



# River Watch

Potomac RIVERKEEPER®

The Newsletter of the Potomac Riverkeeper  
Volume 3 Issue 2, Winter 2006

## Virginia Pursues Our Complaint

*Attorney General's Office steps in after PRK announces its intent to sue*

HARRISONBURG, VA--Virginia Attorney General Robert McDonnell filed suit against a Rockingham County wastewater treatment

plant for polluting commonwealth waters. The lawsuit seeks unspecified penalties, in part to recover whatever the company has

financially gained through not complying with its discharge permits.

The suit was filed 60 days after the Shenandoah Riverkeeper (SRK), Potomac Riverkeeper (PRK), and their resource organization, Waterkeeper Alliance, announced their intent to sue the plant for unloading over 100,000 pounds of phosphorus into the North Fork of the Shenandoah River. The Clean Water Act allows Virginia to take over the law suit, but only gives the attorney general 60 days to do so.

Ed Merrifield, our Potomac Riverkeeper, welcomed the suit but did not immediately claim victory.

"I am optimistic that the state will help clean up this pollution problem, but who knows how it will interact with polluters?"

See "VA Steps In" on page 4



### In This Issue:

Fish, fish and more fish. Since the summer, PRK facilitated action against polluters, testified before congress, and secured funds for examining a fish kill. We serve all communities on the water, but since this quarter was mostly about fish, we made it the theme of our newsletter.

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## PRK Testifies Before Congressional Committee

Our Potomac Riverkeeper Ed Merrifield was asked to testify before the House Committee on Government Reform. In October, he presented information to the committee about the intersex fish problem in the Potomac River.

Ed commented on the causes of intersex fish and how they could potentially affect humans, and also said that the Environmental Protection Agency's (EPA) slow response to deal with the matter has left many questions unanswered.

"If scientists have not yet determined what pollutant is causing a reproductive health problem in fish in the Potomac, how can anyone say it is not in our drinking water?"

Intersex fish are born one sex, but develop

the sexual characteristics associated with the opposite sex. In the Potomac, male fish are developing ovaries on their reproductive organs.

Little is known about what causes the condition, but scientific research points to hor-

See "PRK Testifies" on page 4



## Board Lays Out Agenda Through '09...

Members of PRK Board of Directors met October 14 and 15 to discuss the organization's progress and to create a 3-5 year strategic plan. **In the last year alone, PRK has achieved an impressive number of victories: getting polluters to pay millions of dollars in clean-up fines and overseeing the removal of hazardous waste, filing suit against major watershed polluters, and even testifying before congress on behalf of residents in the watershed.** All of these achievements are aimed at our our main goal: returning the waters of the Potomac River and its tributaries to a fishable and swimmable state, and providing safe drinking water for everyone. The board will reconvene on December 17 to complete the long term strategic plan.

### With Priorities and Objectives Decided, Board Adjourns Strategic Plan Until December 17 Meeting

Avis Ogilvy Moore, Chair of Potomac Riverkeeper's (PRK) Board of Directors, was wide awake after a marathon eight hours of strategic planning on October 15.

"The session was a great way to immerse new board and staff members in the exciting and intricate work of Riverkeeping," she said.

While it's a far cry from patrolling the waters and slapping polluters with lawsuits faster than they can say "fecal coliform," strategic planning is vitally important to the long-term sustainability of any organization.



PRK renewed its commitment to defend the Potomac River and its tributaries from pollution threats. Some threats can be solved

by community action and education—such as knowing how to spot and report pollution to the proper authorities. Other threats

require enforcement—such as suing polluters who put animal waste in the water—or regulation—like pressing government agencies to identify hormone disrupting chemicals in the water and set limits on their concentrations in the water.

## Mission: Statement.

One of the first steps in the strategic planning process was a revamping of PRK's mission statement. The mission statement sums up the organization's purpose in a single sentence, and is the foundation behind every move the organization makes.

The board chose not to change the mission statement, but streamlined the words to eliminate redundant phrases, shorten the length, and improve the readability.

The shortened version is succinct and clarifies our niche in the Potomac River watershed: **Potomac Riverkeeper's mission is to protect and restore water quality in the Potomac River and its tributaries through community action and enforcement.**

PRK would not have its enforcement muscle without lawyers from Georgetown University, the University of Maryland, Widener University and the University of Virginia, who work pro bono for us.

The planning retreat posed the question: "How can we best focus our resources over the next three to five years?" The debate illuminated the many voices that contribute to our organization. The board will complete the strategic plan on December 17.

PRK would like to thank Waterkeeper Alliance for facilitating the retreat.

Potomac Riverkeeper, Inc. 1717 Massachusetts Avenue NW Washington DC 20036

Phone: 202.222.0707

Email: [keeper@potomacriverkeeper.org](mailto:keeper@potomacriverkeeper.org)

Website: [www.potomacriverkeeper.org](http://www.potomacriverkeeper.org)

## ...And Increases by Three Members in '06

Growing an organization takes energy, determination and, most importantly, manpower. Expanding the Board of Directors has been an important priority of Potomac Riverkeeper, and a leading cause of the successes we have accomplished over the last year. **Each new member arrives with a background and approach that is unique, and each has already jumped head first into the organization. From planning events to recruiting volunteers, our new board members are eager to do their part in building our presence in the watershed.** Please join PRK in welcoming the newest additions to our board: Sunny Pitcher, Katherine Ward and Katherine Baer.

### Sunny Pitcher President Potomac Paddlesports



Sunny Pitcher is president of Potomac Paddlesports, and his passion has made the company one of the most cutting-edge kayak programs in the United States.

As a member of the Board of Directors, Sunny wants to make PRK's website more user friendly and dynamic. He also wants to use websites like YouTube to increase our appeal to a wider audience.

Sunny has been nominated for the American Canoe Association's Outstanding Instructor Award and is a recipient of the ACA Student Recognition Award. Sunny personally instructs over 500 students each year, spending over 1,000 hours in the Potomac River and the Chesapeake Bay.

### Katherine Ward Realtor Alexandria, VA



Katherine Ward is a retired military officer whose seven plus years selling real estate in Alexandria, VA, makes her an expert in watershed development and property issues. Katherine involves herself with many aspects of PRK's programs. She has played a substantial role in organizing our Riverwatcher Training Session in Alexandria—scouting out a location and arranging for a guest speaker from the US Coast Guard to speak to river enthusiasts.

Katherine is not a stranger to our offices in Washington. She has come in to consult with staff about distributing marketing materials, newsletter brainstorming, and website development.

"Potomac Riverkeeper has a unique and special mission," she says. "The board and staff have ensured this mission stays focused on what's important about restoring and protecting the water quality of the Potomac and its tributaries."

### Katherine Baer Director of Healthy Waters American Rivers



Katherine Baer is the Director for Healthy Waters at American Rivers, where she works on a variety of clean water issues. Previously she was a policy analyst for the Center for Progressive Reform. She comes to our board with an extensive background in environmental matters as an environmental attorney from the University of Maryland School of Law. Katherine earned her BA from Stanford University in Environmental Studies and her Masters Degree in Conservation Ecology from the University of Georgia.

Katherine has plenty of experience within Waterkeeper Alliance. She worked for the Upper Chattahoochee Riverkeeper for five years before joining our board.

### PRK Hires Communications/ Outreach Specialist



In August, PRK hired Damien Power as communications and outreach specialist. Damien comes with a background in political journalism and communications, and has experience working on state and nationwide campaigns.

In 2005, Damien served as press secretary for a non-profit organization in support of redistricting reform in California. After the three-week campaign, Damien was contracted to serve as communications director in the organization's Washington, DC headquarters.

Damien will be writing most of the promotional and informational materials for PRK, as well as pitching stories to media outlets and building relationships with members. He says he is most interested in raising public awareness for PRK.

During college, Damien worked for three magazines, which he says has helped him learn how to pitch stories to journalists.

"It's important to understand both sides of the process," he says.

## VA Governor Makes Second Trip to Shenandoah, Pledges Funds to Fish Kill Task Force

FRONT ROYAL, VA--Virginia Governor Timothy Kaine pledged to allocate \$150,000 to the Virginia Fish Kill Task Force in October, hoping the group will solve the fish kill crisis that has plagued the Shenandoah River since 2000.

Last year, 80 percent of adult smallmouth bass and redbreasted sunfish died on the river's South Fork. This year's fish kill was longer than usual, starting in March and extending through July (in previous years, fish kills had begun in late April and lasted

through June).

The 2006 fish kill also affected more fish species than usual: northern hogsuckers and redbreasted sunfish, in addition to smallmouth bass and redbreasted sunfish.



### UPDATE

Governor Timothy Kaine visited the Shenandoah River to meet with members of the Fish Kill Task Force.

This is the Governor's second visit to the Shenandoah in recent months.

Kaine pledged \$150,000 from an emergency fund to continue investigating the cause of the fish kills

"I think, by any stretch of the imagination, this qualifies as an environmental emergency," Kaine said. The governor added he would draw money from an emergency fund to investigate the fish kills.

"I think it is a good use of those funds," our Shenandoah Riverkeeper Jeff Kelble said. Jeff is also a member of the Virginia Fish Kill Task Force

Kaine's pledge is the latest in a slew of developments over water quality in the Potomac and Shenandoah rivers.

### VA Steps In (cont. from page 1)

The plant, SIL Clean Water LLC, treats waste from two poultry processors. In addition to phosphorus, SIL is also charged with repeatedly exceeding the legal limit of nitrate effluent waste. In 2005, SIL dumped 46 percent more nitrates into the Shenandoah River than permits allow.

Excess amounts of nitrogen and phosphorus in the river cause algae to overgrow, blocking sunlight and taking oxygen that aquatic life needs. American Rivers, a national river conservation organization, ranked the Shenandoah River the fifth most threatened river in the nation.

The violations were discovered by PRK attorneys at Widener University during a permit compliance review last year. SRK and PRK, with the support of the Waterkeeper Alliance, notified Sheaffer International, who owns SIL, of the violations and threatened to sue if the company did not clean up.

The media, including *The Washington Post* as well as local papers, ran stories about the 60 day letter of intent, and state officials reacted by filing their own lawsuit.

"The whole point of citizen law suits is to get government to act, so I'm glad they're taking the action," said our attorney Bill Gerlach, who is also an attorney for Waterkeeper Alliance.

### PRK Testifies (cont. from page 1)

hormone disrupting chemicals—found in runoff from animal waste, insecticides, soaps, cosmetics, medicines, etc.—that get into the water and alter sexual development and behavior.

PRK had been raising awareness about the hormone disruptor threat since 2004, when we contributed to a front page *Washington Post* article on intersex fish. At the time, intersex fish were found well above the metropolitan area, over 200 miles upstream in the South Branch of the Potomac River.

In September of this year, however, the *Post* again covered intersex fish and reported that they had spread into DC waters, and were "raising alarms that the river is tainted by pollution that drives hormone systems haywire." Both articles cited studies from the United States Geological Survey (USGS).

The 2006 article reported USGS's finding that hormone disrupting chemicals affected at least 80% of the largemouth and smallmouth bass populations at survey sites around the watershed.

Ed was quoted in the article, which sparked a media firestorm that included national coverage from NBC, CBS, ABC, and PBS news. Ed was also featured on ABC's *Good Morning America* show.

The story was published throughout the

English-speaking world, reaching publications in Canada, the United Kingdom and Australia.

The article also caught the eye of lawmakers from the Committee on Government Reform, who scheduled a hearing and asked PRK to testify. The committee heard testimony from water treatment facility officials, EPA officials, the Natural Resources Defense Council and USGS scientists.

One of the major findings of the hearing was that the EPA, which created an office to deal with hormone disruptors a decade ago, could be doing more to tackle the problem in the Potomac as well as in watersheds throughout the country. Ten years later, they cannot tell us about even one hormone disruptor or its affects.

"In the long run, keeping these chemicals out of our rivers and streams is what matters," Ed says. "At this time, however, we must also ensure that these chemicals are not getting into the water coming out of our faucets."

PRK sent letters to the heads of four major metropolitan treatment centers in October, asking them what they were doing to keep synthetic hormones out of the water that four million citizens use for recreating, bathing and drinking.

# Fall Riverwatcher Trainings a Success

In the spring of 2005, Potomac Riverkeeper put on a series of Riverwatcher Training Sessions designed to bring river enthusiasts together and start a conversation about what everyone can do to keep the Potomac and its tributaries clean. Riverwatcher Training Sessions were held in Harper's Ferry, WV and Washington, DC. Turnout for the two sessions demonstrated the need for a program like Riverwatchers, and in the fall of 2006, three more training sessions were scheduled. Our 2006 sessions continue to be as successful as those in the past, putting Potomac Riverkeeper over our goal of recruiting 120 Riverwatchers. We anticipate that next year will be even bigger.



At our training in Front Royal, VA, Shenandoah Riverkeeper Jeff Kelbe explained how pollution affects aquatic life. Attendees listened as Jeff described how to spot lesions on fish. They look like open scabs and are sometimes covered in fungus.

The tone of the training was not all negative, however, as Jeff explained that there were signs that fish could bounce back from the lesions. To the left, a smallmouth bass with a healed lesion, which is the indent halfway down its body.

Potomac Riverkeeper would like to thank the following people and institutions for making the trainings a success:

- \* **Joey Dayton (Shenandoah River State Park)**
- \* **The Commonwealth of Virginia**
- \* **Kathryn Scott (Digital Media Productions)**
- \* **Bolivar Community Center**
- \* **Jim Cummins (Interstate Commission on the Potomac River Basin)**
- \* **Katherine Ward**
- \* **Cmd. Brian Penoyer (US Coast Guard)**
- \* **Dr. Richard Kelly (US Coast Guard)**
- \* **Indigo Landing Restaurant**

Finally, we would like to thank our Riverwatchers who are volunteering to report pollution. If you want to become a Riverwatcher, the first step is using the numbers on page eight of this newsletter. Report pollution to the proper authorities, and reinforce that action by calling 301-POTOMAC and letting us know what you saw!



## Latest News on Fish Consumption: Pros Outweigh Cons

Lately, the practice of eating fish has been getting a bad rap. This is, in part, for justifiable reasons. Some fish are overharvested, too diseased to eat, or infested with Polychlorinated Biphenyls (chemicals known as PCBs). All that—coupled with the mercury threat—has scared people fishless.

Unsustainable fishing practices and lack of efficient quotas have also led some to stop eating fish. In the 1980's, Maryland put a moratorium on catching rockfish because they were overharvested. The ban has been lifted, but Chesapeake Bay fisheries still grapple with balancing their industry's needs with those of the ecosystem.

There are safeguards, however, against both problems. A *New York Times* op-ed article written by Paul Greenberg (September 8, 2006) illuminates three steps each of us can take to enforce sustainable fish practices:

**Go vegetarian.** Farmed fish that are not carnivorous are generally safer to eat than fish that feed on other fish because they ingest fewer contaminants—and they are sustainable. Instead of going for that swordfish, why not try the tilapia, catfish or carp.

**Eat small fish.** Mercury levels in fish that are smaller than the size of a dinner plate are relatively negligible.

**Buy line-caught fish.** It is more expensive, but line fishing is more sustainable than dragging a net across the ocean floor. While long lines extend for miles and are not sustainable, short lines do not rip up vegetation or trap everything in their path.

The rules listed above are a good start to eating smart. The most important step in

eating sustainable foods, seafood or otherwise, is eating in moderation. Overharvesting even vegetarian fish, for example, would lead to increased plankton in the bay, making waters murky.

A study released in October by Harvard University says that the benefits of fish consumption outweigh the risks—even for women of childbearing age—so long as consumers avoid certain fish, and eat a wide variety of fish.

*The Blue Ocean Institute advocates ocean conservation. Here are some of their suggestions for what types of fish are safe and unsafe to eat:*

### WHAT TO EAT

mahi-mahi, skipjack tuna, Alaska salmon, Pacific sole, striped bass (rockfish), Pacific halibut, tilapia (farmed), catfish, farmed mussels, clams, oysters, bay scallops, stone crab

### WHAT TO AVOID

Atlantic cod (overharvested), bluefin tuna (long-lines), Atlantic salmon (overharvested), swordfish (long-lines), shark (high mercury, overharvested), Atlantic halibut (endangered), shrimp (large by-catch), Chilean seabass (overharvested), snapper (overharvested), grouper (overharvested)

## Menhaden Cap Approved by Atlantic States Marine Fisheries Commission

Several northeastern states have proposed a cap for harvesting menhaden, a common fish in the Chesapeake, while scientists investigate the decline of the species.

The Atlantic States Marine Fisheries Commission approved Virginia Governor Timothy Kaine's proposal to place a cap on menhaden harvesting 13-1 in August. The commission decided on an annual limit of 109,020 metric tons—the average annual catch from 2001 to 2005.

Menhaden are a species of fish that spawn in the ocean and then move inland to places like the Chesapeake Bay, where they are harvested for fish bait. Menhaden are also popular because they are rich in the fatty omega-3 compound, which offsets the chances of heart disease in humans.

Overfishing may lead to disruption within the bay's ecosystem, however, as striped

bass and weakfish feed on menhaden, and the scarcity of the former will lead to a scarcity of the later. In addition, menhaden clear up the waters by feeding on plankton—which make water murky.

Opinions on the cap are mixed. *Washington Times* Columnist Gene Mueller said in September that even the proposed cap “will guarantee that this much-maligned fish species [will] be placed on the endangered species list.” A menhaden industry trade group, however, estimates the fish number somewhere around 400 billion, and says that less than 2 per 1,000 menhaden are harvested, “leaving the vast majority of these fish in the water to serve their ecological roles, including serving

as forage for other predatory fish.”

Discovery of the omega-3 compound is only the latest use mankind has had for menhaden. Native Americans used the fish for fertilizer, and colonists also used their oils for lamps. Overfishing is not a new problem; by the 1980s many menhaden fisheries had gone bust after controls were enacted to protect the fish species.



# Welcome, New Members of 2006!

Frances Angara  
Trina & Thomas Anglin  
Ronald Anzelone  
Thomas & Melissa Bahleda  
Edward Balint  
Toby Berman  
Elaine Bernstein  
Christina Biebesheimer  
Manfred Billenstein  
Joseph Bissell  
Frederick Blott  
Angela Bradbery  
Chris Brandon  
William Branson  
Ryan & Kristine Brookes  
James Brown  
Elisabeth Brownstein  
Marney Bruce  
Hazel Burgess  
Kathleen Burnes  
Virginia Butterfield  
L.J. & Rebecca Campbell  
Craig Canard  
Christopher Chandler  
Margaret Chang  
Patricia Chung  
Frank P.Cihlar  
James & Elaine Clarke  
Audrey Clement  
Mary Clock  
John Cloud  
Alvin Cohen  
John Cook  
Felix Lee De Cola

Shawn & Laura Duffy  
Ezra Duong-Van  
Louise Eby  
Tom Ehrhard  
Jay Eiche  
Judy Engelberg  
Terryl Farrell  
Arthur & Myrna Fawcett  
Charles Fletcher  
Robert Gardiner  
Jesse Goodman  
Allen J. Grant  
Oscar Gray  
Benjamin Gundelfinger  
Emily Gustafson  
Michael Hammer  
Philip Harclerode  
Mary Perkins Hauck  
Ralph Hendrickson  
Sigrid Hepp-Dax  
Richard Hoffman  
Hunt and Janet Howell  
Thomas Jeffries  
June Jones  
Milyn Jordan  
Robin Kent  
Stephen Kimm  
William Kokonis  
Rhoda Lang  
Anita Lanigan  
Larry Lempert  
Alice Leonard  
Betty Leresche  
Douglas Lipp

Jeff Little  
James Loewen  
Charlie and Michele  
Loudermilk  
Elizabeth Macdonough  
Michael Marstaller  
Joe & Leslie Martin  
William Mass  
Robert McCluskie  
Bradford McLean  
Joseph McNamara  
Linda Lou Mercer  
Floyd Miller  
Michael & Elizabeth Mulloy  
David & Lucy Ordoobadi  
David Orloff  
Paul W. Parfomak  
Alice Park  
Peter Koehler Pfothenauer  
Virginia Poole  
Perrie Prouty  
Carolee Rand  
Pat Ratkowski  
Matt & Maryanne Reimer  
David & Cynthia Robey  
Lyda N. Rochmis  
Bernard Rooney  
Steven & Bobbette Schaefer  
Paul Schelp  
James & Anne Schifferle  
Jennifer Schill  
Kathryn Scott  
Mildred Secular  
Robert Slakey

Ralph & Kathleen Smith  
Raymond Smith  
Shelagh Smith  
Steve Smith  
Zachary Stein  
Marion Strack  
Nancy Symington  
Roger Telschow  
William Thomas  
Sydney Ulvick  
Adam VanGrack  
Gail VanGrack-Aks  
Katherine Ward  
Charles Way  
James Wessels  
Faith Wheeler  
Lisa White  
Terre Wilkinson  
Winchester Clarke Garden  
Club  
Barbara Yentzer  
Katja Zastrow  
Nancy Zearfoss

## New Foundations in 2006

Agua Fund  
The Henry Foundation  
Ohrstrom Fund  
Helianthus Fund

**YES! I want to protect and restore the Potomac River! Enlosed is my end of the year, tax-deductible membership gift to help POTOMAC RIVERKEEPER and keep our nation's river clean!**

\$35 Regular     \$50 Family     \$100 Major Donor     \$250     \$500     Other \_\_\_\_\_

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

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Know someone who wants to be a member? Pass this newsletter along and urge them to join!



**Potomac RIVERKEEPER®**

**Our Mission:** *to protect and restore water quality in the Potomac River and its tributaries through community action and enforcement.*

**Phone:** 202.222.0707

**Fax:** 202.783.0444

**Email:** [keeper@potomacriverkeeper.org](mailto:keeper@potomacriverkeeper.org) **Web:** [www.potomacriverkeeper.org](http://www.potomacriverkeeper.org)

**Spot Pollution? Dial Our Hotline At:**

**301-POTOMAC**

**And Then...**

**If you are in WASHINGTON, DC, call**

**WASA Hotline (202.612.3400)**

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

**DC Water Quality Division (202.724.7694)**

if you see oil or hazardous substances.

**DC Watershed and Compliance Branch (202.535.2977)**

if you see sediment/dirt from a construction site or a cement truck washing into the street or storm drain.

**The Mayor's Hotline (202.727.1000)**

for any problem after hours, on weekends, and on holidays.

**If you are in VIRGINIA, call**

**Northern Regional Office (703.583.3800)**

for all pollution.

**Tidewater (Southern VA) Regional Office (757.518.2179)**

for all pollution.

**Piedmont (Middle VA) Regional Office (804.527.5020)**

for all pollution.

**Department of Emergency Management (800.468.8892)**

for all pollution after hours, on weekends, and on holidays.

**If you are in WEST VIRGINIA, call**

**Department of Natural Resources (800.642.3074)**

for all pollution.

**Office of Environmental Advocate (800.654.5227)**

for back-up.

**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 (866.225.5158)**

for all pollution.



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1717 Massachusetts Avenue NW  
Suite 600  
Washington DC 20036



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