

RIVER WATCH

The Official Newsletter of POTOMAC **RIVERKEEPER**® NETWORK

PAGE 2

LETTER FROM THE
PRESIDENT

PAGE 3

LESSONS LEARNED
FROM RECENT LATEX
SPILL

PAGE 4

PROGRAM EXPANSION
ON THE HORIZON

PAGE 5

BIG LEAP IN REMOVING
CATTLE HERDS FROM
THE RIVER

PAGE 6

PADDLE POTOMAC!
PADDLE SHENANDOAH!

PROGRAM UPDATES

PAGE 7

EVENT RECAP:
HARVEST HOEDOWN,
LOWER POTOMAC
HOUSE PARTY



WATERKEEPER ALLIANCE

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YEAR IN REVIEW – PROGRESS FOR A CLEANER POTOMAC & SHENANDOAH

2015 was a groundbreaking year for Potomac Riverkeeper Network. Not only did we bring on two new Riverkeepers and a new Legal Director, we made significant strides in restoring clean water to our local rivers and streams. These victories took place throughout the Potomac and Shenandoah watersheds and touched on several pressing issues affecting our local waterways.

1. WSSC Settlement – Perhaps our biggest victory this year was the settlement of our Clean Water Act lawsuit against the Washington Suburban Sanitary Commission (WSSC). In October, WSSC voted to sign a consent decree that forced the facility to eliminate more than 2 million pounds of sediment, aluminum and other pollutants over the next four years. In addition, WSSC agreed to fund \$1 million of other environmental projects in the region which promise to reduce sediment in the river. This victory comes a year and a half after PRKN, along with partners Environmental Integrity Project and Chesapeake Bay Foundation, filed a lawsuit against the utility for several violations of the Clean Water Act.

2. Possum Point Investigation – Another important success is our ongoing work to clean up Dominion's coal ash ponds located at Possum Point, just south of Alexandria, VA. After filing a Notice of Intent to Sue the energy utility in 2014, PRKN has been monitoring the facility for illegal discharges into Quantico Creek and taking water and sediment samples at the site perimeter, to test for unsafe levels of heavy metals. We have also joined state lawmakers in calling for testing of drinking water wells for nearby residents, to find out whether their drinking water has been affected by the coal ash leaks into groundwater. Our goal is to make sure these toxic coal ash ponds are no longer a threat to Quantico Creek, the Potomac and public drinking water supplies.

3. Riverkeeper Sues Chronic Polluter – After conducting a permit Compliance Sweep of the Upper Potomac, PRKN found that 38 out of the region's 291 facilities had severe violations of pollution control laws. In August, Upper Potomac Riverkeeper filed a Clean Water Act (CWA) lawsuit against the Berkeley Sewer District, the worst out of 38 non-compliant facilities, for violations of its water pollution control permit at Marlowe Towne Center. Our CWA complaint cites 57 discharge violations of pollutants, including fecal coliform, zinc and sediment.

4. DC Long Term Control Plan – PRKN joined partners in commenting on DC's long term plan to minimize stormwater pollution (CSOs) in the Potomac and Anacostia Rivers. Our comments called out critical flaws in the city's plan and offered solutions. Several suggestions were worked into the plan. If implemented, those recommendations combined with several more we suggested would lead to improved water quality in our lifetimes, instead of our grandchildren's as originally proposed.

5. Get the Cattle Out Campaign – In 2015, Shenandoah Riverkeeper's advocacy led to 16 landowners removing their cattle from the public lengths of the Shenandoah. In addition, Shenandoah Riverkeeper led Virginia Department of Agricultural and Consumer Services (VDACS) to change their policy to now require landowner correction plans, in the case of valid complaints, to eliminate the pollution instead of reduce it as had been required. This is one major step toward getting 100% of cattle out of the Shenandoah.

None of this would be possible without the support from our members and donors. Thank you! ■



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A LETTER FROM THE PRESIDENT

Dear friends and members,

While you may be thinking 990 tax returns make lousy topics for President's Reports, I might normally agree. However, this past month I thought my eyes were playing tricks on me when my excel spreadsheet summarizing our "in-kind" donated services peaked last year (FY 2014) at nearly \$2,000,000 and I have been crawling out of my skin to share this news with our dedicated members ever since.

Many of you have been with us since we opened our doors. But I'm not certain if we have ever taken the time to show (ok, brag) about how we leverage your donations into a staggering amount of additional muscle that we flex at threats impacting the Potomac and Shenandoah Rivers. Doctors Without Borders, a wonderfully constructed organization with a great mission, is often held up as a gold standard example of a non-profit with nearly 89% efficiency in delivering 89 cents of program for every dollar donated. While Potomac Riverkeeper Network approaches mid 80% range for efficiency, if we also take into account the in-kind services we are honored to be given by our partners, we blow past that figure.

Here's my math. Last year we raised approximately \$860,000 in private donations and foundation grants. Add to that \$1.9 million dollars of in-kind services and we totaled more than \$2.7 million dollars in donations and in-kind services. We count 19 organizations with more than 40 individuals working for local and national law firms, environmental nonprofits, environmental law clinics and individuals among those donating services. By my math we have literally turned every \$1 donated into \$3 to support our pollution reduction and river access programs.

The great majority of the \$1.9 million dollars came to us in the form of legal pro-bono work on advocacy issues that required a legal action to solve, the remainder was from NGO partners and businesses supporting our events. Multiplied by the fact that we are winning almost all of our cases, I would have to boast that Potomac Riverkeeper Network is an excellent place to put your dollars to work for the rivers we all love.

In an ideal world, solving our river's pollution problems would be as easy as identifying them, and teaming up with our government and the polluting entity involved (industrial, municipal, business, farm, etc.). But conservation and environmental work has become more difficult and complicated than ever, often resulting in a breakdown of this process. In those imperfect circumstances, we have found that our only remedy may be to invoke the over-arching authority of our third branch of government, the courts.

I'd like to sign off by thanking our legal (and other) partners, without whom our work would only yield a fraction of its current results, many of whom are reading this letter right now. Because the sweetest thing about all this is that our pro-bono partners believe in our work so deeply that many have joined as members.

Thank you for taking the time to hear about this exciting facet of Potomac Riverkeeper Network. ■

Warmly,



Jeff Kelble, President



UPPER POTOMAC RIVERKEEPER®

LESSONS LEARNED FROM RECENT LATEX SPILL

Pollution spills occur more often than you think. Usually, however, we only hear about the big ones like when three million gallons of acid mine waste spilled into the Animas River in New Mexico or when 7,500 gallons of MCHM discharged into the Elk River and shut down water supplies in Charleston, West Virginia. MCHM's unknown toxicity ultimately affected the drinking water for 300,000 residents and the effects of the pollution in the Animas River are still being evaluated. Here on the Potomac, industrial spills are an uncommon occurrence because we harbor relatively few industrial type facilities.

While arguably our biggest issue on the Potomac are raw sewage overflows (CSOs) during urban rain events in cities along the river, unlike sewage overflows, accidental industrial spills are unpredictable and can't be managed through control plans in the same way. On September 23, 2015 an estimated 10,000 gallons of a liquid latex chemical was spilled by the Verso Paper Plant in Luke, Maryland into the North Branch Potomac about 200 river miles from Washington DC.

The latex compound was being transferred to a storage tank inside the mill, where a valve was left open, which sent the latex through the Mill's wastewater drainage system. Luckily, a local resident noticed the discoloration of the North Branch and alerted the Maryland Department of the Environment (MDE). The resident reported the spill before Verso Paper. Upon notification, MDE collected water samples, contacted the Interstate Commission for the Potomac River Basin (ICPRB) and investigated the spill.

ICPRB spearheads important programs in water conservation (over five million people get their drinking water straight from the Potomac River), aquatic life research and water quality monitoring and plays a unique role during emergency spills. When a spill occurs, industrial or otherwise, ICPRB launches its Emergency River Spill Model (ERSM) which can predict the travel time of the spilled material creating the ability to advise and inform downstream public drinking water authorities.

During this spill, using ERSM, ICPRB was able to notify all drinking water intake facilities downstream of Cumberland, MD with enough time to prepare before the latex chemicals reached them. Verso claimed there was no threat to drinking water in this incident, but if nothing else, this incident demonstrated that the system does work during emergency situations.

Interestingly, the ERSM model weighs the interplay of many factors, several of which came into play during this event including a release of water from the Savage River Reservoir upstream of the latex spill event, and then nine days of rain. Both caused the latex plume to move faster than the model predicted. All the while our Upper Potomac Riverkeeper worked to ground truth the actual movement of the latex plume as it was moving down river. Our reports to MDE, local papers and on social media provided up-to-date location of the latex plume.

Fortunately, the chemicals in latex are not as toxic as other industrial chemicals in use along the Potomac River. There were no observed fish kills or immediate aquatic habitat impacts with this spill event and no one had to find alternative drinking water; however, there are some lessons learned.

When dealing with industrial chemicals, it is absolutely critical that industrial facilities have secondary containment in case of an accident. In this instance, there was not. The latex spilled out of an open valve. Why was it not being monitored during transfer? An up-to-date and effective spill prevention plan onsite would have answered that. The manual would also instruct authorities as to what level of damage control is required for each material handled by the facility. ■



After the latex spill, the North Branch Potomac turned a yellow color (Photo Credit: Cumberland Times)



Upper Potomac Riverkeeper Brent Walls in an interview after the spill.



Riverkeeper Brent Walls investigating the latex spill.

POTOMAC RIVERKEEPER®

PROGRAM EXPANSION ON THE HORIZON

We hope members have noticed that through efforts of our Board Vice Chair Nick Kuttner with guidance and support from Potomac Riverkeeper Dean Naujoks and Legal Director Phillip Musegaas, we have begun aggressively expanding our Pollution Reduction and River Access programs into the Lower Potomac River. We'd like for this article to serve as an introduction to our new geographical coverage and to act somewhat as an introduction to that area as well.

The Lower Potomac Watershed (LPW) can be defined as the Potomac River and its feeder streams (including all named tributaries and those portions of both Maryland and Virginia that drain to the Potomac River), between the Potomac's confluence with the Anacostia and the Chesapeake Bay.

By this definition, the Lower Potomac Watershed includes some or most of Arlington, Fairfax, Prince William, Stafford, King George, Northumberland, and Westmorland Counties in Virginia, as well as the City of Alexandria. It also includes some or most of Prince George's, Charles, and St. Mary's Counties in Maryland. Huge geographically and densely populated.

There are over 1 million residents of the Lower Potomac Watershed, and several hundred thousand more Northern Virginia residents are also dependent on the LPW for their drinking water. Water quality on the Lower Potomac is heavily influenced by upstream activities.

As it is, much of the upstream pollution we've highlighted over the years translates into diminished water quality, loss of history, beauty, and naturally harvest-able resources downstream. Both Maryland's and Virginia's economies are likewise being negatively impacted across this region by the problems of polluted waterfronts, un-swimmable waterways, over-pressured or polluted fisheries, and outright bans on the consumption of shellfish from widespread areas.

Already, 40-60% of streams feeding the Lower Potomac are listed as impaired, meaning polluted. Population growth and its accompanying development are one of the major causes of this impairment and there is no end in sight. In fact, some of the highest growth rates are projected within those counties that border the Lower Potomac, with 25 year population-growth projections reaching as high as 50%. If historical development patterns continue, we believe nearly 100% of Lower Potomac feeder streams will be impaired by 2050.

Like upstream, the Lower Potomac is affected by numerous sources of pollution including:

1. Coal Ash – At Possum Point Power Plant and the Faulkner Coal Ash Facility, the full extent of environmental harm and damage to the public is still only partially understood – and every day, more toxins and heavy metals are being leached directly into our waterways.

2. Combined Sewage Overflows (CSOs) – With every rainfall, millions of gallons of sewage are being routed directly into the Potomac and its tributaries. Some of the region's most heavily visited locations and (formerly) productive fisheries are being impacted the most by this legacy problem created by poorly planned storm sewers.

3. Permit Violations – There are currently over 470 permitted National Pollutant Discharge Elimination System (NPDES) outfalls on the lower Potomac. At any given time, numerous permittees are operating in violation of their permits. Our preliminary investigations indicate that as many as 5% of these outfalls are chronically in violation of their permits.

The problems in the Lower Potomac Watershed are, we assert, directly responsible for the degradation of the Chesapeake Bay. There is no promising outlook for the Bay if the problems of this region aren't adequately addressed.

PRKN is convinced that NOW is the ideal time to expand our capacity and focus on Lower Potomac Watershed initiatives – successfully protecting/reclaiming this component of our great Potomac heritage. PRKN is committed to investigating all of these threats, and any others in the region. And we believe we're prepared to do so, as a result of our experiences, lessons learned, and successes working on these issues for the past 15 years on the Upper and Middle Potomac, and Shenandoah watersheds.

Since March we've been networking with environmental, citizen, government, community, and business groups throughout the Lower Potomac and exploring common ground and interests. We are building basic funding through regional foundations and developing our membership, grassroots and donor base to eventually support more robust programs.

And of course, we've been out on the water – familiarizing ourselves with every major tributary on the Lower Potomac, hosting Park Service personnel developing the Captain John Smith Water Trail, joining the Virginia Department of Game and Inland Fisheries fish-counting expeditions, and kayaking its full length, to the confluence with the Chesapeake Bay (see more about Potomac Riverkeeper Dean Naujok's epic journey on Facebook). We look forward to having you with us, as you read more about our efforts and follow more of our journeys on the Lower Potomac in future newsletters. ■



Image from Colonial Beach, a small town in Westmoreland County, Virginia.

SHENANDOAH RIVERKEEPER®

BIG LEAP IN REMOVING CATTLE HERDS FROM THE RIVER

The Issue

Last month, Shenandoah Riverkeeper, Mark Frondorf, and Agricultural Program Manager, Alan Lehman, made substantial progress in convincing the Virginia Department of Agricultural and Consumer Services (VDACS) to develop a more effective approach to permanently removing cattle herds from the Shenandoah River in support of our "Get The Cattle Out" Campaign.

On Wednesday, October 21, Frondorf and Lehman went to Richmond and met with the Commissioner of VDACS, Sandy Adams, along with her staff, to discuss the cattle herds still accessing the Shenandoah River and the Agricultural Stewardship Act (ASA) complaint process. The ASA provides the legal mechanism for Shenandoah Riverkeeper or any Virginia Citizen to file agricultural pollution complaints for any farm draining to any Virginia waterway.

The Meeting

Armed with a legal brief produced by our in house counsel, Frondorf led the meeting by pointing out the Act (ASA) itself specifically states that as a result of a founded complaint, "the owner or operator shall submit to the Commissioner and district an agricultural stewardship plan that includes stewardship measures needed to *prevent or cease the pollution* [italics added]."

But in at least five instances, as Shenandoah Riverkeeper demonstrated to the Commissioner, VCAC's approved plans did not *prevent or cease the pollution* – only reduced it at best – in defiance of ASA Guidelines Section G. Consequently, these five cattle herds continue to pollute the river even after the landowners have enacted their own plans. In order to show the Riverkeeper perspective, Lehman presented detailed images of the problems before our complaint and the problems persisting afterward. VDACS acknowledged our viewpoint and appeared appreciative of our efforts to alert them of this deficiency and backsliding behavior. They also agreed that in a time of constrained budgets, repeated investigations was not a good use of staff resources.

As a result of Riverkeeper's presentation, Commissioner Adams stated that going forward, all ASA plans approved by VDACS will include stewardship measures that *prevent or cease the pollution*. We feel that this could be the most important step we've made yet in getting the cattle herds permanently removed from the North Fork, South Fork and Main Stem Shenandoah.

In addition, we obtained agreement that buffer zones between feedlots and streams need to be expanded in order to properly block or absorb runoff from those areas where manure builds up.

Our Concession

During the meeting with the Commissioner, Shenandoah Riverkeeper agreed to work with VDACS by not forwarding all 34 complaint packages it had readied for submission at once. Instead, Shenandoah Riverkeeper will rank order their cases from most to least problematic and submit them in a measured fashion over the next year so as to not overwhelm the ASA staff who work to honor a goal of completing investigations within 21 day of receipt.

While our concession means we will miss our "Get The Cattle Out" Campaign goal of removing all of the cattle from the Shenandoah by December 31, 2015, there is also a substantial benefit to our new measured approach. Cattle herds rotate in and out of certain pastures through the year. Now we can be careful to pick and choose when we submit each complaint in order to increase the likelihood that the cows will be in the pasture adjacent to the stream and also IN the river when the actual investigation is conducted. This will be necessary for the agency to find the pollution. While Shenandoah Riverkeeper would prefer having the herds removed from the river as quickly as possible, this arrangement will ensure a healthier river over the long run by ensuring the pollution is witnessed and ASA regulations are properly enforced by VDACS.

Kevin Schmidt, VDACS Director of Policy, Planning and Research, acknowledged that when the ASA first came into existence it was a learning experience for VDACS, farmers and all other parties involved in the complaint process. Over time, their dealing with ASA complaints has evolved and matured. Plans approved early in the ASA's existence would not be approved today. Going forward, Schmidt expressed confidence that future plans will reflect this change in maturation and prevent or cease the pollution – not just reduce it.

We don't mind expressing disappointment that we didn't reach our goal by December 31st 2015 of 100% removal. We had hoped that landowners would all take advantage of Virginia's unprecedented program paying 100% of the costs to install fencing and develop alternative watering. Our setback, however, informs us that Virginia leaders will need to take a cold hard look at their plan to get to our clean water goals without mandates but through voluntary measures alone. Our "Get the Cattle Out" Campaign has been extremely challenging over the course of the past two years, but from this meeting we come away with a renewed hope that we will finally succeed and permanently remove all of the cattle herds from the Shenandoah. ■



PADDLE POTOMAC! PADDLE SHENANDOAH!

Potomac Riverkeeper, Dean Naujoks, recently completed a 23 day, 292 mile paddle down the Potomac River from Cumberland, Maryland to Point Lookout. Dean started his paddle on September 19th and according to Naujoks, enjoyed paddling "the last hot days of summer" on the calm clear waters of the Upper Potomac, but eventually paddled through days of cold rain, wind and flooding from Hurricane Joaquin.

Naujoks dumped his canoe, broke the yoke, lost his paddle and nearly lost all his gear at Dargan's Ledge above Harpers Ferry. A few days later, his seat broke. He paddled three feet white caps on the Lower Potomac, endured sleeping on picnic tables and at one point ran out of food and water. "Yet every time I needed help, someone always came to my rescue to help me get down river" said Naujoks.

Notable assistance came from the Calvea School, who provided a raft and two guides to help guide Naujoks and four others through the dangerous currents of Mather's Gorge, over Yellow Falls and down through Little Falls during high water levels. "I paddled into Washington DC on a raft and Class IV rapids!" Naujoks posted on his PRK Facebook page. In addition, Harper's Ferry Adventure Center and River and Trail Outfitters helped us pull off trips with friends and work associates in upstream stretches of river.

His trip ended on October 12th when Naujoks completed the final 14 mile paddle from St. Georges Island to Point Lookout Maryland, where the Potomac spans 11 miles wide before it empties into the Chesapeake Bay. More than 100 people joined Naujoks during his journey down the river, which featured a special World Rivers Day Paddle Trip. Members of the Alliance for the Chesapeake Bay, staff from US Geological Survey and Sierra Club, as well as several PRKN staff joined Naujoks to celebrate the Potomac and Shenandoah River. "Seeing the entire Potomac was an amazing experience but the people I met along the way made the trip special," Naujoks said. We hope to see you out on the river in 2016! Paddle Potomac! Paddle Shenandoah! will feature a variety of daily paddle trips in June 2016. ■



Riverkeeper, Dean Naujoks mid way through his paddle.



Sunset on the Lower Potomac.

PROGRAM UPDATES

UPPER POTOMAC RIVERKEEPER

APPEAL OF UPRC TREATMENT PLANT PERMIT MOVES FORWARD
Upper Potomac Riverkeeper's counsel at the University of Maryland Law Clinic are busy preparing opening briefs in our appeal of the discharge permit for this plant on the Upper Potomac near Luke, Maryland. UPRC's initial appeal, based on lax permit limits and violations of public participation law, was denied by the Allegany County Circuit Court in June, forcing us to appeal to the state's midlevel Court of Special Appeals. The briefs due in early December will present a strong case showing how state regulators violated public participation rights by making major changes to the permit after the public comment period closed, and finalized a weak permit that allows for violations of water quality standards. The court hearing will take place in early Spring 2016.

SHENANDOAH RIVERKEEPER

CALL ON VIRGINIA REGULATORS TO STOP HARMFUL NUTRIENT DISCHARGES FROM MASSANUTTEN SEWAGE PLANT PERMIT
Shenandoah Riverkeeper filed extensive comments to Virginia environmental regulators in early November, opposing the issuance of a discharge permit to the Massanutten sewage treatment plant. The Clean Water Act permit would give the facility a free pass to continue dumping excessive amounts of phosphorus and nitrogen into Quail Run, a tributary of the Shenandoah River that already suffers from nutrient and toxic pollution. SRK is also opposing the use of "nutrient trading" in the proposed permit, which allows this facility to exceed nutrient discharge limits if it buys credits from another discharger to offset the pollution. This approach fails to protect water quality and can lead to excessive degradation of small streams like Quail Run.

POTOMAC RIVERKEEPER

DOMINION PROPOSES TO DUMP CONTAMINATED WASTEWATER INTO QUANTICO CREEK AND POTOMAC RIVER
Potomac Riverkeeper is gearing up to fight Dominion's latest effort to avoid cleaning up its coal ash mess at the Possum Point power plant near Quantico, Virginia. The proposed discharge permit revision would enable Dominion to dump tens of millions of gallons of coal ash waste pond water contaminated with toxic metals directly into Quantico Creek and the Potomac River. Virginia Department of Environmental Quality (DEQ)'s draft permit fails to include any limits on metals from one discharge point, and completely ignores the impact this massive discharge may have on Quantico Creek, a critical spawning area for striped bass and catfish.

Announcement: Public Hearing

Come out and support PRKN by having your voice heard during an official public hearing on the future of Possum Point. The hearing will go over Dominion's plans to dewater Coal Ash Pond D (as described above). This proposed dewatering would send millions of gallons of toxic wastewater into Quantico Creek and the Potomac.

Date: December 8th, 2015

Time: Hearing starts at 7:00 PM, with informational briefing from 6:00 - 6:45 PM

Location: Northern Regional Office, 13901 Crown Court, Woodbridge, VA

EVENT RECAP:

SHENANDOAH HARVEST HOEDOWN

Shenandoah Riverkeeper hosted its 2nd Annual Harvest Hoedown this past October, raising over \$12,300 to support our programs and work in the Valley. Over 75 members and guests came out and enjoyed a farm-to-table dinner with a speciality pig roast on site. Board member Todd Ellis donated the use of his barn in Boyce, VA for the event and Board member Art Major sponsored the beer through his brewery, Escutcheon Brewing.



LOWER POTOMAC KICK-OFF FUNDRAISER

Thanks to Board member Nick Kuttner and members, Bill and Anita Kerr, Potomac Riverkeeper Network hosted a successful house party to support our growing work in the Lower Potomac. Over 100 people came out to support this cause and together we raised over \$9,500. Over the next year we plan to focus on developing out efforts in the Lower Potomac. For more information, please see our article on this work on Page 4 of this newsletter. (Photos provided by Irena Blaszkiewicz)





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CHANGE.**

We pride ourselves in dedicating your donations to protect the public's right to clean water. We are the only river conservation group in the Potomac Watershed working to find long-term resolutions to our water quality threats through legal action and outreach.

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