that, in turn, into six ongoing Initiatives: (1) going after Major Polluters, (2) seeking to limit sources of Agricultural Pollution, (3) curbing Stormwater runoff, (4) pushing local governments to stop allowing Sewage to flow into the rivers when it rains, (5) pushing for safeguards in Fracking & Mining activities, and (6) ensuring strong Water Body Standards. It is our hope that these Initiatives will keep our focus trained on the greatest threats to our rivers.

With these changes under our belt, we are poised to do more than ever in our thirteen-year history to protect our entire watershed.

All our best! Your Riverkeepers,
Brent, Jeff, and Sarah

Experience
your river
this summer.

Visit our online
calendar for events
in your area.

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Stay connected to your water.



Download
WATER REPORTER
on your iPhone.

Report pollution when you see it.

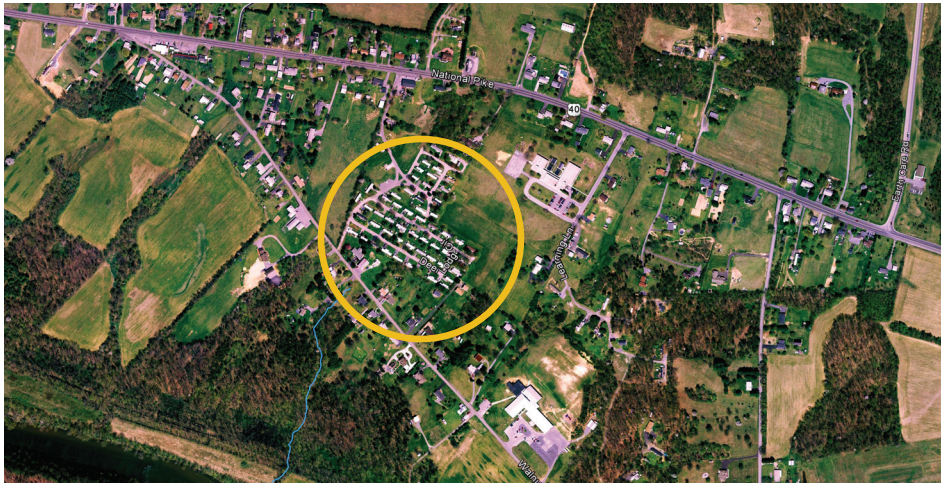
What to look for: Excessive trash, fish kills or lesions, water discoloration, sediment runoff from construction sites, outfalls operating when there hasn't been any rain, or even cows in the river.

Don't have an iPhone? Report pollution through our website.
www.potomacriverkeeper.org/report-pollution

UPDATES FROM THE UPPER POTOMAC

Deer Lodge Trailer Park finally cleaning up its act

by: Brent Walls, Upper Potomac Riverkeeper



Imagine walking outside your home in the spring to enjoy the nice weather, only to be confronted by the smell of raw sewage. The residents of Walnut Point West road, just east of Hagerstown, Maryland, have been braving such horrendous smells for two decades. Every time it rains, the smell worsens. With frustration mounting, no help from the local health department, and only a shrug of the shoulders from the Maryland Department of the Environment (MDE), one individual turned to Potomac Riverkeeper.

Three years ago, Denny Hamby came to me looking for some help. He and many of his neighbors tried and failed to convince the Washington County Health Department to do something about the sewer smell

coming from Deer Lodge Mobile Home Park. Deer Lodge has 55 single family trailers, each with its own septic system and drain field installed on fill dirt some 40 years ago. Deer Lodge sits uphill from the residents on Walnut Point.

Each time it rains, both surface and ground water flows through the residents' yards (above and below ground) mingled with untreated sewage, and ultimately into Conococheague Creek in the Potomac watershed. Samples collected for two years showed bacteria levels 10-15 times higher than state water quality standards. Coincidentally, each of the residents on Walnut Point has some level of well-water contamination. Denny in particular, can't keep up with changing the filters on his water filtration system to keep it free of smells and contamination. Every two days the filter is as black as night and smells like sewage. With Denny's father in and out of the hospital for years, Denny has made the residents of Walnut Point question what is really going on.

For two years I tried to communicate with the local health department and MDE to find a resolution to this problem. At one point, the government agencies acknowledged that there was a problem, and the Health Department started to assess what the source of the smell was. However, that action soon changed

and cooperation from the State fizzled out. A blame game commenced. Even communicating with the owners of the Park resulted in no action.

Here at Potomac Riverkeeper, we go through a series of steps when faced with a pollution issue like this 1) We investigate to determine validity of the claim; 2) We communicate the problems we see to the polluter; 3) We advocate for the relevant authorities to step in and do their job. When we have taken all three steps but no satisfactory action has been taken by the polluter or government to address the problem, then we begin to develop a legal strategy.

The Clean Water Act was created to control and eventually eliminate the sources of water pollution that go into our surface waters. We have used the law to control "end-of-pipe" pollution from single point sources through a permit system called the National Pollution Discharge Elimination System (NPDES). This NPDES permit program requires all "end of pipe" or point sources to have a permit with pollutant limits. Even though its not what you would think of as a conventional industrial polluter, Deer Lodge Mobile Home Park has several "pipes" that were discharging polluted (sewage) water without the required NPDES permit. So Potomac Riverkeeper was able to file a law suit citing the NPDES provisions of the Clean Water

Act to force Deer Lodge to finally deal with its sewage discharges.

“ If it wasn't for Brent and Potomac Riverkeeper hearing us out and taking action, we would never have had a resolution to this problem. ”

- Denny Hamby

After a year of additional water quality sampling, legal briefs and negotiations, we reached a resolution this spring

through a court ordered consent decree. The consent decree directs the Park to begin construction of the new wastewater treatment system by August, 2014 and to make it fully operational by November. The Park is also directed to fill in or dismantle 27 potentially failing septic systems within 45 days of the new treatment system being in operation.

When the government agencies that are supposed to protect our environment and protect our health turn a blind eye to the legitimate complaints of a community, you know there is a problem. Denny Hamby and his neighbors struggled to be listened to and be taken seriously. Rather than find help from the authorities, they faced opposition and heartache. I am glad to have helped in some small way to find a resolution so that the residents of Walnut Point can have a chance at a better quality of life and a cleaner Conococheague Creek. ■



UPDATES FROM THE POTOMAC

Stormwater Poses Major Threats to Water

by: Sarah Rispin, Potomac Riverkeeper

When most people think of the Clean Water Act

they think of end-of-pipe industrial pollution. But we've known for a long time that regulating traditional industrial polluters will not cure our pollution problems—especially not those from nitrogen, phosphorous and sediment, which are the largest threats to surface water in the Potomac and

Chesapeake watersheds. These pour into our waterways with every storm, and must be curbed significantly to restore the health of our rivers and streams.

This is why Potomac Riverkeeper is devoting one of its six ongoing Enforcement and Advocacy Initiatives to stormwater. We spend a huge amount of time tracking and challenging Clean Water Act permits for emitting stormwater—from construction sites, industrial sites, and the end of storm sewers. Stormwater picks up sediment, fertilizer, debris, chemicals, and other pollutants that lie on the ground or build up at construction or industrial sites, and carries them into our creeks and rivers directly or through storm sewers. Sediment destroys aquatic ecosystems and make it difficult or impossible for aquatic plants to grow. As our field staff know all too well, excess nutrients from rural farms and suburban lawns can cause algae blooms, which in turn spoil the recreational value of streams, remove oxygen from the water, and possibly even spike plant hormone levels in the water in such a way as to cause some of the fish lesions and fish kills we have seen in the Shenandoah.

Right now, we are mounting court challenges to multiple stormwater "general permits"—blanket permits that apply to large numbers of similar sources of discharges. These include: Virginia's CWA Construction General Permit, which governs how construction sites are managed throughout the

state; Maryland's Industrial Storm Water General Permit, which governs how runoff from industrial sites throughout Maryland must be managed; and both the Montgomery County and Prince George's County Municipal Separate Storm Sewer System (MS4) permits. (Either of these MS4 permits could become the blueprint for how counties in Maryland prevent undue amounts of polluted stormwater from flowing out the of storm sewer systems into the waterbodies we use for fishing, swimming and drinking water.)

in various ways in all of these general permitting schemes.

Of course, as Riverkeepers, we don't just sue. We have provided avenues for and trained dozens of volunteers to report stormwater runoff violations, primarily from under-regulated construction sites. We work with local governments to develop guidelines for best management practices (BMPs) for controlling runoff, and, alongside other environmental groups, work with those governments to develop better stormwater general permits in the first place.

This initiative has brought us some notable successes. Due to our engagement in the development of previous versions of the Virginia Construction General Permit, the bare dirt at all construction sites draining into Virginia rivers that flow into the Chesapeake must be stabilized quickly, and more frequent inspections performed to identify problems. Also because of our involvement, lists of all active construction sites in Virginia are available on the web. Compliance with sediment controls in the Shenandoah Valley has vastly improved since we began to deploy our citizen volunteers to ensure BMPs were being followed. Meanwhile, in the Upper Potomac, our Riverkeeper has developed a close relationship with state inspectors, which enables him to report faulty stormwater BMPs to state authorities resulting in immediate corrections.

Stormwater runoff may not be a glamorous issue. But in our increasingly urbanized and suburbanized region, with new housing and commercial development sprawling toward every horizon, tackling stormwater is critical to controlling the lion's share of the pollution that threatens our waterways—and your right to use and enjoy it. ■

BIGGEST threats to surface water

in the Potomac and
Chesapeake Watersheds

Nitrogen
Phosphorous
Sediment

Through these challenges, we seek to push the states in our watershed—who implement the CWA on EPA's behalf—to impose numeric limits on specific pollutants calculated to lead to improved pollution load levels required throughout the Chesapeake Bay watershed by new federal regulations. We also want the states to ensure adequate public notice, which is lacking



RIGHT

WRONG



ONE OF THE BEST

POTOMAC & SHENANDOAH RIVERKEEPER
one of the region's best community-based charities

This award reflects our status as a highly effective local charity, working to protect the public's right to clean water in our rivers and streams. 2014 marks the 12th anniversary of the Catalogue for Philanthropy, which has, since 2003, connected caring citizens with worthy community causes and raised more than \$24 million for featured nonprofits. As our second term being featured in the Catalogue we thank all of our members and supporters for their continued support!

UPDATES FROM THE SHENANDOAH

Get the Cattle Out of the Shenandoah PHASE 2

by: Jeff Kelble, Shenandoah Riverkeeper

Who wants to share their swimming or fishing hole with a herd of cows?

In our last newsletter, we introduced you to our "Get The Cattle Out Campaign," in which Shenandoah Riverkeeper identified and documented every single place that cattle have access to and wallow in the North Fork, South Fork and Main Stem Shenandoah. Our first step in that campaign was to send letters to owners of each of the 73 herds we found, or the land that they graze on, notifying them of the importance of fencing their cattle out of the river.

Our campaign goal is to get the cattle herds out of the river by December 31, 2015. Our position is clear: cattle wallowing in the river, harming the stream banks and directly causing water-quality problems in these public stretches of river is incompatible with the public's need and right for clean water and safe recreation.

Here's an update. After receiving our personal letters, which

“... we integrated the new 100% cost share program into our campaign...”

were intended to introduce the goal of our campaign and to explain our position and background, quite a few landowners contacted us directly. Interestingly, many of them thanked us for tackling this issue, told us how much they cared about the river and wanted to do the right thing and asked how they could get started. We celebrated our first success in mid-May when the first of the landowners signed a contract to begin fencing his cattle out of the North Fork.

We'd like to take this opportunity not only to thank the (anonymous) farmer, but also to thank Bobby Whitescarver—a consultant for the Chesapeake Bay Foundation—and a friend and part-

ner who specializes in cattle stream exclusion and government cost-share programs. Bobby worked with the landowner and did everything from soup to nuts. I also want to thank our Agricultural Manager, Alan Lehman, for tirelessly investigating until we felt we had every herd documented and connected to an owner.

While enjoying our first success, we want to recognize the importance of Virginia's new 100% cattle exclusion cost-share program. Under this new program, farmers will be reimbursed 100% of the cost to exclude cattle, develop fresh water sources so their cattle no longer need to drink from the river, and even to cross fence their entire pasture system. It was when we learned that this program was coming that we got the guts to announce our bold campaign. It feels better to us that landowners have a "soft" landing with the new state program if finances on the farm are not conducive to the investment necessary to exclude cattle.

We integrated the new 100% cost-share program into our campaign by mailing a program brochure to every cattleman with a herd in the river. We even handwrote the name and phone number of the most local service technician who would service each landowner just to make sure it was as easy as possible for a landowner to pick up the phone.

Throughout the next year and a half, we intend to contact the landowners about every month or two with updates on our success, share progress, and provide them with more information on how getting cattle out of the river can greatly benefit their bottom line. There are several ways that excluding cattle and developing independent fresh water sources do this. The trick is getting local sources for testimonial and getting them to the landowners. So far we have information about improved cattle herd health, lowered veterinary costs and increased weight gain and profitability.

Not only are we looking for more examples of how excluding cattle benefits both the landowner and the river user, but we're also still taking complaints about new herds. So please contact us if you have credible sources for additional benefits. We'll pass it along. And don't forget, download our free "Water Reporter" app to your iPhone and to make a report the next time you see a herd in the river! ■



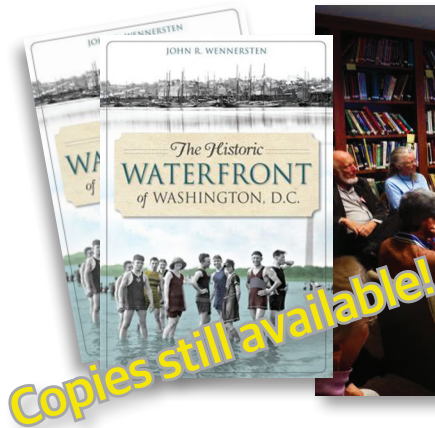
Water quality issues caused by cattle wallowing in the river is one of the
TOP COMPLAINTS
Shenandoah Riverkeeper receives.



EVENT RECAP: Did you miss out on our last event or just miss the memories? Let's take a look back.

A special *thank you* to...

Sweetwater Brewing Company and Churchkey DC for their support in hosting a fun filled Hoppy Hour on World Water Day this past March 22!



EARTH DAY BOOK TALK

"The Historic Waterfront of Washington, D.C."

Thanks to all who attended this year's Earth Day Book Talk with award winning author John R. Wennersten. It was a pleasure to hear his insight into the rich history of the Potomac and Anacostia Rivers.

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Thanks to all who attended and showed their support at our

12TH ANNUAL BENEFIT

Despite last minute venue changes, this year's Annual Benefit was a tremendous success. Together we raised over \$50,000 with \$5,000 in support of our new Upper Potomac Riverkeeper branch. Thank you for joining us for an eventful evening. Many thanks to The Hamilton Live for accomodating us so generously.



2014 Protector of the Potomac Jennifer Chavez with Potomac & Shenandoah Riverkeeper General Counsel Sarah Rispin



From left: Brent Blackwelder, Katherine Ward, and Randy Hayes



Jeff Kelble, Shenandoah Riverkeeper and recently named President of Potomac Riverkeeper, Inc.



PORTING CLEAN WATER

who invested in our work from January-March 2014*

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POTOMAC & SHENANDOAH **RIVERKEEPER**

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FEATURED UPCOMING EVENT

SHENANDOAH RIVERFEST

AUGUST 9 - SHENANDOAH RIVER STATE PARK - 10:00 AM

CARDBOARD BOAT RACE - SWIMMING - MUSIC - TUBING - CANOEING
WILD ANIMAL DISPLAYS - FOOD - FUN FOR THE WHOLE FAMILY

www.shenandoahriverfest.org

