

RIVER WATCH

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

PAGE 2

LETTER FROM THE PRESIDENT

THANK YOU, MOM'S!

PAGE 3

OPPOSITION TO PIPELINE HEATS UP IN MD & VA

PAGE 4

EPA SUSPENDS LIMITS ON TOXIC EMISSIONS

PADDLERS DEFEND RIVER ACCESS

PAGE 5

WE ALL LIVE DOWNSTREAM

SUIT FILED AGAINST THE EPA

PAGE 6

EVENT NEWS

PAGE 7

WELCOME TO NEW BOARD MEMBERS

PROGRAM UPDATES

SUIT FILED AGAINST THE EPA FOR FAILING TO PROTECT THE SHENANDOAH RIVER

On May 30, 2017, the Shenandoah Riverkeeper filed a lawsuit in Washington, DC's District Court against the U.S. Environmental Protection Agency for the agency's repeated failure to address the Shenandoah River's increasing problem with algae blooms and pollution. Earthjustice is representing the Shenandoah Riverkeeper, and the Potomac River Smallmouth Club joined our suit as a co-plaintiff.

The smallmouth bass and other aquatic life in the Shenandoah River system suffer from nutrient pollution that creates harmful algal blooms that smother native aquatic vegetation and degrades the river ecosystem. Excessive algae also impairs recreational use of the river, as paddlers struggle to push through the thick algal mats and anglers reel in long strands of filamentous algae seemingly on every cast. Even hikers along the shore can suffer from the effects of algal blooms

as the decaying material releases a foul, pungent odor and animals and pets are particularly at risk should they consume water containing toxins released from blue-green algae.

The Shenandoah Riverkeeper has repeatedly called for the river to be listed as impaired for algae through the biennial 303(d) listing process, under Virginia's narrative water quality standards, because Virginia does not have a numeric water quality standard for nutrients. In 2012, we filed extensive comments describing how algae impair recreational use

of the river, violating the narrative standard. Virginia submitted its revised 303(d) list to EPA in 2015, ignoring our call to list the river for algae. In May 2016, EPA approved Virginia's impaired waters list despite the fact that the state once again failed to list the Shenandoah as impaired by algae. Realizing that our attempts to work collaboratively with Virginia and EPA had run their course, we appealed EPA's decision in federal court.



Mats of algae spoil the scenic beauty of the river and degrade the user experience (Photo credit: Alan Lehman, 2012).

So what causes these algae outbreaks?

Quite simply, agricultural runoff in the Shenandoah Valley. Valley farms raise 159 million chickens and 16 million turkeys a year, along with 528,000 dairy and beef cows. A recent report from Environmental Integrity Project examining livestock manure pollution of the Shenandoah noted that these animals produce 410,000 tons of poultry litter and 1 billion gallons of liquid manure annually. Much of this is spread over nearby fields as fertilizer because it's rich in nitrogen and phosphorus.

This works well when the soil needs these nutrients, but many fields in the Valley are already saturated with phosphorus. When manure is applied to those fields, or over-applied to fields in general, the excess nutrient pollution is carried straight into the river when it rains, setting the stage for the suffocating algae blooms.

What does the lawsuit say? Our complaint states that EPA did not fulfill its duty under the Clean Water Act when it

Continued on page 5

EPA SUSPENDS NEW LIMITS ON TOXIC EMISSIONS FROM COAL FIRED POWER PLANTS

In yet another assault on clean water, the EPA recently announced its indefinite delay of new pollution limits for coal fired power plants, known as "Effluent Limitation Guidelines" (ELG) issued by President Obama's EPA in 2015. After thirty years of inaction by EPA, these new limits on discharges of arsenic, mercury, lead and other toxic metals from coal power plants into our waterways would have prevented millions of pounds of harmful metals from being dumped into our rivers, polluting drinking water and poisoning fish across the country.

EPA Administrator Pruitt touted the coal industry's difficulty in complying with the limits as the proof that EPA had overreached

Continued on page 4



EarthShare/CFC #87828

BOARD OF DIRECTORS

NICK KUTTNER
CHAIR

JOHN HOLMES
VICE CHAIR

SCOTT C. PLEIN
TREASURER

PAT MUNOZ
SECRETARY

BRENT BLACKWELDER

PETER BROSS

SALLY DAVIDSON

KATHERINE EDWARDS

THOMAS P. EHRHARD, Ph.D.

TODD ELLIS

JOHN GIBSON

WILLIAM O. KERR, Ph.D.

AVIS OGILVY MOORE

CHRISTINA NICHOLS

MAC THORNTON

ED MERRIFIELD
PRESIDENT EMERITUS

STAFF

JEFF KELBLE
PRESIDENT

MARK FRONDORF
SHENANDOAH RIVERKEEPER

DEAN NAUJOKS
POTOMAC RIVERKEEPER

BRENT WALLS
UPPER POTOMAC RIVERKEEPER

MARIA BARRY
VP EXTERNAL RELATIONS

PHILLIP MUSEGAAS
VP LITIGATION & PROGRAMS

ALAN LEHMAN
PROGRAM MANAGER

ELISE WIRKUS
DEVELOPMENT & MEMBERSHIP
ASSOCIATE

ROBIN BRODER
COMMUNICATIONS CONSULTANT/
NEWSLETTER EDITOR

Riverkeeper is a registered trademark and service mark of Riverkeeper, Inc. and is licensed for use herein.

A LETTER FROM THE PRESIDENT



DEAR MEMBERS,

The fact that our predictions about EPA rollbacks under Administrator Pruitt have already come true is giving me zero pleasure. And just because these rollbacks were predictable and transparently telegraphed

doesn't mean we're any less fighting mad.

In this newsletter, we're reporting on the administration's unlawful repeal of the EPA's Clean Water Rule, as well as their reckless rollback of toxic pollution limits for coal-fired power plants, the "ELG Rule." Two months ago, following a similar agency rollback, courts swiftly ruled that ignoring due process was unconstitutional. Yet, the administration continues its assault on our waterways.

It's been decades since this country has seen these kinds of unbridled industry handouts. With the repeal of these two rules we're talking about booting nearly half of all our streams in this country from protections under the Clean Water Act. It doesn't matter where I go or how conservative or liberal the community is that I am speaking with, I can find no one who thinks this is a good idea. I'm not impressed by the administration's justification, which is that these protections are best left to the states. While there are certainly authorities that states wield well, and there are rich cultural differences that can be honored by stronger states' rights, our 200-year history shows clearly that environmental protections are not among them. Every time in our history that federal environmental laws lose strength or cease being enforced, states feel compelled to "race to the bottom" with their environmental protections in order to compete for businesses. Even if they're dirty businesses. Inter-state competition of this nature is unhealthy and leaves us with a tragic legacy of pollution problems, such as those we have on the Shenandoah from the Avtex factory. This issue is literally a poster child for why federal oversight and setting federal minimums for water quality are so important. This facility has permanently poisoned the Shenandoah with PCBs, stealing our ability and that of future generations to eat fish out of this historic and fabled river. I keep asking myself, is this really the path we want to go down?

Sitting here at my desk I can think of dozens of our most pristine streams, like Dry River west of Harrisonburg,

Jeremy's Run near Luray, Seneca Creek, and Cedar and Passage Creeks, which in drought years lose their surface flow and remain alive only through water flowing between the cobbles deep in the river bed. These are streams that recharge groundwater and are primary suppliers of our summer drinking water. They host our most thriving populations of native brook trout. These are streams that will lose federal protections under the repeals. How does this make any sense?

The ELG Rule takes mercury, arsenic and other dangerous metals out of the waste-stream being discharged into the Potomac and other rivers from coal power plants. We're talking now about more toxic metals being discharged into the Potomac from NRG's Dickerson Power Plant just downstream from where the Monocacy joins the Potomac, upstream of White's Ferry. Ironically, this means more toxins in the river flowing by and coursing through the fish living next to President Trump's golf course along the river, which has already been the subject of much controversy (as reported by The Washington Post) Why? I guess I'll let our articles get into that. We're also talking about more toxins in our Potomac River striped bass population due to additional toxins from NRG's Morgantown Power Plant. Our striped bass consumption is already restricted due to high levels of PCBs, so adding arsenic and mercury adds insult to injury and further steals public resources.

If you can't tell already, the consequences of these rollbacks are vast, destructive, dangerous and long lasting. I'm getting pretty riled up just writing this, so I'm going to sign off by encouraging members not to sit by the sidelines and just let these barbaric rollbacks take place without a fight. We are committing to fighting this locally and nationally. In order for us to be most effective, we need your voice and support more than ever. This means jumping in when you notice we're asking member to engage, and helping to spread the culture of philanthropy to other river lovers you know.

See you on the river,

Jeff Kelble, President



THANK YOU MOM'S ORGANIC MARKET!

In early July, we were very fortunate to serve as the 5% beneficiary of the grand re-opening of MOM's Organic Market in Alexandria! PRKN staff enjoyed tabling at the re-opening and chatting with the MOM's customers about our local pollution fights. Thanks to the warm generosity of MOM's and their Alexandria customers, we received \$11,431.52! We are deeply grateful for this partnership with such a like-minded business in our watershed. We recommend checking out one of their stores soon - their in-store recycling is unmatched. Thank you to the whole MOM's team, you all really walk the talk!



UPPER POTOMAC RIVERKEEPER®

OPPOSITION TO PIPELINE HEATS UP IN MD & WV



A movement of landowners, local residents, businesses, Upper Potomac Riverkeeper and other environmental groups in both Maryland and West Virginia has gained momentum over the summer in opposition to a fracked gas pipeline that would tunnel under the Potomac River and the C&O Canal near Hancock, Maryland.

TransCanada, the owner of the pipeline that spilled 17,000 gallons of oil in South Dakota farmland last year, has filed an application to run a natural gas pipeline from Pennsylvania to West Virginia the shortest (and cheapest) way they can – through Maryland – putting the Potomac River and downstream drinking water users at risk.

The pipeline means farmers and landowners will have to fight to protect their property rights. In fact, they already are: TransCanada's landmen are using the same scare tactics that have been used for decades: "Sell your rights or we'll take them for free through eminent domain." It's a dirty trick that divides neighbors and hurts communities. The only winners are pipeline owners.

The pipeline would enter Maryland near Hancock and go under the Potomac River and the C&O Canal to connect with the soon to be built Mountaineer Pipeline in West Virginia. But TransCanada's application has no justification or evidence that substantiates a "need" for natural gas in West Virginia's Eastern Panhandle. To make matters worse, the drilling method used to tunnel under the Potomac has resulted in major construction accidents this year in Ohio and Pennsylvania, causing destruction of wetlands and contamination of private drinking water wells.

We know that pipelines can leak and that their construction can hurt local and regional water quality. This proposed pipeline, known as the Eastern Panhandle Expansion, would be no exception. In fact, the pipeline will impact sensitive Karst geology that could transmit pollutants through a connected underground aquifer, degrade pristine streams, and threaten public and private water supplies. Sinkholes and caverns will impact the integrity of the pipeline, causing subterranean ruptures and possible explosions. And for what?

WHAT YOU CAN DO

- Call Governor Hogan today and leave a voicemail asking him to reject the Eastern Panhandle Expansion.
- Go to our website at prknetwork.org/take-action and send an email to Governor Hogan asking him to reject the pipeline.
- Follow No Potomac Pipeline on Facebook for updates on actions you can take.
- Follow #NoPotomacPipeline on social media for the latest news.

This summer, the No Potomac Pipeline campaign gained speed with rallies in Annapolis, rolling encampments every weekend along the affected areas of the river, a kayak action linking the Maryland and West Virginia sides of the river, canvassing communities and landowners, and challenging local and state representatives to do their job of protecting private property and clean water.

Pipelines that cross state borders and cut through national parks require a whole host of permits. The most important, and most worrisome, is the certification from the Federal Energy Regulatory Commission (FERC). The FERC approval process is a tangled web of assessments, reviews, and state and tribal authorizations. It is a complicated nightmare for the general public to follow, let alone contribute in the public process. **And despite its status as an independent federal agency, FERC has never denied an interstate pipeline application.** In recent years, the natural gas boom in the Appalachian region has led local and international gas companies to propose new pipelines for transmission and distribution, even though **our existing pipeline system is barely running at 50% capacity.** What is their goal? Studies show the gas companies may be in the business of installing pipelines because they get a healthy return on their investment.

While FERC is likely to give its rubberstamp approval to this pipeline, the State of Maryland also must approve it before it can be built. Every Federal project that may impact a State's water resources is required to get a Clean Water Section 401 Certification. In Maryland, the Department of Environment has authority to issue or deny the 401. The State has the right to independently review each Federal project, above and beyond what FERC or the Army Corps of Engineers are required to review and assess for environmental impacts. In this case, **if Maryland concludes that the pipeline's construction would violate state water quality standards, it can deny the Certification.** Maryland must also grant TransCanada a "waterway construction permit" under state law before the pipeline can be built, and that permit process has yet to begin.

Upper Potomac Riverkeeper is leading PRKN's work to fight this pipeline, with assistance from outside counsel courtesy of the Chesapeake Legal Alliance. The bottom line is that Governor Hogan has the authority to stop this pipeline. He can direct the Department of the Environment to deny the 401 water quality certification under the Clean Water Act.

**Tell Governor Hogan to
REJECT THE PIPELINE
UNDER THE POTOMAC**

CALL 1-855-969-5613

foodwaterwatch

POTOMAC RIVERKEEPER®

EPA SUSPENDS NEW LIMITS ON TOXIC EMISSIONS FROM COAL FIRED POWER PLANTS (CONT'D)

and ignored the economic impacts of its regulations. In truth, many power plant companies have already upgraded their plants to reduce toxic pollution -- the rule only applies to 12% of the power industry. The widespread use of treatment to remove these harmful metals shows that the industry can absorb the cost. **These outdated power plants are the largest source of toxic water pollution by industry in the country, accounting for 30% of all toxic pollution dumped into waterways by industries regulated under the Clean Water Act.** Our waterways, communities and children will be irreversibly harmed if EPA succeeds in its effort to put this rule on hold indefinitely.

EPA's rollback of the ELG Rule hits our Potomac watershed directly. In Maryland, NRG's Dickerson and Morgantown coal power plants on the Potomac are under a federal court settlement following a Potomac Riverkeeper enforcement action, which requires these plants to comply with the new ELG limits on mercury, arsenic and selenium. Once EPA formally suspended the deadlines, Maryland regulators quickly walked back their commitment and will not require new limits on these toxic metals until a new rule or deadlines are set. Despite the state's clear authority to set protective limits on these metals regardless of EPA's stance, Maryland is cowing to industry pressure and blaming EPA for its failure to protect the Potomac and millions of people who depend on it for clean drinking water. This is what happens when EPA removes the "floor" of environmental protection - states are unwilling to take up the fight in the absence of EPA leadership.

But with Waterkeeper Alliance's support, Potomac Riverkeeper Network and other Keepers in our region are fighting back. In response to Waterkeeper legal pressure, EPA agreed to hold a single public hearing on the ELG Rule suspension on July 31st in D.C. Phillip Musegaas of PRKN joined Waterkeeper Alliance President Bobby Kennedy, Jr., Baltimore Harbor and Gunpowder Riverkeepers, Waterkeepers Chesapeake, and a host of other water advocates to denounce this latest recidivist action by EPA.

Bobby Kennedy Jr. ended the hearing by blasting EPA's abdication of its legal and moral responsibility to protect the public from lead, mercury,



PRKN's Phillip Musegaas, Waterkeepers Chesapeake's Betsy Nicholas, Waterkeeper Alliance President Bobby Kennedy, Jr., Baltimore Harbor Waterkeeper Angela Haren, Waterkeeper Alliance's Pete Harrison, and Catawba Riverkeeper Sam Perkins at EPA hearing on rollback of ELG Rule, July 31, 2017.

arsenic and other toxic pollution, putting industry profits ahead of public health. In powerful testimony, Kennedy called out EPA for ignoring the risk of long term, severe health impacts to children caused by mercury poisoning. He also questioned the basis for EPA's action, stating: "This hearing is illegal. I know the Clean Water Act and Administrative Procedure Act backwards and forwards. Nothing in there gives you authority to suspend a rule. There has already been a rulemaking that gave us the limits that EPA is now trying to destroy." PRKN is coordinating with Waterkeeper and other national groups to fight this reckless and harmful action, and will be holding Maryland regulators accountable for their failure to hold the line here on the Potomac River.

PADDLERS RISE UP TO DEFEND RIVER ACCESS NEAR TRUMP GOLF COURSE

When the U.S. Coast Guard announced in early July that a two mile stretch of the Potomac River would be off limits to the public when President Trump visits his Trump Golf Course in suburban Virginia, the local paddling community immediately rallied to protect public access for boaters, swimmers and anglers who use this popular stretch of the river just north of D.C. At the behest of the U.S. Secret Service, the Coast Guard proposed closing the Potomac from Sharpshin Island to just above the Seneca Breaks rapids. When in force, this would effectively cut off public access to a very popular run. This stretch is prized by everyone from beginner white water paddlers to kids at the Calvea School to wounded veterans who seek healing and peace on this beautiful piece of water. Anglers also frequent the area above the Breaks, looking for smallmouth bass.

Once Potomac Riverkeeper put the word out to local groups and Calvea Outdoor School, they responded by writing letters and getting their story told in the Washington Post. While no one questioned the need to protect the President, paddlers felt that a balance could be struck between national security and their public trust rights. Canoe Cruisers Association, Calvea and Potomac Riverkeeper proposed a revision to the Zone that would create a narrow public channel on the Maryland side, and access across to the George



Washington Canal on the Virginia side. A large section of the river would remain off limits during the President's visits, but paddlers would still be able to access frequently used areas of the river. Less than two weeks later, the Coast Guard relented and announced they would allow public access on the Maryland side but did not clarify whether paddlers could cross to Virginia to run the Canal.

SHENANDOAH RIVERKEEPER[®]

WE ALL LIVE DOWNSTREAM

REPEAL OF CLEAN WATER RULE THREATENS CLEAN DRINKING WATER FOR MILLIONS

At the center of the Trump administration's assault on our clean water and drinking water protections is the proposed repeal of the Clean Water Rule. A lengthy, deliberate, and inclusive process led to the EPA's 2015 Rule, a new federal regulation which sought to establish clear guidelines specifying which streams, wetlands and other waterbodies are under the "jurisdiction" of, and protected by the Clean Water Act. The Rule was based on sound science and the rule of law. EPA held more than 400 meetings with stakeholders across the country and published a synthesis of more than 1200 peer-reviewed scientific publications, which showed that the small streams and wetlands the Rule safeguards are vital to the health of larger downstream waters like the Potomac and Shenandoah Rivers.

By comparison, the Administration's scheme to repeal and eviscerate the 2015 Clean Water Rule is a blatant attempt to reward powerful political interests and the industrial farming lobby at the expense of clean water and public health. Proponents of repeal are ignoring the years of scientific review and broad public support that underlie the Rule, in their zeal to tear down a regulatory framework that has led to cleaner drinking water, healthier streams and innovations in water treatment and river restoration, all of which support and spur economic prosperity.

The EPA and the U.S. Army Corps of Engineers adopted the Rule to clear up longstanding confusion over which waterbodies the landmark 1972 Clean Water Act protects and which are exempt, in the wake of several Supreme Court decisions over the past twenty years. In one of his first Executive Orders, President Trump directed the EPA to consider relying on Justice Scalia's separate opinion in the 2006 Rapanos case, which would severely limit the types of waterbodies protected by the Act, and leave millions of acres of wetlands and small streams vulnerable to pollution and destruction.

The waterbodies at the center of the Clean Water Rule provide critically important ecological and public health benefits. Notably, **more than 117 million Americans receive drinking water from public systems that draw supply from headwater, seasonal, or rain-dependent streams which would likely be removed from Clean Water Act protection.** Wetlands cover roughly 110 million acres in the continental U.S., filtering pollution and replenishing groundwater supplies. Wetlands also serve as natural checks on flooding, and provide essential fish and wildlife habitat. Healthy streams and wetlands also provide essential fish and wildlife habitat, supporting a multi-billion dollar outdoor recreation economy. In the Potomac Watershed, hundreds of headwater streams and intermittent streams that feed the Shenandoah and Upper Potomac Rivers would be at risk of losing legal protection.

The Clean Water Rule protects drinking water for 117 million Americans.

Scott Pruitt and Donald Trump want to flush that down the drain.

President Trump and EPA Administrator Scott Pruitt are ramming through the repeal of the Clean Water Rule with a minimal thirty day public comment period and no public hearings, as the first step of a two stage process. Pruitt will then propose a new definition of "waters of the United States" that will doubtless remove protection from hundreds of streams and millions of acres of wetlands across the U.S. in less than a year. **Their plan utterly fails to engender meaningful public engagement or careful scientific analysis. On the contrary, the goal is to simply undo the federal standards that set the baseline for clean water across the country, at whatever cost.** Rolling back the rule is bad governance, bad for businesses that rely on regulatory certainty, and bad for our communities that have a right to clean water.

At the time of the printing of this newsletter, several national and regional groups and affected communities were planning lawsuits to challenge this assault on our clean water.

At the time of the printing of this newsletter, several national and regional groups and affected communities were planning lawsuits to challenge this assault on our clean water.



SUIT FILED AGAINST THE EPA FOR FAILING TO PROTECT THE SHENANDOAH RIVER (CONT'D)

approved Virginia's decision not to identify the Shenandoah River's algae impairment on the state's list of quality-impaired rivers and streams. To follow the law, EPA should have overruled Virginia and identified the Shenandoah as impaired, based on extensive data demonstrating that widespread algae blooms prevent the river from meeting Virginia's water quality standards. In the words of the Potomac River Smallmouth Club, "the political will to do anything about the algae problems we see on the Shenandoah River seems to be lacking both in Richmond and by our federal agencies...We wish to see our river returned to a fishable, swimmable waterway."

What does the lawsuit hope to accomplish? Listing a waterway as "impaired" triggers a regulatory process leading to the imposition of limits on the amount of the pollution causing the impairment into the waterway. In this case, Virginia would be required to develop limits on the total amount of nitrogen and phosphorus being discharged into the Shenandoah that are protective enough to prevent algae blooms and improve water quality.

This lawsuit has the potential to be a real game changer. Up to now Shenandoah Riverkeeper has fought the algae pollution by persuading, or in some cases compelling farmers to fence individual cattle herds out of the river. We worked with farmers to facilitate state funding for cattle exclusion, and we filed formal complaints with the state against those who ignored these issues and continue to pollute the river. Essentially, we have been operating at the retail level – one farm at a time. Our goal with this lawsuit is to force the Commonwealth to act at the wholesale level and develop a systematic plan to comprehensively address the nutrient overload – and the algae – plaguing the Shenandoah.



Thanks to the generous support of our local sponsors and outfitters, over 260 people have kayaked, canoed or camped around the Shenandoah and Potomac rivers this summer through our season-long event series, River-Palooza. We have enjoyed paddling with both familiar faces and new friends of PRKN – thank you to all participants for their enthusiasm and support! Fortunately, the fun is nowhere near over. We are thrilled about our four upcoming trips throughout the watershed, and hope you sign up today to join in on the adventure! All details and registration information is available at prknetwork.org/riverpalooza-2017.



"The National Potomac Yacht Club, based at Columbia Island Marina chose PRKN as it's charity for it's annual golf tournament to aid the fight in keeping our beloved Potomac River clean and safe for all of us to enjoy! We have been admiring the hard work being done and wanted to join the fight! We look forward to growing our support and assisting with cleaning up our National River!"

- Eric Hotard, Commodore, NPYC



OUR UPCOMING RIVERPALOOZA TRIPS – REGISTER TODAY!

- Sept. 8th Dyke Marsh Sunset Paddle
- Sept. 9th Women on the Water with Calleva on the Potomac
- Sept. 10th Pedal to Paddle on the Upper Potomac
- Sept. 24th World Rivers Day Celebration at National Harbor – Stay tuned for details at prknetwork.org/riverpalooza-2017!

FOLLOW US ON SOCIAL MEDIA AT #RIVERPALOOZA2017



RiverPalooza is a Waterkeeper Alliance SPLASH Series event, presented nationally by Toyota and locally by the National Park Service, MOM's Organic Market, along with all our amazing outfitters and partners: Atlantic Kayak, Blue Ridge Outdoors, Calleva, Downriver Canoe Company, Front Royal Canoe, Harpers Ferry Adventure Center, River & Trail Outfitters, River Riders and Shenandoah River Outfitters.

LAW & WATER

A GALA EVENT TO BENEFIT
POTOMAC RIVERKEEPER NETWORK

SAVE THE DATE! NOV. 3

Our annual Gala has moved to the Fall!

Law & Water Gala will take place at the Old Ebbitt Grill Atrium on Friday, November 3rd. Law & Water celebrates the 45th Anniversary of the Clean Water Act and Potomac Riverkeeper Network's work to enforce clean water laws throughout the Potomac watershed. Funds raised will expand and strengthen our programs and outreach. The work of PRKN has never been more timely, relevant or critical -- and we rely on your generous contributions to support our important work to protect your clean water. Law & Water is made possible by generous financial contributions from our sponsors.

SPECIAL THANK YOU TO OUR HOST COMMITTEE

- | | |
|--------------------------------|------------------------------------|
| Sally Davidson, Honorary Chair | John Holmes & Diane Zipursky Quale |
| Geoff & Meg Dawson, Co-Chair | Pat Munoz & Dorcas Adkins |
| William & Anita Kerr, Co-Chair | Phyllis & Ken Patterson |
| David Buente | Christine Nichols & Dianne Russell |
| Peter Bross | Cabell & Kathy Williams |
| Nick Kuttner & Mysia Pallas | |

We invite you to become a sponsor. Visit our website at prknetwork.org/Gala2017, or contact Maria Barry at (202) 888.2037 or maria@prknetwork.org.

WELCOME NEW BOARD MEMBERS

Katherine Edwards is an energy law attorney and has been in private practice for over thirty years specializing in natural gas and oil regulation before the Federal Energy Regulatory Commission and federal appellate courts. She is currently the managing partner of Edwards & Floom, LLP, a boutique energy law firm that she founded in 2012.



Kathie grew up on the Potomac River in Virginia, and has watched the decline of the water quality in the river over the years with great concern. As a lifelong swimmer and boater, her dream is that one day soon, the quality of the river will improve to allow swimming in the river with no health risks. Kathie now lives with her husband John Ronveaux on the river south of Old Town Alexandria.

Kathie received a BA degree with honors in mathematics and philosophy from Randolph-Macon Woman's College, and a JD degree from the University of Texas in Austin, where she was a member of the Texas Law Review.

Thomas Ehrhard just returned to the private sector after over seven years as a strategy advisor to the most senior executives in the Department of Defense. Most recently, he served as the Deputy Chief of Staff and Special Assistant to Deputy Secretary of Defense Robert Work. Prior to this, Tom served as the Senior Strategy Advisor to the Under Secretary of Defense for Policy, Dr. Jim Miller. As a leading expert on matters related to China, Russia, and North Korea, he worked those issues on behalf of Dr. Miller with the Services, the Joint Staff and the White House National Security Council Staff. Prior to that assignment, Tom worked for the Air Force Chief of Staff, General Norton Schwartz as his Special Assistant for strategy and policy.



Tom retired from the Air Force as a colonel in 2006 after serving as the Military Assistant to the Director of Net Assessment, the legendary Andy Marshall, and having earned a Ph.D. in International Relations from Johns Hopkins SAIS. He currently lives on the Rappahannock River in Fredericksburg, VA with his wife Karen.

PROGRAM UPDATES

POTOMAC RIVERKEEPER

ENFORCEMENT ACTION LEADS TO PENALTIES FOR SEWAGE PLANT ON LOWER POTOMAC

PRK's 2016 review of Clean Water Act discharge permits on the Potomac led us to the Winters Apartments Sewage Treatment Plant in St. Mary's County, Maryland, where chronic operational problems were causing frequent permit violations for excessive discharges of ammonia and suspended solids into the Potomac. This pollution threatened public health and degraded the tidal Potomac, and had been going on for months. After trying unsuccessfully to work with the plant owner, the Widener Law School Clinic filed a legal warning letter in May 2016 on our behalf, and notified the Maryland Department of the Environment (MDE). MDE responded by taking its own enforcement action, culminating in a \$22,500 penalty and consent order in early 2017 that compelled the plant owner to immediately make repairs and stop polluting the river. This is a powerful example of the role PRK plays in finding polluters and using the Clean Water Act to protect our rivers, in this case by engaging MDE to step in. In light of EPA's recent actions to rollback environmental protections for our rivers and drinking water, PRK's role as the public's watchdog on the river has never been more important.

SHENANDOAH RIVERKEEPER

FIGHT TO STOP DESTRUCTIVE ATLANTIC COAST PIPELINE HEATS UP

The race to build new natural gas pipelines is at an all-time high across the U.S., pitting gas companies like TransCanada (remember Keystone XL?) and their rubber stamping allies at the Federal Energy Regulatory Commission (FERC) against a diverse and growing coalition of water advocates, wildlife defenders and rural property owners from across the political spectrum. This coalition sees its rivers imperiled, endangered species and public lands threatened,

and private property rights ignored by powerful interests whose goal is to export natural gas across the world. Forget energy independence, this is energy wealth creation on a vast scale that will only increase harmful fossil fuel emissions driving climate change. In Virginia, Dominion Power is seeking a green light to build the Atlantic Coast pipeline 600 miles across more than a thousand sensitive streams, tracts of undeveloped national forest and literally over the tops of mountains. SRK, represented by the Southern Environmental Law Center, is part of a powerful alliance whose goal is simple: compel Virginia regulators to deny a critical Clean Water Act approval needed by Dominion to build this destructive pipeline. [Go to our website to learn more, take action and support our work to protect Virginia's beautiful environment from Dominion's pipeline.]

UPPER POTOMAC RIVERKEEPER

PRESSURE TO REDUCE THERMAL POLLUTION FROM PAPER MILL CONTINUES

Upper Potomac Riverkeeper has kept a close watch for years on the Luke Paper Mill, one of the largest industrial facilities on the North Branch of the Upper Potomac in Westernport, MD. While most of Luke's wastewater is sent to the nearby URPC treatment plant, the mill uses vast amounts of cold river water to cool its operations, and discharges this water back into the river at much higher temperatures. This has long been a concern of UPRK, since thermal discharges of hot water into a cold stream can alter and degrade fish habitat. After years of delay, the Maryland Dept of the Environment has finally released a new draft permit for the Mill. PRKN is reviewing the permit, focusing on the thermal impacts from the non-contact cooling water and discharges of heavy metals from the mill's coal ash pond. On a positive note, the permit does require reductions in the thermal discharge, in light of the fact that Maryland DNR has indicated that the North Branch has a healthy population of trout species. A public hearing has been requested for the September or October time frame.



POTOMAC
RIVERKEEPER®
NETWORK

3070 M Street NW
Washington, DC 20007

NOV. 3, 2017

LAW & WATER

ANNUAL GALA TO BENEFIT
POTOMAC RIVERKEEPER® NETWORK

For ticket and sponsorship opportunities,
visit PotomacRiverkeeperNetwork.org/Gala2017
or contact Maria at (202) 888.2037
or maria@prknetwork.org.