



Potomac RIVERKEEPER®
Shenandoah RIVERKEEPER®

RIVER WATCH

The Newsletter of Potomac RIVERKEEPER, Inc.

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495 HOT Lanes Construction Polluting Accotink Creek

As snow pummeled northern Virginia, Potomac Riverkeeper took action against a major polluter in Fairfax County, VA.

As you might know, a portion of the I-495 High Occupancy Toll ("HOT") Lanes construction site is severely damaging Accotink Creek, the Potomac River, and the Chesapeake Bay. Sediment pollution is leaving the site and has entered Accotink Creek and its tributaries on numerous occasions.

Potomac Riverkeeper and two individuals sought to end this problem by notifying Fluor-Lane LLC, the HOT Lanes developers, of our intent to sue under the Clean Water Act (CWA) if Fluor-Lane continues to violate Virginia law and allow the pollution to enter Accotink Creek. Coverage of our action ran in *The Washington Post*.

Fluor-Lane has not stopped polluting despite numerous complaints from the public and inspections from state agencies. If Fluor-Lane does not stop the pollution and comply with the law, legal action may be one of the few remaining options.

In every visit after September, 2008, the state has reported pollution leaving the site. The pollution was so bad that, on June 19, 2009, the Virginia Department of Transportation (VDOT) temporarily shut the site down so Fluor-Lane could have more time to comply with the General Permit and applicable regulations. Construction resumed after just a few days—and so did the violations.

We decided to investigate Fluor-Lane after receiving reports and photos from Philip Latasa and Kris Unger, who live in the area and have been observing the construction site since August, 2008. Jeff Kelble, our Shenandoah Riverkeeper, previously lived in the area and fished in



Polluted water is leaving the HOT Lanes construction site and entering Accotink Creek. Photo by Kris Unger.

the stream. He also made site visits and took photos of the pollution.

In addition to the legal and environmental concerns, there are economic concerns. In 2005, Fairfax County residents spent \$8 million dollars dredging the mud out of Lake Accotink downstream from the HOT Lanes project. Problems near the HOT Lanes development will only accelerate the schedule of the next cleanup, with Fairfax County residents footing the bill.

Please let us know your experiences with the 495 HOT lanes development. You can send us stories and pictures by emailing keeper@potomacriverkeeper.org or by calling 202-222-0707. If you would like to read more about our legal actions and pollution in Accotink Creek, please visit us at www.potomacriverkeeper.org.

In This Issue

Agricultural Pollution in W. Virginia
page 2

Stormwater Regulations Stalled
page 3

From the Board
page 4

News in Brief
page 5

Potomac Riverkeeper's 10th Anniversary
page 6

Upcoming Events
page 7

Mattawoman WWTP Permit
page 8

Get the DIRT Out

As you just read, some developers allow polluted sludge to run into our rivers and streams, leaving taxpayers with a hefty clean up bill. The story is all too common in our area, but now you can change the ending. For the past year, Potomac Riverkeeper staff members have visited community groups across the Potomac watershed, teaching residents how to stop pollution from construction sites in their neighborhoods. We call it our **Get the DIRT Out** program, and so far we've trained over a hundred residents. If you would like to schedule a workshop for your community group, please give Nadia a call at 202-222-0707 or email keeper@potomacriverkeeper.org.



Agricultural Pollution in West Virginia: Who 'Ya Gonna Call?



Keeping cows out of the river is a good way to keep their waste out, too! It is also healthier for cows.

Every state in the US is responsible for enforcing the Clean Water Act. The ways of doing so vary from state to state, but there is a protocol to be followed if you spot a hazardous spill, fish kill, or someone dumping pollution into your local river or stream.

When it comes to agricultural pollution, however, the protocol is not always clear. In some of the Chesapeake Bay states, concerned residents have to deal with multiple state and local agencies just to get an inspector to visit a farm. The process takes days or even weeks.

In West Virginia, I'm sad to report that there simply is no working mechanism for reporting pollution at an industrialized farm. I came to this alarming realization soon after I was added to the Potomac Riverkeeper staff. I wasn't familiar with West Virginia protocol because I came from a Riverkeeper organization in Maryland, so one of my first tasks was finding out who enforces farm pollution, and how concerned residents could report farm pollution.

I met with several Department of Environmental Protection (DEP) enforcement personnel who investigate pollution complaints. I asked them how they would respond to a citizen complaint about manure spilling into a local

waterway? Their answer: "Nothing, we are told to not bother with any issues originating from a farm."



Brent Walls, Upper Potomac River Manager

The people at DEP suggested I ask the Natural Resources Conservation Service (NRCS), a federal agency. So I asked the local NRCS office the same question and their response was, "That problem is handled by the WV DEP."

DEP says NRCS will handle pollution from a farm and NRCS says DEP handles it. Obviously there is something wrong with this picture.

I asked an NRCS representative: if I had the address and name of a farmer, along with pictures documenting problems at his or her farm, would you make an effort to contact that farmer and provide options for funding to fix the problem? The answer from NRCS was a simple "No." NRCS usually waits for the farmer to come to them and suggested that I educate the farmer on the different programs that can help. I'm beginning to understand why most people don't call in pollution problems.

So who do you call in West Virginia about agricultural pollution? For now, it's Potomac Riverkeeper.

Stormwater Regulations in VA Are Stalled

A Virginia panel is already backing away from the stormwater regulations it passed in December, and the move could spell trouble for federal agencies leading the Chesapeake Bay restoration effort.

Last month, Virginia's Soil and Water Conservation Board voted to suspend regulations that would tighten pollution standards at new and redeveloped sites. The regulations include limiting the amount of polluted runoff that can leave a site as well as reducing the speed of the polluted runoff.

Beginning February 15, 2010, the regulations will be up for public comment for the third time since June, 2009. The Board decided to reopen the public commenting period for a second time after hearing complaints from 25 builders.

No matter what the effects of the new commenting period are, the simple truth is that the Water and Soil Conservation Board has already heard public comments—twice—and it has already passed the regulations. The process is

over, and all sides should respect the outcome. Potomac Riverkeeper encourages public comments from citizens as well as builders, but cannot support “do overs” simply because one side was unhappy with the results.

The regulations were supposed to take effect July 1, 2010, but the latest round of public commenting, coupled with proposals in the state legislature, could delay the process by a year or more. With similar proposals being considered in Annapolis, we wonder what happened to the spirit of restoring our local rivers and streams from the mountains to the Chesapeake Bay.

Healthy rivers and streams mean healthy people and economies. We were promised strong action at the federal level if the Bay States continued down the path of loud support but inadequate action. Now that Maryland and Virginia are cutting corners, will the EPA get involved? Stay tuned for more updates.

Maryland Waterkeeper Groups Call for an Overhaul of MDE

Late last year, Potomac Riverkeeper and others sought major changes in the way Maryland operates and enforces the Clean Water Act.

On December 7, the Waterkeepers Chesapeake of Maryland (which includes Potomac Riverkeeper) and the Waterkeeper Alliance filed a petition asking the Environmental Protection Agency (EPA) to strip Maryland of its authority to administer a pollution permitting program for dischargers in the state.

We believe Maryland's Department of the Environment has systematically failed to effectively administer and enforce the Clean Water Act's pollution permitting program, and that failure prompted our actions.

The petition, which was filed on behalf of the Waterkeepers by the University of Maryland Environmental Law Clinic, immediately received coverage in the *Baltimore Sun*, *The Annapolis Capital*, and *The Washington Post*.

The EPA has heard from us—and now your elected officials must hear from you! Read the information in the nearby box and tell your elected officials: “Enough is enough! Now is the time to restore our rivers and streams!”



Your Voice is our Strongest Tool!

You can have an impact on our recent petition to clean up our local rivers and streams, as well as the Chesapeake Bay. As always, Potomac Riverkeeper is working to protect all of us living in the Potomac River watershed, but you can help our actions go further by telling your elected officials that you support Potomac Riverkeeper.

Here's what you need to know:

1. Maryland has not cleaned up our rivers and streams as promised
2. the Waterkeepers have appealed to the EPA to take control of these responsibilities and clean up our rivers and streams

Here's what you can do:

1. Visit our resource page at www.potomacriverkeeper.org/electedofficials and find:
 - * A summary of our case
 - * Links to our press release and the original petition
 - * Easy to use tools that help you find your elected officials
 - * Email and street addresses for your elected officials
 - * Sample letters to send to your elected officials
2. Write a letter to your elected officials
3. Write an email to your elected officials
4. Write to your favorite newspaper or blog in support of our actions

Please email copies of any letters or emails to us at keeper@potomacriverkeeper.org. With your help, we can restore Maryland's rivers and streams. Remember, the best drinking water comes from the healthiest river!

Newly Appointed to the Board...



Brent Blackwelder has served as an environmental advocate for over 40 years. In 1994, he became president of Friends of the Earth and was the most senior environmental lobbyist in Washington. Brent was a founder and first chairman of the board of American Rivers, our nation's leading river-saving organization. As a leader in the effort to save rivers, Brent helped expand the National Wild and Scenic Rivers System from eight rivers in 1973 to over 250 today. He also worked to eliminate over 200 dams and other water projects that would have destroyed rivers, wetlands, wildlife and areas of special scientific value.



John Gibson is the founder and owner of Downriver Canoe Company, a river outfitter on the Shenandoah River founded in 1974. He lives near Luray, Virginia on a 220 acre farm which has been placed in conservation easement. He is a founding member and past president of the Friends of the Shenandoah River. John has been interested in Riverkeeper organizations ever since reading an article in *The New Yorker* magazine about the Hudson Riverkeeper. John says he is looking forward to communicating the views and opinions of Valley residents and the recreational and agricultural communities in particular.

Goodbye, Friends!

Potomac Riverkeeper staff and Board would like to say thank you and goodbye to two outstanding people who retired from our Board at the end of 2009. Katherine Baer was the chair of our Litigation Committee and served on the Board for four years. Carrie Collins was a member of our Communications Committee and served on the Board for six years. We will miss your presence at the Board meetings, but we know we'll continue to see you around the watershed!

Thank you to our 2009 River Stewards

We would like to give a special thank you to Potomac River Stewards, members who are dedicated to helping sustain Potomac Riverkeeper with a significant annual contribution.

Riverkeeper Circle

(\$10,000+)

Ann & David Broder
Ken deLaski
G. Cabell Williams III
Sally Davidson
Clyde's Restaurant Group

River Champions

(\$5,000 - \$9999)

Peter Bross
Andrea Young

River Protectors

(\$2500 - \$4999)

Kiehl's

Avis Ogilvy Moore
Elaine Bernstein *

River Defenders

(\$1000 - \$2499)

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John Holmes*
Jessie Harris
Dennis Dineen*
William Moore
Pat Munoz
David & Gretchen Neal
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Lisa Rarick
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River Sponsors

(\$500 - \$999)

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Ralph & Julie Hendrickson*
Judith Jones
Paul McClenon
Mark Obrinsky*
Scott Plein*
Mac Thornton

*Designated Shenandoah Riverkeeper

News in Brief



EPA to address endocrine disruptors

Late last year, the U.S. Environmental Protection Agency (EPA) announced it would list "Chemicals of Concern," detailing those chemicals that are potentially dangerous to humans and the environment. Currently, the Federal Government only monitors 200 of the 60,000 chemicals known in 1976. Since 1976, 20,000 additional chemicals have entered the US marketplace. Some of the chemicals are endocrine disruptors, which can manipulate hormones in living organisms. Endocrine disruptors have been linked to the intersex fish phenomenon in our rivers and streams. In addition to the EPA list, Sen. John Kerry (D-MA) and Rep. Jim Moran (D-VA) introduced the Endocrine Disruption Prevention Act of 2009 [H.R. 4190] to facilitate the research necessary to determine whether these chemicals are affecting human health. For info, go to http://moran.house.gov/list/press/va08_moran/Endocrine.shtml. We need to test every chemical in our water supply before we can determine it's safe to drink!



Didymo: An Invasive Freshwater Alga

Exotic invasive species compete with native species for water, light and nutrients and can decrease the overall diversity of animal and plant life in our watershed. Nonprofit watershed groups throughout the Potomac region are busy combating invasive species and educating the public about the threats they pose. One of the newest threats is *Didymosphenia geminata*, commonly known as Didymo. This invasive alga coats the bottom of rivers and lakes and smothers fish habitats. Hitching a ride on recreational equipment, including boats, kayaks, lifejackets, and fishing gear (particularly waders), is the most likely way for Didymo to spread. Check out http://www.dnr.state.md.us/invasives/Didymo_EPA_Fact_Sheet.pdf on ways to decontaminate your equipment. It is important that we do not spread Didymo. Once a waterway is infected, it is not possible to eliminate it.



Maryland Grazers Network: Rolling up sleeves for green farming

We'd like to highlight the Maryland Grazers Network, a group that is rolling up its sleeves in an effort to increase sustainable farming. The network revolves around team work, pairing an experienced farmer with one who wants to improve on or implement sustainable farming systems. Mentors teach the best practices in pasture management, fencing, and watering systems to help their partners, with the goal of increasing awareness and, of course, restoring our rivers and streams. The project also provides an opportunity for farmers to start a direct marketing operation for their grass fed beef and dairy products. Keep up the good work!



Two New Ways to Make Your Views Heard at the EPA

Under the President's Open Government Directive, the EPA is soliciting ideas and comments until March 19 at www.epa.gov/open/index.html?gd. The EPA would like to hear from you on how they can develop their Open Government Plan, prioritize information for publication, and improve the availability and quality of published information. The EPA also wants you to report non-emergency suspicious activity related to oil and gas development. Called "**Eyes on Drilling**," the number for the tip-line is (877) 919-4EPA and the email is eyesondrilling@epa.gov.

To receive our monthly Enews, send an email to keeper@potomacriverkeeper.org

It's Potomac Riverkeeper's 10th Anniversary

Ten ways to support Potomac Riverkeeper in '10

As a part of our 10th Anniversary, we want to let you know how you can improve the Potomac River, the Shenandoah River, and all the rivers and streams in the Potomac River watershed. That's why we're bringing you 10 in '10: a list of 10 ways you can help in a specific area. For our inaugural 10 in '10, we're bringing you 10 ways you can support Potomac Riverkeeper.

1. Become a member of Potomac Riverkeeper (already a member? give a gift!)
2. Volunteer—there are so many ways (including the Potomac River Gala on June 6th, 2010!)
3. Host a house party and introduce your friends to the Potomac Riverkeeper, the Shenandoah Riverkeeper, or the Upper Potomac River Manager
4. Join our listserv (already on it? tell a friend to join!)
5. Wear your support—go to our online store and purchase a hat, a bumper magnet, or a tee shirt (or get all three!)
6. Book our Get the DIRT Out volunteer training for your watershed group's next meeting
7. Sponsor one of our fundraising events
8. Be a leading supporter of the river and become a River Steward
9. Follow us on Facebook and Twitter
10. Talk to your employer about being a corporate sponsor and matching your donation

If you would like to get involved in any of these ways, be sure to email us at keeper@potomacriverkeeper.org, or call 202-222-0707!



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Upcoming Events



The faces of success: last year's group after picking up trash around Occoquan Creek

Potomac River Watershed Clean Up

April 10, 2009 • Occoquan Creek (VA)

Potomac Riverkeeper is partnering with REI of Fairfax to clean up Occoquan Creek during the 22nd annual Potomac River Watershed Cleanup. Over 50,000 volunteers have participated in the cleanup, which is hosted by the Alice Ferguson Foundation, removing 3 million tons of trash. Please come out and help us! Email keeper@potomacriverkeeper.org.

Annual Potomac River Gala

June 6, 2009 • Alexandria Harbor (VA)

Come celebrate our 10th Anniversary at our annual Potomac River Gala on June 6th, 2010. Join us once again aboard the *Cherry Blossom*, the iconic Potomac River paddle boat in Alexandria. We will have food, drinks, live music, and live and silent auctions. We'll also be handing out our second annual "Protector of the Potomac" award to honor a person or organization that has demonstrated an unmatched dedication to restore our Nation's River. Last year, we honored the Potomac Riverboat Company.



Help us celebrate 10 years aboard the *Cherry Blossom*!

Tickets and sponsorships are now available at our website www.potomacriverkeeper.org/party. If you would like to sponsor our event, call Robin at 202-222-0706 or email robin@potomacriverkeeper.org.



We're back on the banks of the South Branch this July 17th. Join us!

River Rodeo

July 17, 2009 • Bentonville, VA

Join us for the 3rd annual Shenandoah River Rodeo on Saturday, July 17, 2010. We'll have our "rodeo" fishing competition on the water followed by a party with live music and a monster BBQ! Stay tuned for updates and ticketing information by visiting www.shenandoahriverkeeper.org.

If you want automatic updates about these events as well as others, join our listserv by sending an email to keeper@potomacriverkeeper.org.

YES! I want to protect and restore the Potomac River! Enclosed is my tax-deductible membership gift to help **Potomac RIVERKEEPER** keep our Nation's river clean!

- \$35
- \$50
- \$100
- \$250
- \$500
- Other \$ _____

Name: _____

Address: _____

City, State Zip: _____

Phone: _____

Email: _____



- I want to be a Riverwatcher, send me information today!
- I would like to designate Shenandoah Riverkeeper!
- I can't contribute, but please put me on your mailing list!

Please make checks payable to Potomac RIVERKEEPER and mail to:
1717 Massachusetts Avenue NW, Suite 600, Washington, DC 20036
Or visit www.potomacriverkeeper.org and click on "Support Us"



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Mattawoman WWTP Permit Strengthened Due to Our Comments

Sometimes one public comment can make a big difference in local water quality. Take a recent example from the Mattawoman Creek watershed:

Last summer, the pollution permit for the Mattawoman Wastewater Treatment Plant came up for review. Potomac Riverkeeper's lawyers at the University of Maryland's Environmental Law Clinic submitted our comments, which indicated our desire to see a stronger permit that was consistent, enforceable, and that allowed less pollution going into the Mattawoman Creek.

The plant discharges into impaired waters and has a history of violating its permit. Clearly, someone needed to point out that pollution reductions were necessary.

On January 1, 2010, a new permit for the treatment plant took effect. The permit included 25% reductions in two areas that

contribute to the water body's impaired status. Our comments are the reason for the reductions...because we were the only group that submitted comments.

Many times in public commenting, concerned residents are up against lobbying groups, corporations, and even one another. Public commenting is a most effective way to have a voice in your local government, so it can create a very competitive forum. In our case, we made change simply because we spoke up, and it's the reason Potomac Riverkeeper is constantly urging our members and supporters to do the same.

Please go to our website and check out our guide to public commenting in the "What You Can Do" section, and be sure to get on our listserv to hear about more public commenting opportunities. Your voice is our strongest tool!

We're Moving!

At the end of March, 2010 Potomac Riverkeeper will be packing up our offices in Washington, DC and moving across town. Our new address will be: 1100 15th Street, Suite 1100, Washington, DC 20005.

We'll be sure to let you know if anything else changes in our newsletters, but if you want real time updates be sure to bookmark www.potomacriverkeeper.org on your web browser and join our listserv by sending an email to keeper@potomacriverkeeper.org!