

RIVER WATCH

The Official Newsletter of POTOMAC RIVERKEEPER® NETWORK

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POTOMAC RIVERKEEPER NETWORK TAKES AIM AT US NAVY'S WEAPONS TESTING IN THE POTOMAC

One hundred years of weapons testing, 33 millions of pounds of munitions landing in the Potomac – and never any testing to determine the impact on the river. This is the nation's largest over-the-water gun-firing range. The weapons discharged into the Potomac River contain toxic metals, solvents, organic chemicals, pathogenic bacteria, and other potentially harmful constituents. The Navy has not yet been willing to seek a Clean Water Act permit for its unauthorized discharges of ordnance into the river.

Enough is enough, so we sued the Navy to force it to get a Clean Water Act permit.

We're not asking the court to shut down the Navy's weapons testing. PRKN is asking the court to order the Navy to obtain a Clean Water Act permit because it would set conditions on the Navy's discharges to protect the river and its wildlife. We want the Navy to get a permit under the Clean Water Act to ensure that their activities protect water quality, like everyone else.

Read more on page 3

photo credit Alan Lehman



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A LETTER FROM THE PRESIDENT

Precious wetlands -- we need them. Photo credit NOAA

SO MUCH TO SHARE!

PRKN is buzzing with activity – there is so much to report since you last heard from me!

This RiverWatch has so many things of interest to so many – litigation, advocacy, fun, and, unfortunately, some bad news.

Bad news first: by now, most of you are aware of the Supreme Court's recent decision in *Sackett v. EPA*, which abandons federal protection for more than half of our nation's wetlands. The Court ruled that wetlands are not protected by the Clean Water Act unless there is a surface flow between the wetland and an adjacent navigable water. It also suggested excluding streams that do not have relatively permanent flows. Some of our PRKN cases involve small and intermittent streams that flow into the Potomac or Shenandoah. To state the obvious, pollution discharges into small streams can cause big problems downriver.

Wetlands are the kidneys of a watershed; they filter out pollutants, mitigate climate change, and provide important habitats for wildlife. This profoundly regrettable decision is a major step backward in progress to clean water. A sad day for wetlands, and for all of us, but we will fight on to protect clean water with the tools available at the state level. Clean water is too important not to.

Enforcement – PRKN takes on the US Navy! Read more in these pages about our newly filed lawsuit against the Navy over its failure to obtain a Clean Water Act permit for the decades-long introduction of dangerous pollutants resulting from its ordnance testing.

Advocacy – Shenandoah Riverkeeper Mark Frondorf held another in his series of Smallmouth Bass Assessments, gathering scientists,

biologists, and river guides to discuss the state of smallmouth bass populations, habitats, and future. The incredibly useful resulting report can be a map to improvement and guide to regulators. Read more on page 5.

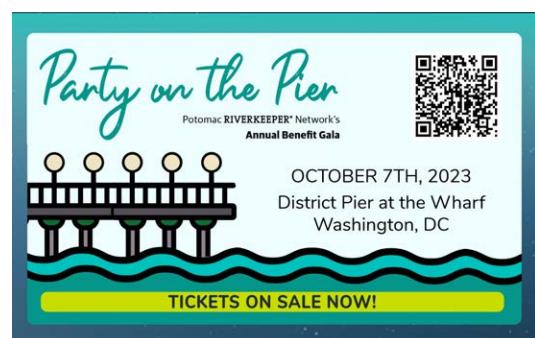
Fun? Plans are well underway for our annual Party on the Pier Gala, October 7 at the District Wharf, and registration is now open. It sold out last year, so get your tickets early! And, of other fun, we still have some RiverPalooza paddles left in the season. Check out page 8 for the schedule and details.

I'd like to take a moment to express my gratitude to PRKN's fabulous, dedicated Board of Directors who help us so much in achieving our mission and all of our supporters throughout the watershed whose support makes all this great work happen. Thank you!

Sincerely,



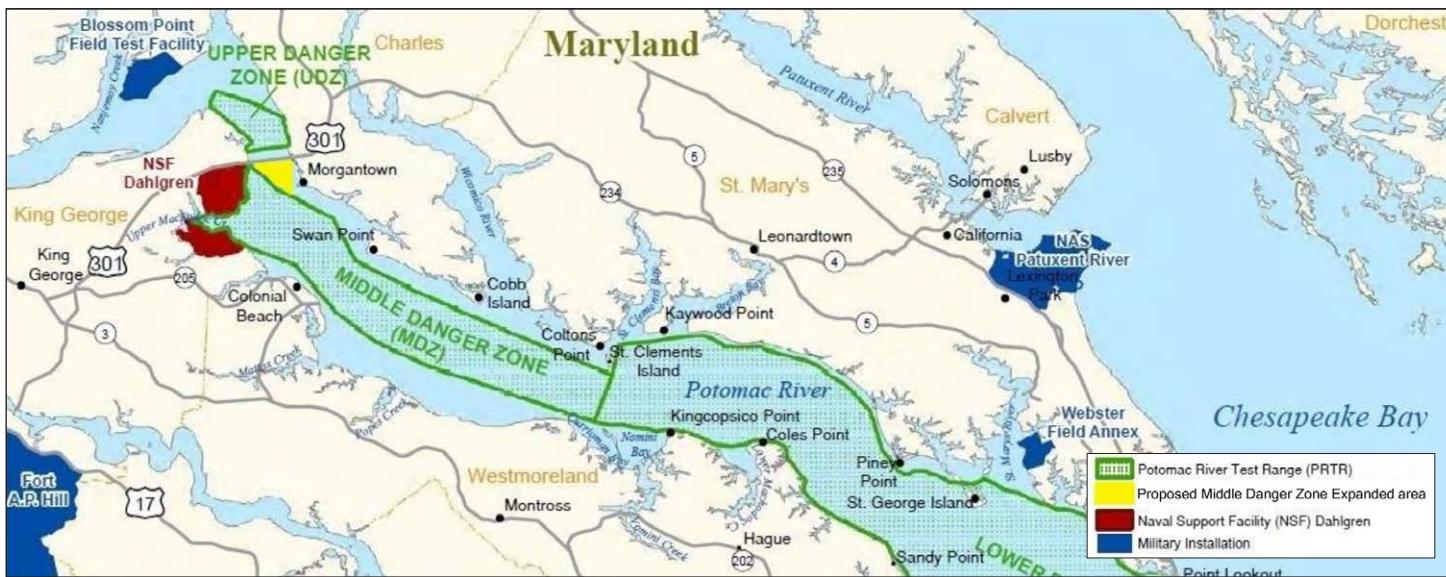
Nancy Stoner, President



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 are the same – #87828.

POTOMAC RIVERKEEPER®

TAKING ON THE BIG GUNS TO PROTECT OUR RIVER



Potomac River Test Range Complex – photo credit Naval Sea Systems Command

Six years ago, when Dean and Alan Lehman, Shenandoah Riverkeeper Program Manager, were investigating the pollution coming from the Morgantown, MD coal fired plant, the Navy stopped their boat at the 301 Bridge. They heard and saw explosions in the river and were, naturally enough, curious.

Dean began to learn about the Navy's 100-year-old weapons testing program at its Dahlgren facility in Virginia. We discovered that experimental weapons landing in the river were laden with chemicals and other toxins, but that the Navy had never done any analysis on their impact to water quality and aquatic habitat. And, to our surprise, the Navy had never obtained a Clean Water Act (CWA) permit for these discharges of munitions, despite the fact that munitions are expressly identified as pollutants under the Act and courts had required the Navy to get a permit for another weapons range more than 40 years ago.

Dean also began to talk to watermen – specifically, the Potomac Working Watermen's Association and the Virginia Watermen's Association, and he discovered that their members were actually dredging up unexploded ordnance!

In 2022, the Navy sought an expansion of its weapons testing range on the Potomac, which would have increased the impact on the river even more – both for watermen and for recreational boaters. We oppose this expansion, which further increases our concern about the weapons testing.

In January 2023, we, along with the Natural Resources Defense Council (NRDC), requested a meeting with the Navy to discuss our concerns. After some time passed without a response, we filed a Notice of Intent to sue under the CWA to compel the Navy to apply for a Clean Water Act permit, like every other entity discharging pollutants into the Potomac River.

We subsequently met with Navy officials, who told us that they would consider applying for a permit. But the Navy did not do so, so we filed suit on behalf of our members and with the support of local watermen. We are not seeking an injunction halting the Navy's weapons testing, but we are asking the court to order the Navy to obtain a Clean Water Act permit, which will establish discharge limits to protect water quality and aquatic life.



The Navy should have a CWA permit for this testing!



Dahlgren projectile from the river bottom – photo credit Chip Crowder

INTENSIVE ANIMAL AGRICULTURE POSES CHALLENGES FOR THE UPPER POTOMAC



Thousands of chickens would be housed in this CAFO!

Intensive animal agriculture can be problematic for water quality. The United States Department of Agriculture (USDA) calls these facilities concentrated animal feeding operations or “CAFOs” – they produce tons of manure-laden nutrients and other pollutants that flow into waterways and groundwater. Poultry CAFOs produce manure that needs to be removed from the buildings and then stored before use on a farm field or transported to another location. In many cases, the poultry CAFOs do not have the acreage to apply the manure that is produced. If piled manure is left uncovered, excess nutrients, bacteria and other pollutants can leach into streams during a rain event. If over applied on small acreage farms, that excess manure and soil can also run off farm fields and pollute streams.

There have been a number of small to medium sized poultry AFO's or Animal Feeding Operations, in the Eastern panhandle of West Virginia for several decades because of the Pilgrims Pride processing plant in Moorefield, WV. In the past two years, there has been a trend of building large CAFOs that are 4 to 5 times larger than what has existed in the area. These larger “Mega” CAFOs clearly fall into the category of an industrialized farming operation. These Mega CAFO's produce larger quantities of manure, withdraw larger amounts of groundwater and have a much greater drainage area that can carry pollutants off site into our waterways. That is why these Mega CAFOs should at least require a discharge permit. However, the WV Department of Environmental Protection (WVDEP) has taken a volunteer only approach for all AFOs and CAFOs to apply for a CAFO discharge permit under the state's National Pollutant Discharge Elimination System (NPDES). UPRK has requested WV DEP conduct a review of these Mega CAFOs and determine whether a discharge permit is required. This process is necessary for the public and County Commissioners to understand the impacts of these operations and offer conditions or comments that would ensure pollution does not impact the Potomac and its

tributaries. Unfortunately, WV DEP remains silent, which leaves the burden of managing these Mega CAFOs with county governments.

There is a concern that private investors are working with poultry producers to centralize and grow the poultry industry into these Mega CAFOs to jump start the demand for poultry products. This type of growth would squeeze out many of the smaller AFOs that have produced the poultry products for decades. This concern has been quietly voiced to County officials in Hardy County during a County Comprehensive Plan review that would include zoning that identifies Mega CAFOs as industrial in order to control the placement and number of these operations. Unfortunately, a recently passed law by the WV State Legislature restricts a county government from having any zoning oversight or say in the farming practices occurring in their jurisdiction, so County officials have been unable to stop polluting operations from moving in. The text change in the new law has been used as a threat of lawsuit to deter county governments from limiting these Mega CAFO's.

Now neighboring Grant County has a proposal for construction of another mega CAFO with 16 poultry houses that could hold up to as many as 500,000 to 700,000 chickens per cycle. The potential discharge of poultry litter and ammonia would impact the South Fork of Lunice Creek. Upriver from the proposed mega CAFO site is a designated trout stream and the entire south fork Lunice Creek is a prime tourist attraction for anglers. Grant County government, local business leaders and local farmers do not want mega CAFOs in their county, but the new law threatens the chance for a county to determine what its future looks like.

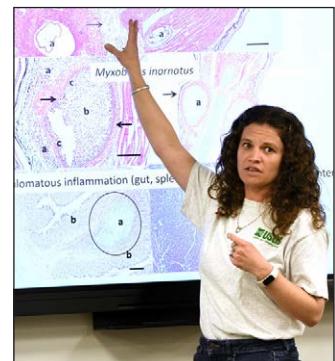
You can help! UPRK will be sponsoring a petition drive to begin the process of changing this law so that counties have the authority and right to envision how their county will grow into the future.



Dr. Vicki Blazer



Mark is compelling and informative



Dr. Heather Walsh

SMALLMOUTH BASS ASSESSMENT – AN IMPORTANT GATHERING OF EXPERTS

Last March, Shenandoah Riverkeeper Mark Frondorf led his third biennial Chesapeake Bay Watershed Smallmouth Bass Health Assessment Symposium hosted by the USGS Eastern Ecological Science Center in Kearneysville, West Virginia. State and federal fisheries biologists and scientists came together and looked at the health of the smallmouth bass populations in the Shenandoah, Maury, Potomac, Upper Potomac, and Susquehanna rivers.

WHAT WERE THIS YEAR'S TAKEAWAYS?

- Alabama bass are a highly invasive species finding their way into the Chesapeake Bay watershed (tidal James). Native to the Mobile River drainage in Alabama, they may have the potential to be as bad as the snakehead was expected to be. Researchers are working on a consistent management approach for the issue.
- On average the Shenandoah smallmouth bass population has improved over the last few years, but this improvement has not been uniform throughout the Shenandoah watershed. The upper and middle stretches of the South Fork are experiencing healthy spawning success while the lower stretch (Luray to Front Royal) has been lagging behind. The North Fork has been struggling to return to its pre-2018 population, and has also suffered from the 52.5-mile Harmful Algal Bloom in 2021 and Algal Mat Alerts in 2022. The Main Stem is a good news/bad news story with relatively poor smallmouth bass spawns since 2016, but with good numbers of quality-sized smallmouth bass.
- In the last two years, the Maryland portion in the Potomac River has witnessed an improvement of the smallmouth bass population after suffering four consecutive years of decline. The biggest challenge has been getting increased numbers of smallmouth bass into the population. To assist with that, Maryland's Department of Natural Resources "DNR" has been engaging in a supplemental smallmouth bass stocking program and working to identify potential environmental stressors that may be impacting young-of-the-year smallmouth bass.
- After suffering a significant reduction in the smallmouth bass population from 2016-2018, the West Virginia stretch of the upper Potomac has been improving. Like the Maryland stretch of the Potomac, West Virginia found a direct correlation between high flow during the spring spawn and low young-of-the-year numbers when sampling in the fall.

This one-of-a-kind gathering of experts is critical to the smallmouth bass in so many ways. It helps everyone involved in the future of the species to have a chance to share what they have observed and learned and also provides an authoritative assessment of what is working – and what needs to be done – continuing the fight to stop pollution and excess nutrient runoff. Respect the Shenandoah!

SHENANDOAH RIVERKEEPER TAKES ON ALGAE



Mark and his iolight microscope

Shenandoah Riverkeeper Mark Frondorf is participating in the Virginia Department of Environmental Quality (DEQ) \$2.5 million Harmful Algal Bloom (HAB) study in the Shenandoah, which is being conducted by scientists with the US Geological Survey (USGS) and the Interstate Commission on the Potomac River Basin.

Mark and Alan Lehman, Program Manager, will help to maintain the in-stream sensor packages, provided by the USGS, which have the capability to test across a multitude of variables: dissolved oxygen, temperature, turbidity, and pH.

Separately from the HAB Study, Mark is employing the new iolight, a high-powered, wireless field microscope that provides a live view of algae cells to quickly determine if harmful cyanobacteria species are present. The iolight, with an algal toxin test kit and our aerial drone, allow Mark and Alan to monitor potential blooms and respond to active ones much more quickly.

Mark and Alan will continue to file algal complaints, including identification of HABs, with DEQ and the state's Department of Health, a vital first step in informing regulators of the breadth of the problem. Their work in bringing this issue to DEQ's attention was instrumental in the creation of the HAB study.

Scan this QR code to use VA's online portal to report algal blooms and let us know that you did so!



ACCESS TO CLEAN AND SAFE DRINKING WATER – A LEGISLATIVE UPDATE

PFAS – “forever chemicals” – are increasingly a source of concern because of their pervasiveness and their toxicity. PRKN is at the forefront of efforts to test, to educate regulators about the importance of the issue, and to encourage legislators to act and to respond to the threats. Thanks to our involvement, Maryland legislators took meaningful action in their last session.



Lobby day



Serena, Mark, and Betsy informing legislators

PFAS IN PESTICIDES

The Maryland General Assembly passed the Pesticides – PFAS Testing – Study bill, which requires the Maryland Department of Agriculture (MDA), in consultation with the Departments of Environment and Health, and with the U.S. Environmental Protection Agency, to clarify several questions regarding how to best test for PFAS in pesticides. This effort was led by the Maryland Pesticide Education Network and supported by Potomac Riverkeeper Network, including our PFAS monitoring results and observations of PFAS-laden pesticide spraying upstream of drinking water intakes.

The results of these studies will inform a 2024 bill that would restrict the use of PFAS-containing pesticides in Maryland, which will help advance the protection of public health from an avoidable and pervasive source of PFAS exposure in our environment.

PFAS DISCHARGED INTO OUR STREAMS AND APPLIED TO LAND

PRKN worked with Senator Sarah Elfreth and Delegate Sara Love to file a bill to require PFAS monitoring for the wastewater discharged from public wastewater treatment plants as well as the sewage sludge (or biosolids) produced by these facilities. Fortunately, the Maryland Department of the Environment indicated that it already had plans to do this work, so the bill was withdrawn and replaced with a budgetary allocation to the MDE to conduct this water testing. Further, MDE placed a moratorium on any new permits to apply biosolids from these facilities to farm fields, a common practice in which the biosolids are used as fertilizer, due to the concern that PFAS found in these biosolids can get into crops. We are eager to work with MDE to ensure that we can stop the spread of these toxic compounds on our fields and waterways.

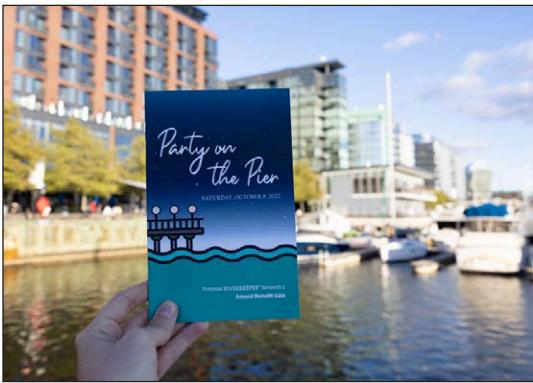
CONTAMINANTS IN PRIVATE DRINKING WATER WELLS

The Maryland General Assembly passed the Private Well Safety Act, to provide roughly 830,000 Marylanders who get their drinking water from a private well with the necessary resources and information to monitor and safeguard their household drinking water and ultimately protect their and their family's health.

Whether it is nitrates or another drinking water contaminant, the Private Well Safety Act is a critical first step to ensuring that all Marylanders have a right to safe, clean drinking water.

ENFORCING THE LAW AND STRENGTHENING OVERSIGHT

Perhaps the greatest win for the Potomac River this year is with the state budget. Governor Moore's first budget finished what last year's major water pollution permitting and compliance bill started by providing 43 new jobs for positions like permit writers and inspectors in the Water and Science Administration with the Maryland Department of the Environment. This massive infusion of resources not only gives effect to last year's potentially revolutionary bill (without the appropriation of budgetary resources, the law is barely worth the paper it's printed on), but it also instills fresh energy and staffing to this long overworked and under-resourced agency.



A wonderful setting for the Gala



Randy Benn and CJ Gross warming up for a great night!

PHOTOS COURTESY OF ANTHONY BOLOGNESE | CAPITOL HILL PHOTO

“PARTY ON THE PIER” GALA SPONSORSHIPS AND TICKET SALES ARE AVAILABLE NOW!



SCAN ME

Get ready for the Best Party on the Potomac! PRKN’s Annual Benefit Gala – October 7, 2023

Ink this date on your calendar and confirm your Sponsorship Level or purchase tickets as soon as possible – this event sold out last year and there were some disappointed folks. Don’t be one of them!

Our “Party on the Pier” Annual Benefit Gala event at the DC Wharf is such a spectacular event – drinks, great food, unique live auction items, dancing and just lots of fun with friends. Every year, we strive to further reduce our climate impact beyond just banning single-use plastics from our events. In recognition of the high carbon cost of meat, this year’s event will feature a primarily vegetarian menu!

You can also become a Sponsor and host a table full of your friends and colleagues for a fun night out on the Pier, and encourage them to share a cause you support!

Last year’s Gala was a fabulous success for everyone who attended, and raised much needed funds to combat threats to the health of the Potomac River. In fact, the band, The Moonlighters, had so much fun, they stayed and played for an extra hour! Thanks to you and your commitment to clean water – we hope for the same success this year.

Use the QR code above to select your Sponsorship level or purchase tickets. You may also visit our website at www.potomacriverkeepernetwork.org/event/party-on-the-pier-2023-gala

FUNDRAISER UNDERWAY FOR WORLD RIVERS DAY SUNDAY, SEPTEMBER 24!

REGISTER TODAY AND SECURE YOUR PLACE IN THE PARADE!

World Rivers Day is an annual celebration of the world’s waterways. It highlights the many values of our rivers, strives to increase public awareness, and encourages the improved stewardship of all rivers around the world. Rivers in virtually every country face an array of threats, and only through our active involvement can we ensure their health in the years ahead. Boaters and river enthusiasts from marinas and communities throughout Potomac watershed will come together to make a bold statement on behalf of the Nation’s river.

Help raise funds to support Potomac Riverkeeper Network’s critical work protecting the public’s right to cleaner and safer river for all.



First held in 2005, World Rivers Day is a celebration of the world’s waterways. Now, several million people in up to 100 countries celebrate our waterways as part of this annual international event.

Last year, we launched an inaugural Potomac River Boat Parade from the Woodrow Wilson Bridge to The Wharf SW Waterfront with support from the local boating community; it was a great fundraising opportunity for us during our year-long celebration of the 50th anniversary of the Clean Water Act.

This year, we again are encouraging boaters to participate – use the QR code to register your boat. It’s only \$50 and you get a cool flag! Then get your friends and family to make a donation on your fundraising page. Prizes for top fundraisers include two tickets to this year’s Party on the Pier Gala!

Plus, thanks to our friends at Pacifico and LakeArts Foundation, we will conclude the day with a terrific beer bash and a “Rolling on the River” music festival!



SCAN ME

PARADE STARTS AT 12:00 NOON

Parade begins on the water at Buoy #2 in view of Barca in Old Town Alexandria and ends at Transit Pier at The Wharf

AFTER PARTY AT 2:00 PM AT TRANSIT PIER



POTOMAC

RIVERKEEPER®

NETWORK

3070 M Street NW

Washington, DC 20007



*We need your help to protect
and defend our waters!*



 SCAN ME

After the recent devastating Supreme Court decision removing federal Clean Water Act protections for more than half of our Nation's wetlands, our nation's kidneys, we can expect that polluters will step up the pace of destroying these vital water resources. We are already hearing of attempts by polluting industries to roll back state-level protections in our watershed.

Our enforcement and advocacy cost money – hydrologists, water sample testing, engineers, and expert witnesses.

Help us prepare for the coming assault on clean water by making a donation today. Use the QR code. Thank you!

POTOMACRIVERKEEPERNETWORK.ORG/DEFEND