



Pollution Trading: Losing the Bay and Diminishing the Clean Water Act with It

Why has the long effort to restore the Chesapeake Bay failed? Initiatives to fix the Bay date back to at least the mid-1960s, before the passage of the Clean Water Act. The Bay has now seen four “landmark agreements” passed to great fanfare from politicians and environmentalists alike – the 1983 and 1987 Chesapeake Bay Agreements, Chesapeake 2000, and recently the Chesapeake Bay Executive Order, all leading to the Chesapeake Bay TMDL.

The Chesapeake Bay TMDL offers a new chance at restoring the Chesapeake Bay and we support its establishment. However it is our concern that the Bay TMDL, as it is currently written, is not as strong as it should be and contains several weaknesses that could prove to be its undoing, thus adding it to the graveyard of empty promises, unmet deadlines, and failed agreements to restore the Bay. Additionally, we believe that several proposals contained in the language of the TMDL are not legal under the Clean Water Act and thereby threaten the integrity of the Act itself.

So why has the effort to restore the Bay failed? The answer is simple but most don't want to hear it. The states have failed the Bay. The states continue in refusing to address the largest contributors of pollution to the Bay: nonpoint source agricultural and urban/suburban runoff pollution.

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100,000 Paddle Strokes: Improving River Access on the Lower Potomac

Potomac Riverkeeper is working to improve access for kayakers and other recreational paddlers on the Lower Potomac, from Washington D.C. to where the river enters the Bay. With our resources and expertise, as well as the local knowledge base of our volunteer Riverwatchers, we are coordinating with government agencies and other stakeholders to create and improve riverside landings, camping sites, and additional public access points.

After Joe Hage, Sycamore Island Caretaker, and Whit Overstreet, Potomac Riverkeeper staff member, completed their Island to Island Paddle in July, we realized more acutely the need for improved facilities and better access on the tidal Potomac.

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On the River



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Pollution Trading [continued from page 1](#)

The Clean Water Act sets minimum water quality standards that the states must follow. States have the authority to go above and beyond those minimum standards. The six states of the Chesapeake Bay watershed have the ability to restore the Bay. By enforcing the Clean Water Act, states succeeded in addressing pollution from industrial and sewage treatment facilities. Likewise, the same methods could successfully address waste from nonpoint source agricultural sites.

Contained within the TMDL is a proposal to create a pollution-trading scheme between nonpoint and point source polluters. It is our opinion that such a trading scheme is not legal under the Clean Water Act, making the TMDL a vehicle for polluters to avoid conforming with current laws – laws which are effective when actually enforced. Policies that have been shown to work in stopping pollution across the nation – enforceable, implementation deadlines with meaningful penalties – would not be possible with the vagaries and uncertainties present in the proposed trading scheme.

Although it needs strengthening, the Chesapeake Bay TMDL is a great concept that owes its existence to the Clean Water Act. Since our founding, Potomac Riverkeeper has carried out a clear mission: Stop

pollution and restore clean water using enforcement and community engagement. It is largely through the Clean Water Act that we are given the mandate to use those tools – enforcement and community engagement – to fulfill our mission. We believe that the Clean Water Act is indispensable for our work and that it is imperative that its strength not be undermined.

For almost 40 years, government agencies and citizen groups have used the Clean Water Act to stop pollution from entering our rivers and streams. It took public outrage at ever-increasing public health and safety hazards, policy designers with a moral vision backed by technical understanding, the override of a presidential veto, subsequent amendments, and testing in the courts to put the Clean Water Act in place. The result has been one of the greatest environmental, human health, and democratically principled success stories of the industrial age. Across the world, other countries cite America's Clean Water Act for policy guidance. Now is the time to use the strength of the Clean Water Act to its fullest potential, not to weaken it with another handout to polluters.

***TMDL:** A Total Maximum Daily Load is sometimes called a pollution diet that must be legally followed. A TMDL is a safety net placed on already polluted water to stop more harm to the water. All states were to have TMDLs in place by 1979. This never happened. It took legal action to force states to create TMDLs.*

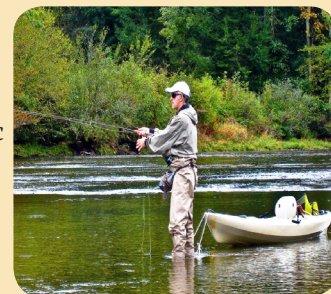
In the Current

Potomac Riverkeeper Challenges EPA on Inadequate Clean Water Permit

Potomac Riverkeeper is part of a group of clean water advocates that filed an appeal to the Environmental Protection Agency's (EPA) Environmental Appeals Board seeking to have them revise a permit that fails to meet Washington, D.C.'s own legal requirements for clean water. In October, EPA's Region 3 office issued a long-overdue and flawed permit aimed at regulating pollution discharges from storm sewers in the nation's capital. Potomac Riverkeeper, Anacostia Riverkeeper, and Friends of the Earth are represented by the public interest law firm Earthjustice with Natural Resources Defense Council serving as co-counsel.

Fisherman Left Flapping In the Wind by Virginia's Attorney General

Virginia residents and our members continue to send us notes of outrage over this issue. Despite overwhelming justification, Virginia's Office of the Attorney General still refuses to attach his office to the lawsuit where Dargan Cogeshall and his brother are being sued by a developer for fishing in a public section of the Jackson River, on what seems clearly to be public property. The developer claims the King of England gave him the river. To make matters worse, we just learned that Virginia Department of Environmental Quality may shy away from penalizing a landowner in the Shenandoah Valley for illegally bulldozing 3/4 of a mile of river bottom because he produced what he claims to be a King's Grant for his property. Where does this end?



Read more about these issues and other current stories on our website.

100,000 Strokes *continued from page 1*

There are several other ongoing initiatives, including the Captain John Smith National Chesapeake Historic Trail and the Star-Spangled Banner National Historic Trail, seek to promote boating access as part of their broader strategies. The scope of Potomac Riverkeeper's project is narrow, focusing on recreational users who access the river in canoes, kayaks, or standup paddleboards to make daytrips or overnight camping journeys.

One paddler who kayaked the length of the Lower Potomac informed us that he calculated that the journey from Washington D.C. to the mouth of the river where it meets the Bay takes 100,000 paddle strokes. Our vision is to have facilities in place so that more kayakers can make those 100,000 strokes without encountering the hardships and inconveniences that Joe and Whit faced on their trip.

We view this project as an opportunity for inclusiveness. With the Bay TMDL and Phase II WIPs garnering so much attention, it's easy to lose sight of the treasure that we are trying to protect in the first place – the Bay and her tidal tributaries, the awe-inspiring rivers of our own localities, and the watersheds that sustain us all.

Residents must be able to access their local river in order to care about what's happening to it.



Share Your Paddle Story

Post your comments online at
[www.potomacriverkeeper.org/
 Paddle-Strokes](http://www.potomacriverkeeper.org/Paddle-Strokes)

D&L Coal Site Transition (article below)



Before, March 2011: Decades of neglect filled this drainage swale with over 4 feet of coal mud.



After, October 2011: The culvert was cleared out and the road berm capped to reduce erosion.

Make a Difference. Report Pollution.

Call 301-POTOMAC (301-768-6622)

Online form: potomacriverkeeper.org

In the Current (cont.)

Citizen Complaint Results in Site Cleanup on the Upper Potomac

Brent Walls, Upper Potomac River Manager, returned to the D&L Coal Tipple Site (photos above) to inspect the work that had been completed to fix the facility's severe stormwater pollution problems that had continued undressed for decades. This site was first brought to Brent's attention by a citizen complaint from one of our volunteer Riverwatchers.



'Tis the Season for Giving Back to the River

Potomac Riverkeeper received a generous donation from Stacey Bridges of McLean, VA in honor of her late fiancé, Francis Charles Perrin, Jr. who was a passionate fisherman, boater, and outdoors enthusiast. "Potomac Riverkeeper needs to be able to get on the river and protect our water. It's what Frank would have wanted," Stacey told us. The donation included two boats - a Carolina Skiff and an 18 foot center console - in showroom condition, a Jeep Wrangler, boat trailers, and other marine equipment, all meticulously maintained in mint condition by Frank.



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River Watch

The Newsletter of Potomac RIVERKEEPER, Inc.

Happy Holidays!

This Holiday Season, Give the Gift of Clean Water

What a perfect way to show your holiday spirit -- a gift of clean water. Give your family, friends -- yourself -- a gift of clean water by supporting Potomac and Shenandoah Riverkeeper this holiday season. You can make a gift online at potomacriverkeeper.org/support-us.

Workplace Giving Made Easy with EarthShare

Tis the season for giving! Our EarthShare and CFC #87828

A Holiday Gift That Supports the Riverkeeper

Need a unique gift and want to help support Potomac Riverkeeper? Order Honeypot Candles at BeeNatural! 25% of your purchase total is donated to the Potomac Riverkeeper. Order yours at: www.potomacriverkeeper.org/riverkeeper-store



Save the Date

SPLASH - April 28th, 2012

The Waterkeeper Alliance SPLASH Event Series, presented nationally by Toyota in partnership with national founding sponsor, Keen, is a national event program that engages local citizens and clean-water enthusiasts in water-based activities like swimming, paddling or boating.

Please mark your calendars for April 28th when Potomac Riverkeeper will be hosting the final event of the SPLASH series. Learn more about this event and how to get involved online at www.potomacriverkeeper.org/SPLASH

We look forward to seeing you on the water!

