



WSSC sued for years of illegal dumping

On February 12, Potomac Riverkeeper joined forces with the Chesapeake Bay Foundation (CBF) and attorneys from the Environmental Integrity Project (EIP) to file suit against the Washington Suburban Sanitary Commission (WSSC) for years of unchecked and illegal discharges at their Potomac Water Filtration Plant.

The Potomac Water Filtration Plant is one of two filtration plants operated by WSSC, and is located near Seneca, Maryland, alongside the historic C & O Canal above Great Falls National Park. It provides drinking water to the majority of Montgomery County and Prince George's County residents. After treating drinking water from the river with the addition of various chemicals, it discharges up to 15.8 million gallons of wastewater back into the river each day.

The Plant's Clean Water Act permit expired nearly 12 years ago. Since then, the permit has been administratively extended by Maryland environmental authorities, who have accepted a variety of excuses from WSSC about why they aren't ready to bring the plant into compliance with current standards.

Making matters worse, the solids treatment unit at the plant has not been working as permitted. It continues to discharge Total Suspended Solids (TSS) and aluminum directly



WSSC'S Potomac Water Filtration Plant discharging sediment directly into the Potomac River.

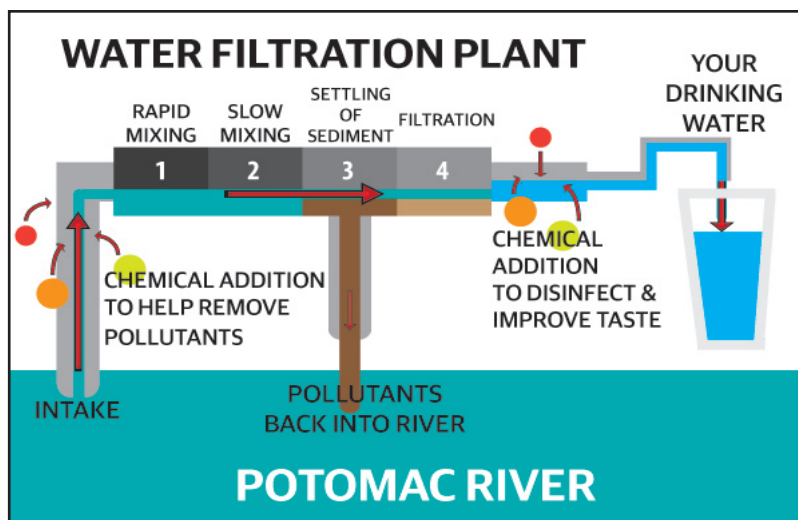
into the Potomac instead of properly isolating and disposing of these wastes. Over the last four years alone, WSSC has discharged roughly 30 million more pounds of TSS than it has taken in, and nearly 1.5 million pounds of aluminum.

By discharging large amounts of TSS directly into the already threatened Potomac River, WSSC is contributing to a serious sedimentation problem. Excess sediment muddies the water and threatens

fragile ecosystems by depleting oxygen levels and reducing sunlight for healthy plant and fish habitats. The large amounts of aluminum entering the water from the plant put a severe strain on the health of fish, amphibians, and critters like crabs, oysters, clams, and snails.

Our lawsuit seeks penalties for these illegal discharges, and asks the Court to require WSSC to address the design and operational problems with its treatment process. We are also hoping through this process to force Maryland environmental authorities to finally require WSSC to renew its permit and bring the plant in line with current requirements.

For more information about this lawsuit or other legal matters, please contact Sarah Rispin at Rispin@PotomacRiverkeeper.org



See how your water gets clean.



A LETTER FROM THE PRESIDENT

Dear Members,

If you've received River Watch in the past, you'll notice that this issue sports an attractive new look. In fact, we are in the process of completely revamping this newsletter (just wait till you see the next issue!), our website, and even our logo. These are mostly aesthetic changes, but are important because they reflect the feedback we've received from our members. Making our work more accessible and relevant to our other supporters is very important to me. We are committed to giving you more information than ever before about how the quality of our rivers affects your quality of life.

Water quality isn't an issue just in places where there is a chemical spill in the news—though certainly the tragic spills in West Virginia and North

“...we are in the process of making significant changes to how our Riverkeeper programs operate...”

Carolina highlight huge gaps in our environmental regulations that leave us all exposed. Here in the Potomac watershed we are also faced with a vast array of chronic pollution threats that requires our attention

and vigilance. It is our responsibility to make you aware of how these threats affect you, your family, and your community. Just as important, our job here at Potomac and Shenandoah Riverkeeper is to provide solutions to reduce and eliminate the countless threats to our water quality.

Again, thanks to your feedback, we are in the process of making significant changes to how our Riverkeeper programs operate. We'll be making a big announcement about these improvements in May, but I want you to know now that our focus going forward is to engage local communities more than ever before, tackle the toughest problems with resolve and tenacity, and achieve measurable benefits. Stay in touch—more changes are on the way. And, as always, thank you for your support—in all its forms—and the confidence you've placed in us!

With appreciation,



Matthew Logan



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A warm welcome to our newest additions



NICK KUTTNER joins us as the newest member of our Board of Directors. Nick brings with him 28 years of experience in strategy and technology consulting services with Booz Allen Hamilton, working on behalf of nonprofits, federal, state, and local governments, and Fortune 500 clients. Currently residing on the banks of the Potomac River in Northern Virginia, he is an avid fisherman and bird watcher.



MADELAINE PIERCE joins our staff as the new Communications & Membership Coordinator. Madelaine will be working alongside our DC staff to expand and revamp all of our outreach efforts. Offering her talents in design, public relations, communications, and marketing, she will help spread the word about our work.



SANDY BURK also joins our staff as our new Outreach Coordinator. Sandy is responsible for Riverwatcher training events around the region and “talks on the river.” She hopes to share her love of fishing and paddling to help others reconnect with the Potomac. Contact Sandy if your organization would like a speaker to talk about the Potomac River and how its condition affects your community.



FLUSHING AWAY AN OPPORTUNITY

Will DC Water keep its promise?



“Each year over 2.5 billion gallons of stormwater, mixed with your raw sewage, pours into the Potomac River.”

If you live in Washington, DC, chances are that when you flush your toilet, especially on rainy days, the waste will go directly into the Potomac River. Even more disturbing is the scale of the problem. Each year over 2.5 billion gallons of stormwater, mixed with your raw sewage, pours into the Potomac River during dozens of rain events.

When heavy rainfalls occur in DC, the stormwater and raw sewage that mix together in the city’s antiquated combined sewer-storm drain system overwhelm the system’s capacity and everything that can’t be treated pours directly into the fresh water of the Potomac River through 53 outfalls throughout the city.

This was part of the problem

President Lyndon B. Johnson was pointing to when he declared the Potomac River “a national disgrace” almost 50 years ago. The creation of DC’s “Long-Term Control Plan” (LTCP) in 2005 after ten years of litigation finally gave us a solution to end the overflow of sewage. This court-ordered consent decree mandated that DC’s Water and Sewer Authority (now DC Water) construct three tunnels to slow down, store, and separate stormwater from the sewage channels.

But to many environmentalists’ dismay, DC Water is now proposing to delay and modify the consent decree, reducing the scope of the tunnels (eliminating one altogether, and cutting another in half), proposing to spend a relatively modest sum on green infrastructure, and moving away from hard targets for reducing how much sewage goes into the river. Potomac Riverkeeper applauds the use of green infrastructure in

certain situations. But in this case, the scope of the problem is so large, and the planning that has gone into the use of green infrastructure so limited, that we can only conclude that DC Water is taking a dangerous gamble with the future health of the Potomac.

In the 2005 consent decree, DC



Warning of Combined Sewer Overflow.

Water committed to building tunnels and other important “gray” infrastructure that, while not novel, are without question capable of diverting enough water to prevent the massive amount of sewage that overflows into the Potomac. And it committed to meeting hard performance targets. Now it wants to re-open that consent decree and get out of those targets.

In place of the tunnels planned for the Potomac (along the Georgetown waterfront) and Rock Creek, DC Water proposes to spend \$90 million on as-yet unplanned green infrastructure, such as rain barrels, tree boxes, and green roofs. At the same time, DC Water wants a 5-year delay in addressing overflows into the Potomac near Georgetown (from 2025 to 2030), a 7-year delay for overflows into Rock Creek (from 2025 to 2032).

Once the \$90 million is spent, DC Water has told Potomac Riverkeeper and other environmental

groups that it will spend nothing more—regardless of whether the green infrastructure projects actually capture the same amount of water as the displaced tunnels.

DC Water has yet to make specific plans to deal with the numerous factors complicating the implementation of green infrastructure in urban communities.

If DC Water rolls out green infrastructure with little planning and no promises to meet hard targets, the people of DC will be left with no guarantees that it will eliminate sewage overflow on the Potomac. Meanwhile, Potomac Riverkeeper continues to receive calls from residents who report sewage pouring into

the Potomac from outfalls even during light rainfall.

DC Water may want to consider adding green infrastructure to the mix once it has already built the tunnels it promised, to finally stop the disgraceful amount of raw sewage that enters the Potomac each year. It is possible that certain sections of the city would be better served by green infrastructure.

But before we consider depending on green infrastructure alone for major portions of the city, or letting DC Water re-open the consent decree, it must present a fully developed plan that guarantees that it will still allow it to finally keep our sewage out of the Potomac.

For more information about how Potomac Riverkeeper is developing solutions to the sewage problem in Washington, DC, please contact Sarah Rispin at: Rispin@PotomacRiverkeeper.org.

Spot something **fishy**
on the river?

Report it to us,
we'll do the rest.



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Winner of 2013 501c TECH
Technology
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You are our eyes, ears, and noses on the river. If you see a problem, report it to us with the Water Reporter App. Helping to keep our rivers free of pollution has never been so easy!

Attend a Riverwatcher training and learn how to identify and report pollution in your local rivers and streams. Help us defend your right to clean water by taking action today!

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App Store

More testing will ensure West Virginia's water quality isn't left behind

The Potomac River is owned by the state of Maryland, but did you know that for nearly half of its length, from Fairfax Stone to Harpers Ferry, a distance of more than 150 miles, the Potomac is bordered by West Virginia? From a water quality standpoint, that is a source of concern because relative to Maryland, West Virginia's testing standards fall short.

All point sources—such as industrial discharge pipes—are required to have permits that limit the amount and type of pollution allowed from the facility. Frequent water quality testing is essential, because it provides the primary assurance to the public and state regulatory agencies that the permit terms are being met. Maryland's requirements are high, demanding at least once-per-week testing. West Virginia, on the other hand, only requires once-per-month testing.

This matters because frequent testing allows for pollution incidents to be identified and resolved quickly, thereby minimizing damage to water quality, aquatic habitats, and drinking water supplies. Moreover, West Virginia's permits require facilities to meet a monthly average for their discharges, a logical impossibility with only one test per month.

Currently, seven West Virginia facilities have a permitted direct discharge into the Potomac. When one of those, the National Conservation Training Center, had its permit come up for renewal in late 2012, Potomac Riverkeeper challenged the permit and asked for the same testing frequency as Maryland. In July 2013, the West Virginia Environmental Quality Board sided with us, but the state Department of Environmental Protection appealed the decision. The circuit court will hear the appeal soon; we are confident of a favorable outcome.

If we are successful, this will be a significant victory, not only for the Potomac but potentially for all waterways in West Virginia. More frequent testing isn't a panacea, but it will give everyone who relies on our region's waterways a little more peace of mind.

For more information about this issue or our other work in the headwaters of the Potomac, contact Brent Walls at Brent@PotomacRiverkeeper.org

MAPPING THE UPPER POTOMAC

Brent Walls, Upper Potomac River Manager for Potomac Riverkeeper, works to share the beauty and enjoyment of the Potomac's small tributaries in West Virginia with paddling enthusiasts from across the region.

For the past year, Brent has been mapping some of the best places for families looking for fun on the water. One such spot is Patterson Creek, a small stream that runs through the farming landscape of Mineral County, West Virginia, and joins the Potomac River just downstream from Cumberland, Maryland.

The Patterson Creek project inspired the idea to develop water trail maps for all significant rivers and streams in the Upper Potomac.

With the help of the Opequon Creek Project Team, a local watershed group in West Virginia, the Opequon Creek Water Trail map was created in late 2013. The Opequon Creek runs through one of the more urban areas of West Virginia's Eastern Panhandle and is easily accessible for many local paddlers.

For more information about our river mapping projects, please contact Brent at Brent@PotomacRiverkeeper.org



GET THE CATTLE OUT OF THE SHENANDOAH BY 2015



Over the years, Shenandoah and Potomac Riverkeeper have received numerous complaints from its members and the public about cattle in the Shenandoah River.

Shenandoah Riverkeeper identified 73 herds with direct access to the North Fork, South Fork, and mainstem Shenandoah River. A seemingly harmless or even healthy activity for the animals, cattle access causes tremendous damage to river banks and overall river health. It also poses a health risk to recreational users. When cows enter the river their sharp hooves push and scrape large amounts of sediment into the river. The animals also directly deposit their waste in the water. This adds to high levels of bacteria and sediment that impact local ecosystems, trigger algae blooms, and can be potentially harmful to humans.

In response, Shenandoah Riverkeeper recently launched its *Get the Cattle Out by 2015* campaign by sending letters to owners of each of the 73 herds, notifying them of the importance of fencing their cattle out of the river. In an unprecedented move, Virginia recently revised a temporary initiative to reimburse landowners for 100% of costs associated with fencing projects to separate cattle from Virginia rivers. Shenandoah Riverkeeper has been working to raise funds to help landowners if they don't want to rely on the government for expenses such as solar fencing for remote fields or alternative fencing solutions.

Veterinarians and cattlemen have reported to Shenandoah Riverkeeper that their cattle appear healthier when they have access to well or spring water that hasn't been fouled by cattle upstream. This project is off to a great start. In the first few weeks, numerous landowners have replied asking how they can get started.

Want to get involved? Are you a resident or visitor of the Shenandoah River? Send us your report of cattle in the river through our free Water Reporter App (available for iPhones).



Cows in the Shenandoah River.

CLEANING UP VIRGINIA'S CONSTRUCTION SITES

On February 18, 2014, Shenandoah and Potomac Riverkeeper filed a new lawsuit against the State of Virginia, for failing to write construction site regulations that adequately protect the Shenandoah River and other Virginia water bodies from construction-site runoff. According to Shenandoah Riverkeeper Jeff Kelble, "After seven years of finding construction sites polluting local streams, and working through multiple enforcement strategies, we concluded that without a challenge to the actual permitting system we were always going to be playing catch-up."

In this challenge we have asked the courts to require Virginia to do three things:

- 1** Require better sediment controls and control of warm-water runoff for especially pristine streams, such as those cold and clean enough to support trout.
- 2** Require better sediment controls for streams that are already impaired.
- 3** Give the public advanced notice when a construction site is in the works, with the idea that the public should have the opportunity to provide input on the potential impact of a construction site on their favorite or nearest stream.

Members who have been around a while know that we already challenged Virginia's construction site regulations back in 2009. Even though the current set of regulations do not go far enough to protect our waterways, we were—through that

challenge and our follow-up work—able to get the following improvements:

- 1** The public can now obtain a construction site's pollution control documents.
- 2** Thousands of sites in Virginia will now be required to stabilize soils in much less time than before.
- 3** Builders will be required to self-inspect their erosion and sediment controls more frequently for failures.
- 4** Builders' use of fertilizer on construction sites will be regulated.

If our Sludge Regulatory Challenge is any indication, we may face attempts by the state to knock our lawsuit out on administrative technicalities before we even get to present our arguments to a judge.

Please continue to follow news on this challenge on our website and through our monthly eNews.

EVENT RECAP: Miss our last event or just miss the memories? Let's take a look back.

KERR HOUSE PARTY

Celebrating with members and friends

On October 4, 2013, over 100 members and supporters joined us to celebrate the Potomac River and our work to stop pollution. A special thanks to Bill and Anita Kerr for hosting the event at their gorgeous waterfront home in Alexandria, Virginia.



THANK YOU FOR SUPPORT

With gratitude we recognize our latest supporters who invested in our work

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HAMILTON LIVE

19th Street Band and Spirit Family Reunion



On January 23, 2014, over 400 of our members and supporters joined us for a fun-filled night of music at the Hamilton Live. A special thanks goes to Hamilton Live for hosting the event, and the 19th Street Band and Spirit Family Reunion for putting on a foot-stompin' good show.

WATER REPORTER APP WINS 2013 501c TECH Technology Impact Award

We are pleased to announce that on November 7, 2013 our Water Reporter App was awarded 501c TECH's 2013 Technology Impact Award. Water Reporter allows users to send information on pollution events, unusual conditions, and fun activities on the river such as clean-ups, community events, and good places to float. Reports go directly to a Riverkeeper for follow ups. So far, we've already had 53 pollution reports submitted, including a few of which were significant and we helped to resolve. It has proven to be an incredibly important and powerful tool for our work to stop and prevent pollution in the river.



PORTING CLEAN WATER

from October-December 2013*

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