

RIVER WATCH

The Official Newsletter of POTOMAC RIVERKEEPER® NETWORK

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SIDLEY AUSTIN -
INVALUABLE LITIGATION
PARTNERS



Paddling fun on the River - photo credit Alan Lehman

At last! We are again able to host our popular River-Palooza paddles this year. And RioPalooza this year is going to be bigger and better than ever before!

Of course, we all recognize that we're not in the clear yet – we'll still practice, and insist on, some prudent measures so that we are all assured of our safety. However, won't it be great to be back with our friends on the river after all this time?

The great news about the lineup is there is really something for everyone. We have history and culture – Piscataway Conoy tribal paddle at Mattawoman Creek (which also features incredible biodiversity), Antietam Creek (with on the water historical perspectives from a Civil War historian), Mallows Bay's Ghost Fleet tour of sunken ships (and Mallows Bay is also the nation's newest National Marine Sanctuary). We have some novelty – river snorkeling which enables participants to see what life is like under, rather than on, the water. And we have just plain fun: The Trough, with its challenging stretches but great beauty, Overnight Camping, and the Harpers Ferry Blowout. These are pretty much guaranteed to put a smile on your face!

And RioPalooza, Saturday, September 18, will be a treat for families of all ages and will be conducted in both Spanish and English so everyone can participate. Our supporters and partners are US Forest Service,

National Park Service, Hispanic Access Foundation, Virginia Outdoors Foundation, Virginia Department of Wildlife Resources, EcoLatinos, and Defensores de la Cuenca. We have a new location, Elizabeth Furnace Recreational Area, alongside Passage Creek, near Fort Valley, VA. The bilingual event will feature the Buffalo Soldiers, snorkeling, fishing, forest bathing, and kid-and parent-friendly fun. We will also have the Latin Grammy-award winning music of Mr. G and his band!

HERE'S OUR LINE UP:

- **Piscataway Conoy Tribe paddle** with the Piscataway Conoy Tribal Council – June 5
- **Antietam Creek** with our partner, Team River Runner – June 10
- **South Branch Trough** with our partner, Team River Runner – July 10
- **Snorkeling** with the US Forest Service – July 16
- **Ghost Fleet at Mallows Bay** with the National Oceanic & Atmospheric Administration – August 7
- **Overnight camping and tubing** with our partner, Defensores de la Cuenca – August 28
- **Goodbye Summer Blowout** with our partner, Outdoor Afro – August 29
- **RioPalooza** – September 18



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A LETTER FROM THE PRESIDENT



GREETINGS,

Greetings,

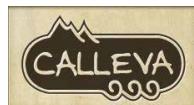
Spring has finally sprung and we are heading into what looks to be a promising summer. After a year full of weathering the pandemic, there seems to be a light at the end of the tunnel and we are finally getting back to outdoor events and activities we love the most, such as kayaking, boating and cleaning up the river! We regret our inability to host in person events last year and have been overjoyed to begin our events again outside at a distance. This spring we have seen the resilience of our community and drive like no other to continue fighting for water quality together, despite our physical distance. At Potomac Riverkeeper Network, we have had record numbers of volunteers at our cleanups, have re-started and

are expanding our volunteer community science water quality monitoring program, and are hard at work planning amazing activities for this summer. After a year of staying inside and distancing, it is no surprise we are so eager to get back on the river and experience its beauty again. Please join us! Whether through cleanups, water quality monitoring, or participating in RiverPalooza, I encourage you to come out and make the most of this time to rejoin together and make a difference on the Potomac and Shenandoah. If you're interested in these events and more make sure to check our events calendar and sign up before spots are filled. We cannot wait to see you again this summer and back on the river!

Sincerely,

Nancy Stoner, President

THANKS TO OUR SPONSORS, PARTNERS, AND OUTFITTERS — WITHOUT THEM, RIVERPALOOZA AND RIOPALOOZA JUST WOULD NOT BE POSSIBLE.



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.

PEER-TO-PEER FUNDRAISING – IT'S FUN AND IS A GREAT WAY YOU CAN HELP TO PROTECT THE RIVERS

Pat Munoz, a longtime PRKN board member, walked more than 50 miles for a birthday walkathon, raising over \$6000 for PRKN! This is a great example of how you can support our organization, while having fun! She simply asked her friends to sponsor her for a dollar amount per mile, then she hiked along the Potomac River!

The scripts for different possibilities write themselves. For you anglers, get your friends to sponsor you for so many dollars per fish you catch – although for this occasion, you will have to be honest about your daily catch! For you paddlers, a dollar a mile. For those who like cleanups, a donation for each bag of trash collected. Birders – you can do the same: so much per bird observed, but maybe a premium for one you add to your life list. Come up with your own idea – this list is certainly not exhaustive.

The point is that you, by creating your own “peer-to-peer” fundraiser, can have some fun, engage with your friends and make them more aware of PRKN’s work, and put some well needed dollars into our program budget.

The things we accomplish – in Maryland, ridding the North Branch of the Potomac of toxic “black liquor” from a papermill; in Virginia, stopping toxic coal ash runoff from polluting the Potomac and Quantico Creek and protecting the Shenandoah from fecal contamination by cattle herds – these are just the beginning of a lengthy list of accomplishments. But to achieve them we need you and your support. Your support can be measured in many ways: time and treasure. And both are vital and equally important. So please think about being a leader in your own personal fundraising effort.

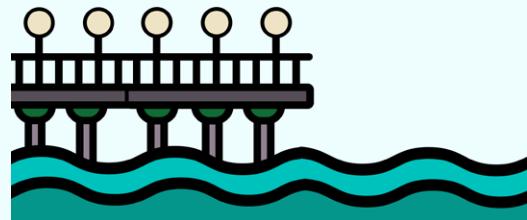
We thank you!



Peer to peer fundraising is fun!

Party on the Pier

Potomac RIVERKEEPER® Network's
Annual Benefit Gala



Save the Date for

“PARTY ON THE PIER!”

Saturday, September 25, 2021

PRKN'S ANNUAL BENEFIT GALA

Last year's first-ever Virtual Gala was a huge success – you tuned in and together we raised \$200,000 to support clean water in the Potomac and Shenandoah rivers!

We are very pleased to be able to return to an in-person gathering, which we will do OUTDOORS this year to enhance safety, and we will still have a virtual aspect to suit everyone's tastes. How could we possibly outdo last year's success you might ask?

We have lots of great surprises in store for a 2021 Gala you won't want to miss. This year, we will “Party on the Pier”, under tents, but still outdoors – on the Dockmaster Building District Pier, at The Wharf Washington, DC. And, our research vessel, MV Sea Dog will be joining us! If you haven't been able to come aboard to see our state-of-the-art water quality monitoring lab, this is your chance!

We will also showcase our first-of-its-kind, in-river freshwater mussel nursery, with a special prototype cage developed in partnership with Peterson Companies and the Maryland Department of Natural Resources. You will see the progress of our 50 Million Mussels project, harnessing the pollution filtering capabilities of native freshwater mussels to put some “mussel” back in the river. The “before and after” impact of mussels on dirty water is absolutely amazing.

And we'll have fun, too. A Potomac Riverkeeper Network Gala always has music, dancing, inspiring stories of the work the Riverkeepers do, and general frivolity. Mark your calendar for September 25, 2021 and come “Party on the Pier!”

POTOMAC RIVERKEEPER®

DRY WEATHER SEWER DISCHARGES – WHAT IS GOING ON?



This is why we are acting – photo credit Kathy Summers

Last October, on a beautiful clear day, one of our members – an avid and experienced paddler – was on the river on her prone board – a paddle board on which one is lying down rather than standing – near the Washington Canoe Club in DC, when she became aware of warm cloudy water with an unimaginable stench. She was near Combined Sewer Outfall pipe 29 at the time and knew that it overflows raw sewage when it rains, but she was not expecting to see raw sewage in the water during fair weather. She realized to her disgust that she was paddling in raw sewage!

To add to her disgust, she experienced the same sewage discharge several more times during dry weather when no discharge should be occurring. CSOs are designed to dump stormwater and sewage into the river during rainfall, not sunny weather.

She wrote a complaint to DC Water, the utility that operates the sewer system in DC, and notified Dean Naujoks, Potomac Riverkeeper. Dean was, in fact, already aware of the problem at Outfall 29 and reported it to both the District Office of Energy and the Environment and U.S. EPA.

DC Water investigated and reported that they had found the problem, a construction contractor working upstream in the sewershed was pumping sanitary sewage around a construction project and was sending the raw sewage to the CSO outfall where it was flowing untreated into the river instead of to the Advanced Wastewater Treatment Plant at Blue Plains. DC Water now claims that the bypass pumping has been corrected and that the discharges from the construction project have ceased.

Despite DC Water's assurances, Dean is pushing EPA and DOEE to investigate further to make sure dry weather discharges do not happen again. Thanks to the paddler knowing to contact Dean and report this to DC Water, we resolved this particular pollution incident. PRKN's Riverkeepers specialize in investigating public reports of pollution discharges and spills and make sure they are addressed promptly to protect public safety.

Discharges of raw sewage threaten the health of people recreating in the river highlight the value of our Swimmable Potomac Campaign, which is working to end all raw sewage overflows, and our community water quality monitoring program, which reports on bacteria levels at 17 public access sites along the Potomac River using the popular **SwimGuide** app.

This kind of event really emphasizes how important your observations can be to the Swimmable Potomac Campaign. The member who informed Dean is an avid recreational paddler herself and is deeply concerned about the health of her fellow river users; by sharing information in real time, others can be spared the actual health danger she encountered. Our Swimmable Potomac Campaign is rooted in our vision of a clean Potomac where everyone can recreate without fear of getting sick from exposure to raw sewage.



Dean at sunset – photo credit Nancy Stoner

UPPER POTOMAC RIVERKEEPER®

KEEP THE CACAPON CLEAN INITIATIVE – PRESERVING A HERITAGE



The beautiful Cacapon - photo credit Brent Walls



A beautiful day on the Cacapon River – photo credit Brent Walls

The Cacapon River in West Virginia is a beautiful stretch of water and is an American Heritage River, which means that it gets special attention to further three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation. The river has long been a favorite of Brent Walls, Upper Potomac Riverkeeper.

Last year, with his friends at the Cacapon Institute, Friends of the Cacapon River, West Virginia Nature Conservancy, and Trout Unlimited, Brent helped to organize the “Keep the Cacapon Clean Initiative”; its events were a predictable but regrettable casualty of the Covid pandemic. But Brent is nothing if not indefatigable! So this year, it’s running – in fact, it has already started!

Earlier this May, Brent and legendary river denizen Mike Dudash of Eagle Aquatics led a Cacapon River float. The rest of the season’s schedule is to the right, but be sure to observe some of the unusual offerings, many for kids – three Sundays of fly fishing instructions, a float for “stream scholars,” and for the whole family, Riverfest in August will have everything: float, art and education, food, drink, music!

Saturday, June 5 10 AM

“TRASH YOUR CANOE” (Floating River Clean Up Contest)

Sundays, July 18 & 25 2 to 5 PM

Beginning Fly Fishing Camp for Ages 8 to 16

Tuesday, July 20 Time TBD

Stream Scholars Open River Float at Cacapon Lake

Saturday, August 7 10 AM to 1 PM

Macroinvertebrate Survey and Presentation

Saturday, August 21 11 AM to 9 PM

RIVERFEST (Float, Contests, Art & Education, + Music, Food & Drink at The River House Capon Bridge, WV)

Saturday, September 4 9 AM - 4 PM

Potomac River Float from Great Cacapon to Hancock

Saturday, October 16 10 AM

Ice Mountain Hike North River Mills, WV

Saturday, NOV 13 2:30 PM

Environmental Short Film Festival, Star Unity Theater, Berkeley Springs, WV

SHENANDOAH RIVERKEEPER®

SHENANDOAH RIVERKEEPER RAISING THE BAR ON DIVERSITY

As the staff liaison to the Potomac Riverkeeper Network Board of Directors committee on Justice, Equity, Diversity and Inclusion (JEDI), Mark Frondorf, Shenandoah Riverkeeper, has tasks beyond getting cattle out of the river, documenting and reporting nuisance algal outbreaks, and generally protecting the health of the river and its native species – he is the tip of the spear for planning and implementing the PRKN Strategic Plan's commitment to increasing our visibility and integrating our work among communities that have historically been excluded from the conversation. PRKN is working to strengthen our connections with these communities and to ensure our pollution-stopping work is directly benefiting them.

Mark's work takes a variety of forms. First, as staff liaison, he has spent many hours with the JEDI Committee and its leadership to draft recommendations for adoption and implementation in the PRKN Board Handbook and other policy documents that codify our beliefs and clearly articulate where we stand on JEDI matters. There is much sensitivity to this work, but its importance is undeniable. The good news is that the members of the Committee share his dedication and his willingness to work, so the project is moving more quickly than we had hoped!

Mark is also “boots on the ground” for growing our relationships with those communities that have not had proper representation when it comes to protecting its people and improving their access to the use and enjoyment of the river. For example, all of you have read about his unique event in the Shenandoah Valley, RioPalooza, and he is now working the details of its third annual iteration on September 18. He has found a new location, Elizabeth Furnace Recreation Area, Fort Valley, VA, which should be even more congenial to gathering. The event will again feature its historically popular array of activities for kids and parents to encourage access and appreciation for the river.

The US Forest Service has formally partnered with PRKN as a result of our shared commitment to making public land and water available to use and enjoy for all people. In addition to being a RioPalooza co-sponsor, the Forest Service is also partnering with the Shenandoah Riverkeeper for the July 16 snorkeling float in our RiverPalooza series. The kind folks at Downriver Canoe will serve as our outfitter for this wonderful trip to explore the beauty of the river, both above and below its surface.

Mark does not, as a result of all this, have much spare time on his hands! But the rewards speak for themselves.



Nothing like seeing the next generation! Photo credit Alan Lehman



The river sustains all of us – photo credit Alan Lehman



This could be you! Photo credit Alan Lehman

RIVER RODEO!

September 11 is the date and the Bentonville Low Water Bridge Campground is the place for Shenandoah Riverkeeper Mark Frondorf's famous River Rodeo! We moved the date from July to September to buy us more time for the Covid vaccines to do their work, get us out of the summer heat, and puts us on the water with fewer competing boats and tubers.

The event is always eagerly sought out by the anglers among us – and why not? Mark puts together a who's who from the region's fishing guide community. Guides graciously donate their hard-earned wages for the day to help support the Shenandoah Riverkeeper's work protecting the watershed, and those wages come from anglers who want to get in on the fun, learn a new stretch of water, fish with the top guides in the Mid-Atlantic and enjoy a fantastic dinner over a campfire and a night under the stars.

If you are an angler – spin or fly – or you want to be, sign up for this memorable opportunity. It supports us, of course, and it is also a great way to thank Mark's friends, the guides, who donate their time and their guide fees for the day to the Shenandoah Riverkeeper program.

SIDLEY AUSTIN – VALUED, AND INVALUABLE LITIGATION PARTNERS



David Buente of Sidley Austin

SIDLEY

environmental laws and hold polluters accountable. And we could not do it without the world-class, and generous, legal representation we receive from Sidley Austin. And every hour the lawyers spend is donated pro bono! You'll read about four cases since 2010 – a good and representative sampling over four states and our watersheds.

When Brent Walls, Upper Potomac Riverkeeper, discovered that Specialty Granules, Inc., was allowing illegal polluted stormwater discharges from its mining operation into pristine Tom's Creek in Adams County, PA, he undertook some novel sleuthing with his drone. The photographic evidence he obtained was more than enough for the lawyers at Sidley Austin to prepare the Notice of Intent to Sue under the Clean Water Act. After receiving the Notice letter, SGI quickly stopped the illegal discharge and sat down with us to resolve our concerns, eventually agreeing to install a permanent filtration system to remove mining sediment from its stormwater discharges and protect Tom's Creek. This case is a major success for two reasons: it is the first Clean Water Act enforcement action of which we are aware to be based primarily on evidence captured by a drone, and the filtration system is truly state-of-the-art, the most advanced in the country for a mining operation of its kind.

In western Maryland, discharges of untreated sewage from failing septic tanks at the Deer Lodge Mobile Home Park in Hagerstown prompted Brent to enlist Sidley's help once again. The leaking septic tanks were flowing through underground drainage pipes to a tributary of Conococheague Creek, a beautiful stream prized by paddlers and anglers alike. UPRK's Clean Water Act suit led to a federal court consent decree with Deer Lodge's owner, who committed to building a new community septic system for 27 mobile homes.

On the tidal Potomac, Dean Naujoks, Potomac Riverkeeper, discovered illegal discharges of toxic coal tar into the Potomac River from an old industrial site on Alexandria, Virginia's waterfront, now part of a city park. Sidley attorneys filed Notice of Intent to Sue under the federal Resource Conservation and Recovery Act against the City, compelling Alexandria officials to finally take action after decades of neglect. Our legal pressure led to Alexandria dredging contaminated sediment from the riverbed at the discharge point,

"Potomac Riverkeeper Network punches way above its weight class" – a commonly heard refrain. And in considerable measure it's because of the support we get from such an extraordinary range of partners. In this issue, we would like to highlight the litigation help we get from Sidley Austin, whose work for us is led by partner David Buente. PRKN is unique in the realm of environmental organizations, because unlike so many others, we find the violations, investigate them, and, when necessary to stop pollution, go to court to enforce environmental laws and hold polluters accountable.

the first step to remediating this historic pollution. With Sidley's invaluable support, Dean is working to force a comprehensive clean-up that will end this chronic pollution once and for all.

Ox Paperboard in West Virginia had been violating its Clean Water Act permit for at least four years, releasing pollutants that cause fish kills and other environmental problems in the Shenandoah River. After Sidley filed suit on behalf of Shenandoah Riverkeeper, Ox Paperboard folded and agreed to design and implement a biological treatment system to properly treat its wastewater. Ox also agreed to pay over \$100,000 in fines to the U.S. Department of Justice, and to fund a \$50,000 Supplemental Environmental Project to restore Flowing Springs Run on the Shenandoah River.

Sidley Austin, 150 years after its founding, comprises a diverse group of legal professionals from many cultures who are dedicated to teamwork, collaboration and superior client service. The firm strongly believes in creating opportunities for people of all backgrounds by retaining and promoting outstanding lawyers who reflect the global marketplace and communities that they serve. Its dedication to achieving greater diversity and inclusivity extends beyond the firm to the legal profession as a whole. Sidley Austin is passionate about making a meaningful impact by fostering positive change in many ways. Through its four firmwide pro bono projects, its lawyers and staff devote more than 100,000 hours annually to pro bono work, playing a vital role in people's lives around the world. In addition, Sidley Austin partners with several charitable organizations as part of its corporate responsibility program, enabling its professionals to contribute their talents to a variety of volunteer projects that benefit communities in need.



The drone captures this image of SGI's mining operation



POTOMAC

RIVERKEEPER®

NETWORK

3070 M Street NW

Washington, DC 20007

RiverPalooza Event Schedule

June 5	Piscataway Conoy Tribe Paddle (Indian Head, MD)
June 10	Antietam Creek (Boonsboro, MD)
July 10	South Branch Trough (Romney, WV)
July 16	Snorkeling on the Shenandoah (Bentonville, VA)
Aug 7	Ghost Fleet, Mallows Bay (Nanjemoy, MD)
Aug 28	Harpers Ferry Tubing and Overnight Camping (Purcellville, VA)
Aug 29	Goodbye Summer Blowout (Harpers Ferry, WV)
Sept 18	RioPalooza! (Fort Valley, VA)



RiverPalooza Is Back with a Year of Amazing Trips – Paddling, Snorkeling, Birdwatching, Family Fun, and Excitement!

RiverPalooza is a series of events designed to provide families and river enthusiasts with memorable on-the-water experiences that build a deep and enduring appreciation for our rivers.

No other event of its kind offers as wide a range of on-the-water and paddling events. RiverPalooza's kayak adventures, snorkeling, birding, and floats for all skill levels make it a popular event for all ages. Opportunities include a cultural paddle with the Piscataway Conoy Tribe on Mattawoman Creek (a location noted for its exceptional biodiversity) and a paddle through historic Antietam Creek.

RioPalooza is a full day of dual-language family fun on the water, designed to reach both Spanish and English speakers with a range of fun activities along with music by Latin Grammy-award winner Mister G.

Potomac Riverkeeper Network (PRKN) runs RiverPalooza in collaboration with sponsors and partners—including the Virginia Outdoors Foundation, the National Park Service, the U.S. Forest Service, and many others—with a single goal in mind: the more people experience and enjoy our rivers, the more they will value them.

Get all the details at www.RiverPalooza2021.org