

# RIVERWATCH

The Official Newsletter of POTOMAC RIVERKEEPER® NETWORK

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GALA RECAP

We had a highly successful summer protecting and defending the Potomac River through our citizen science water quality monitoring program. It's a key feature of our Swimmable Potomac Campaign.

Over the summer, dozens of volunteers collected and analyzed water samples from the Potomac River from Fletcher's Cove to National Harbor. Monitoring is a great way to track the health and viability of the river and learn how to improve water quality.

Teams obtained 200 water monitoring samples from 10 sites from early May through early October 2019. The samples that they collected met public health standards for E. coli bacteria 55.8% of the time.

The Tidal Basin collection site was the cleanest location, passing the E. coli bacteria test 90% of the time. This location appears to be shielded from regional runoff effects of the greater Potomac River. The National Harbor collection site was a close second with an 85% passing rate. At the other end of the scale, Battery Kemble Creek was the most frequently E. coli contaminated site regardless of rain effects as the location passed testing only 5% of the time. Foundry Branch performed only slightly better with a 10% pass rate.

Of the lower three Potomac sites, Oronoco Bay failed the most, likely due to its location near both a Combined Sewage Overflow site to the south and the mouth of Four Mile Run to the north.

Rainfall in three days prior to testing significantly increased the probability of E. coli test failure and triggers both combined sewer overflows and stormwater pollution. We learned that the river appeared to recover from even the heaviest rain events in less than a week.

We plan to launch our second summer of water quality monitoring in May to continue the Swimmable Potomac campaign, and we hope to expand, if resources permit.

We enjoyed a fantastic start and we are so eager to expand next year!



EarthShare/CFC #87828

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# A LETTER FROM THE PRESIDENT



## HOW YOUR DONATIONS FIGHT POLLUTION

HELLO FRIENDS,

I've been thinking a lot lately about how much your generosity means to a small organization like Potomac Riverkeeper Network. We are blessed with supporters like you, who are just as committed to our mission as we are and who are proud of the work we do together.

It's only fair that you know what you're getting for your money, and I'm really proud to have the chance to tell you. This year, there have been so many successes and new programs, none of which would have been possible without you. You will read more about them in these pages, but here are some highlights.

At the beginning of this past year, we capped a four-year effort to resolve Virginia's legacy coal ash storage problem. Dean's work resulted in bipartisan legislation to recycle and remove the 28 million tons of coal ash that has been leaking into the Potomac River and into drinking water wells for decades. That legislation is truly a model for other states to follow, and we're so proud it started here.

In the Shenandoah Valley, with incredible effort by Mark, we gathered together nearly 90 stakeholders to share ideas about how to work collaboratively in order to return the Valley's watershed to a place which is economically and environmentally sustainable for generations to come. The resulting Shenandoah Watershed Compact is another step others can follow to create a roadmap to improve water quality, raise agricultural standards, and enhance community engagement and involvement. Read more about

it on page 5.

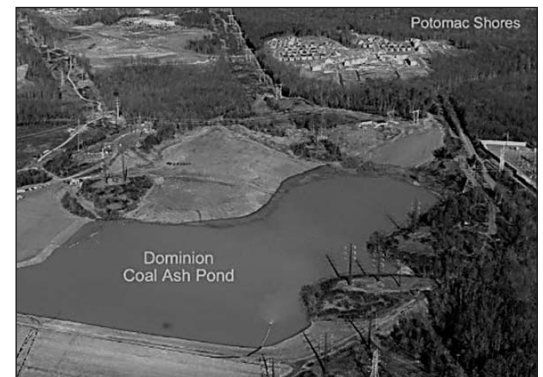
Yet another achievement was the launch of our Swimmable Potomac Campaign and our citizen science water quality monitoring program. It's in our nature to want to be in, on, and near the water, but for decades the waters of DC have been closed to swimming. Our goal is to change that, so we began testing the waters along the Potomac to learn where the trouble spots are and what needs to be done to address them. You probably read about those results on page 1 already.

These efforts, and others like them, consume both time and money. Thanks to your generosity, we can do them -- and protect our rivers.

Thank you! Let's do great things together!

Sincerely,

Nancy Stoner, President



Possum Point – before legislation



Participants at the Coal Ash Legislation Signing Ceremony



Dean and Phillip

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Potomac Riverkeeper Network is a proud member of both EarthShare Mid-Atlantic and Combined Federal Campaign (CFC). Employees can choose to designate a portion of their paycheck to Potomac Riverkeeper Network. Our EarthShare and our CFC number is the same – #87828.



# POTOMAC RIVERKEEPER<sup>®</sup>

## MORE ACTION ON THE POTOMAC

One might have thought that after this past year's success with vitally important coal ash legislation in Virginia and organizing our first year of water quality monitoring on the Potomac, Dean Naujoks, Potomac Riverkeeper, would take a little well deserved rest.

Not even close! He has two major campaigns underway to protect and defend the river and its tributaries.

He has discovered that GenOn, the owner of the Morgantown, MD coal burning plant, is illegally handling and storing toxic coal ash, and he successfully urged the Maryland Department of the Environment (MDE) to investigate. Guess what? MDE found multiple violations of the plant's Clean Water Act discharge permit and state law.

Aerial photos taken on September 12 demonstrated that coal ash was being moved from a storage silo to a location on the property described by MDE as a pirate landfill. Pirate landfills are legacy sites on the property and redeposition of the ash is not permitted without prior notice to MDE. The agency's Inspection Report found violations of the permit and possible violations of a formal consent order with the state to address groundwater contamination and remediation.

Dean is also urging MDE to collect water and sediment samples at site locations to determine whether GenOn has been using public waterways for coal ash waste disposal.

More on this as it develops.

The second major development is the filing of the Notice of Intent to Sue Charles County over its Clean Water Act violations. The county's wastewater treatment plant is discharging pollution into the Mattawoman Creek with sewage bacteria, sediment, nitrogen and phosphorus.

Dean's investigation shows that this sewage plant violated its permit on numerous occasions over at least the past five years, and the pollution continues. These illegal discharges are fouling the Potomac River and Mattawoman Creek, a beautiful tidal tributary (pictured here) that is treasured by local residents and popular with paddlers and anglers. The public has a right to clean water in our rivers and streams, and Charles County has a legal and ethical duty to operate its wastewater plant in compliance with state and federal law.

## CHARLES COUNTY — CLEAN UP YOUR ACT AND STOP THIS ILLEGAL POLLUTION ACTIVITY!



*Bright red, polluted stream at Morgantown plant*



*Morgantown coal plant – the polluter*



# UPPER POTOMAC RIVERKEEPER<sup>®</sup>



## UPR TAKES LEGAL ACTION TO HALT TOXIC DISCHARGE BY VERSO PAPER MILL

In our last issue of RiverWatch, we wrote about the potential positive impact of the closing of the Verso paper mill on the aquatic life of the North Branch of the Potomac, a beautiful stream.

To our dismay, Brent Walls has discovered alarming discharges of “black liquor” and possibly coal ash contaminated groundwater emanating from the plant. Even worse, his preliminary investigation suggests that these problems are decades old. But he is taking action and in mid-November, he filed a Notice of Intent to Sue Verso Corporation, the owner of the closed plant, for its violations of the Resource Conservation and Recovery Act arising from these discharges.

Black liquor, a mix of chemicals and wood waste from the paper-making process at the plant, is extremely caustic and harmful to aquatic life and humans. And, as we know from our investigations of coal ash pits, coal ash has a range of harmful constituents, including arsenic, mercury and boron. When Brent did his sampling near the paper mill, he discovered all of those dangerous elements.

His sampling also confirmed the presence of the black liquor. And the sampling done by the Maryland Department of the Environment, at his urging, had the same results. The source of the black liquor appears likely to be an empty million gallon storage tank, which held black liquor until it was drained by the company over 10 years ago. Or at least we understood that it had been drained.

Brent will do more sampling and analysis thanks to a generous supporter, so that he can continue to investigate the source of the pollution as we gear up to hold Verso accountable in federal court.



*Black liquor pollution in the North Branch*



# SHENANDOAH RIVERKEEPER®

## THE SHENANDOAH WATERSHED COMPACT — A ROAD MAP TO A HEALTHY AND PROSPEROUS FUTURE

In spring 2019, through the generous support of the Chesapeake Bay Trust, nearly 90 community stakeholders participated in a series of five forums led by Mark Frondorf, Shenandoah Riverkeeper, designed to explore the future of the Shenandoah River by responding to a central question: How can our communities ensure clean and plentiful drinking water while maintaining a thriving economy that sustains the high quality of life and rural values of our Shenandoah Valley home?

The Shenandoah River watershed is home to more than 300,000 residents, representing many competing yet often complementary interests regarding the river. As economic forces shift, so too do the challenges and pressures facing our water resources. Both urban and rural areas generate pollutant loads that compromise local waters as well as the Potomac River and Chesapeake Bay downstream.

Participants had a broad range of knowledge and a shared passion for the river, the land, wildlife, and culture of the Shenandoah Valley. Their enthusiasm and commitment created the Shenandoah Watershed Compact, a road map with the first steps toward a vision of a healthy Shenandoah River and a vibrant and sustainable regional economy. The Compact is a guide for decision-makers and stakeholders who seek to enhance appreciation for the Shenandoah River as an irreplaceable resource – our lifeline to health and prosperity – and to raise awareness of the challenges and opportunities.

The Compact identifies those challenges and opportunities. Challenges include habitat fragmentation, loss of forest cover, increased polluted runoff from agricultural operations and urban development, deficiencies in wastewater treatment, and impacts from climate change.

But it also recognizes opportunities, such as people of good will throughout the Valley who care deeply about the river and the watershed and the natural beauty and rich history the Shenandoah Valley enjoys. Participants in developing the Compact share a sense of urgency: now is the time for focused, strategic efforts.

The vision of the Compact is far-reaching -- renewable energy, a robust river-based economy, diverse, sustainable agriculture, environmentally conscious industry, recreational tourism, and historic preservation. And all in a protected watershed respected by local communities for its beauty and unique character as a swimmable, drinkable, and fishable treasure and natural resource.

The participants identified six broad goals as essential to the success of the Compact:

- » A swimmable, drinkable, fishable river.
- » Thriving local economies of small businesses and farms

and contained residential development.

- » Resources to support a healthy river, communities and businesses.
- » An informed, invested public.
- » A communications network to share information, expand education, and increase efficacy.
- » Investment in securing land along waterways for preservation, education and recreation.

Mark plans to promote the Shenandoah Watershed Compact among Valley residents, so that, working together, they can demonstrate their understanding and appreciation of the watershed as a shared resource whose health and resilience requires an equally shared responsibility.







*Phillip with some of the clinic's dedicated students -- the future is bright!*

## UNIVERSITY OF MARYLAND ENVIRONMENTAL LAW CLINIC



*Prof. Seema Kakade  
Director of the Environmental Law Clinic*

Among our incredible array of pro bono legal partners, we want to recognize the Environmental Law Clinic at the University of Maryland. The Clinic is one of our longest serving partners, having helped us with over a dozen water pollution cases over the past twenty years on issues ranging from paper mill pollution on the Upper Potomac to their current work on leaking coal ash landfills in Charles County. Since 2012, the Clinic has steadfastly served as our legal counsel to ensure that NRG Energy cleans up its leaking coal ash ponds at the

Faulkner and Westland coal ash landfills. For decades, these landfills have disposed of toxic coal ash without proper environmental safeguards, leading to contamination of groundwater and small streams that feed into the Potomac River. With the Clinic's help, Potomac Riverkeeper entered into a federal consent decree with NRG and the State of Maryland to address this pollution. Over the last several years, the Clinic has been actively reviewing NRG's compliance with the federal consent decree and has drafted several letters to the State of Maryland regarding concerns over ongoing monitoring required by it.

Established in 1987, the Environmental Law Clinic at Maryland Carey Law provides legal support, advice, and representation to a variety of

non-profit organizations and community groups on environmental matters. Environmental law is a complex, interdisciplinary area of legal practice that examines the way humans interact with the natural world. It is a combination of law, policy, and science and often involves competing human and societal interests. In the Environmental Law Clinic, student attorneys work on cases and projects that teach how to think about environmental problems and critically analyze potential solutions. The thought process and skills student attorneys learn through direct experience in the Clinic are transferable to a wide variety of legal practice areas connected to environmental law, including, for example, administrative law, litigation and civil procedure, negotiations and alternative dispute resolution, international law, and legislative policy and process on a host of complex environmental issues.

Our pro bono legal counsel enable us to pursue our core Riverkeeper mission of holding polluters accountable for illegally degrading the Potomac and Shenandoah Rivers. "We are extremely grateful for the excellent legal work and commitment shown by the Environmental Law Clinic to help us protect and restore the Potomac River," said Phillip Musegaas, Vice President of PRKN. "It exemplifies what a successful partnership should be - we receive top notch legal representation, the Clinic students gain firsthand experience, and the river benefits."

Seema Kakade, Director of the Clinic, has this to say about the relationship: "The Potomac Riverkeeper has been a terrific client for the Environmental Law Clinic. The Clinic students have been able to work on local natural resource issues on behalf of an organization with a strong commitment to finding and remedying environmental violations. In the process, they have learned so much and are proud of the work they have done to protect a key area in Maryland."

# 2019 LAW & WATER GALA WAS A SMASHING SUCCESS!

Can you imagine some day in the far future when a glass of water could cost \$1,000? Shocking, right? But, perhaps not impossible. We showed just that on October 25 at the 2019 Law & Water Gala.

Hundreds of clean water supporters celebrated together at the InterContinental DC - The Wharf at a fun night of dinner and dancing and to raise money for the cause. So what better way to heighten awareness of our mission than to start off our live auction by offering up a glass of water to the highest bidder. The bidding started at \$5, and in a matter of seconds climbed to \$1,000! The fragility of clean water access was not lost on this assemblage of water conscious supporters.

Where once we could pull clean, fresh drinking water from our rivers and lakes directly to our lips, our water now must be treated to remove impurities before it is safe to consume. Increasingly, pesticides, nitrates, microplastics, microscopic clothing fibers, pharmaceutical traces and toxins escape through water treatment systems (or water hospitals) and are found in our tap water (and even bottled water). We already pay our water utilities to clean our drinking water with mixed success (Flint, MI for example), and pay upwards of \$2 to \$5 for bottled water. As it becomes increasingly expensive to remove the contaminants that pollute the Potomac and Shenandoah Rivers, the drinking water sources for almost six million people, the cost of clean, safe drinking water could soar. It is not likely to cost \$1000 per glass anytime soon, but one dedicated PRKN supporter demonstrated that it is worth that much!

Water security and access to clean water is a challenge for many around the world. Our keynote speaker, Maude Barlowe, shared her insights about the scarcity of water and what we as individuals can do to reduce human impacts on clean water.



*Dean, Maude, and Nancy before the fun began*

The night also featured the presentation of PRKN's Service to Clean Water awards. This year, our Volunteer of the Year award-ee was Karen Andersen, Friends of the Shenandoah River, for her assistance setting up our water quality monitoring lab. The President's Award was presented to David Buente and Sidley Austin LLC in appreciation for their invaluable support for our legal actions to hold industries accountable for illegal pollution of our natural water resources.

The Law & Water Gala raised a record \$265,000, providing much needed funds to continue our important work protecting and defending the rivers we depend on and love.

You are part of this community. Your support, your participation, and your active engagement in our community keep this mission alive for today and all our tomorrows!



*Honoring Karen Andersen, our Volunteer of the Year*



*Thousand Dollar Water*



*Dancing at the Gala!*



*Excited bidders!*



*This one says it all!*





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## TAX-WISE END OF THE YEAR GIVING!

Make a tax-wise year-end gift (known as a Qualified Charitable Distribution, or QCD) from your 2019 traditional IRA Required Minimum Distribution to Potomac Riverkeeper Network.



**YOUR GIFT WILL PROVIDE BENEFITS – AVOID INCOME TAXES  
ON YOUR DONATION – FOR YOU WHILE HELPING TO  
PROTECT THE POTOMAC AND SHENANDOAH RIVERS!**

For your donation to qualify, you must be at least 70 ½ when you make the donation, which also must come directly from your traditional IRA custodian to Potomac Riverkeeper Network.

To take advantage of this opportunity, take steps to have your donation transferred from your IRA custodian directly to Potomac Riverkeeper Network as soon as possible to ensure that the transfer is completed by December 31.

For more information, contact your financial advisor or your tax preparer.