

Patuxent RIVERKEEPER® Newsletter



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The 10 Worst Point Source Polluters in the Patuxent

The Patuxent River, like most of our natural resources, is a casualty of many root problems. This can be challenging for advocates who want to see progress that can be measured and outcomes that can be replicated elsewhere. In the five years of Patuxent Riverkeeper's existence, the organization has worked on numerous water quality issues only to find too often that many of the pollution problems are actually from sources that have permits which are not complied with or enforced. We thought it would make a difference in water quality if we develop a running list of well established permit violators and then use the citizen lawsuit provisions of the Federal Clean Water Act to challenge, notify and if necessary litigate to compel these violators to comply with the law. Our initial criteria is to target and publicly name ten facilities that contribute large amounts of point source pollution (waste that comes directly out of a pipe) to our waters, chronically violate their permits and which, based on past performance, seem highly likely to continue to do so unless they are threatened with legal action. It's a simple formula, very inexpensive to research, and as violators exit the list, we will add new ones. We will also publish a list of the 10 most compliant facilities. *(continued pg 3)*



One of many pipe outfalls with a permit

Fly Ash in the Pax

PrK and four other environmental organizations have filed a Clean Water Act notice of intent to sue Mirant, LLC for its coal fly ash disposal landfill in southern Prince George's County. Mirant uses the landfill in Brandywine to dispose of coal combustion by-products from its Chalk Point power generating facility, which is located on the banks of the Patuxent River. Mirant has supplied state authorities with written disclosures revealing that its monitoring well at the Brandywine facility shows contamination under



Chalk Point Power Plant

one of its disposal cells. Contaminants released include mercury and arsenic, which pose the risk of serious ill effects on both people and the surrounding ecosystem. As of the December filing date, neither state nor federal regulators had done anything to curtail or remediate the leaching of these toxic substances. In January 2010, over a month after the environmental groups filed our notice of intent to sue, the state of Maryland filed its own notice of intent to sue the operators of the disposal site, increasing the likelihood of a legally enforceable outcome that can protect the people and the ecosystem surrounding the Brandywine facility.

2010 PrK Program Highlights

- 10 Worst Polluters
- Faith Paddle
- 2010 Sojourn
- Annual Clean-up
- State De-Delegation Petition
- Fly Ash Suit
- River Currents

24 Steps to Save the Bay

“Senior Bay Scientists and Politicians for the Bay” is a bipartisan, multi-disciplinary group of scientists, legislators, policymakers and advocates which has organized a 24-plank program of policy changes that we believe must be made in order to restore the Chesapeake Bay to health. The group includes retired State Senators Gerald Winegrad and Bernie Fowler, former US Senator Joseph Tydings and signees from both Virginia and Maryland. The 24 planks, which can be downloaded from our website, include measures ranging from land use policy, enforcement issues and a variety of initiatives that would result in sweeping policy changes in how Bay restoration is administered. Signers believe the Chesapeake Clean Water and Ecosystem Act of 2009, introduced by Senator Benjamin Cardin and Congressman Elijah Cummings in Congress, which would strengthen the Clean Water Act as it relates to the Bay, and the Obama Executive Order, which orders the Environmental Protection Agency to take the lead on Bay cleanup, are opportune vehicles to incorporate sound science into the law and policy that guide efforts to clean up the region’s waterways.

Faith Paddle Anyone?

People in a democracy are free to express their sense of stewardship of and commitment to protecting the environment any way they choose, yet virtually all religious faiths have a scriptural mandate to protect and care for the earth. Rivers have a

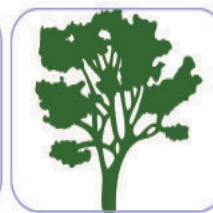
universal significance which connects people and places and inspires many of us. Patuxent Riverkeeper has been assembling a list of locations along the river that are suitable for worship services, as we will be launching the first ever Faith Paddle down the river as part of Earth Day festivities.

A few local churches have spearheaded this project, and we are now looking for congregations of any faith that would like to join us. This is an excellent opportunity to bring fresh stakeholders to the environmental movement with a commitment that flows from a sense of faith. Any takers?

Is your church or community planning an event for Earth Day 2010? The river and work to protect its future connects people of all faiths and beliefs. Need help planning a community paddle or observance? Give us a call.

DAVIDSONVILLE AREA CIVIC ASSOCIATION FIRST ANNUAL GREEN EXPO

Free
native tree
seedlings!
Kids activities
Too!



Come to the Green Expo and learn about ways to:

- Save Energy and Money (solar, wind, geothermal, home energy audits)
- Get Property Tax Credits for Stormwater Management
- How to Green your Home and Garden
- Improve the water quality of our rivers and the Chesapeake Bay
- Live a sustainable and healthy lifestyle

Expo will feature local environmental agencies and nonprofits, and local and regional businesses who offer green products or services

Rainbarrels and
native plants for
sale!

MARCH 20, 2010 1-4 PM
DAVIDSONVILLE ELEMENTARY SCHOOL
962 W CENTRAL AVE

State Enforcement & De-Delegation

The ten Maryland Waterkeepers represented by the University of Maryland Environmental Law Clinic have filed a 70-page factual petition with the U.S. Environmental Protection Agency, asking it to review and revoke the delegated powers of the Maryland Department of the Environment to enforce federal law programs under the Clean Water Act. Under the Act, the EPA delegates enforcement authority to the states, but it can revoke that authority if a state is doing an inadequate job monitoring, permitting, enforcing and/or regulating discharges into the waters of the state. Our petition states that the Maryland Department of the Environment is, in fact, inadequately enforcing the law, and therefore its power to do so should be revoked. The petition, which is available to download from our website (www.paxriverkeeper.org), enumerates various deficiencies in the way the state agency carries out its responsibilities under the Clean Water Act.

In warm weather months we coordinate evening paddles throughout the watershed to help people become more familiar with local paddling resources and to expand the community of Patuxent paddlers. Want to know more? Visit our Meet-up group at www.meetup.com (search string: **Patuxent Kayakers**)

YOUR RIVERKEEPER WORKS TO:

- ❖ Build consensus among river stakeholders.
- ❖ Unify and connect communities along the river.
- ❖ Patrol and monitor the waterway to detect and resolve problems.
- ❖ Raise justice and access on behalf of the underserved.
- ❖ Build a network of interest groups working on behalf of water quality.
- ❖ Fight strategic anti-pollution battles to empower citizens.
- ❖ Change the culture of enforcement and compliance.
- ❖ Work for culture change in how the river is treated.
- ❖ Initiate projects to restore the natural ecology.
- ❖ Reach out to ignored or un-involved communities.
- ❖ Align resource policy with future sustainability.

2010: Stiff Medicine/Strong

Stomachs *Commentary by Fred Tutman*

The Bay at 2010? You bet, it is tough to see how the movement to clean the Bay will break through at the present rate-- unless it changes tactics. Businesses and other special interests zealously guard their economic self interests, including local zoning controls, growth for its own sake, sprawl for profit and other conventions that demonstrably harm the environment. It takes a strong stomach to face these truths. Meanwhile, government agencies charged with regulating and protecting the environment do so with a wink and nod and then issue permits to pollute. And the folks with the deepest resources to bring about change are instead arguing over computer models and passing the buck. It seems the only thing more vital than saving the Bay is not being blamed for its demise. **Strong Stomachs?** More than a few environmental groups exhort and educate the public to become active and work on strategies that ultimately seek to do any number of things except challenge the very system that is killing the planet. What author Howard Ernst calls the “pale green” enviros want to see change without offending anybody or appearing “negative” in the process. So we live with compromises: compromised values and compromised outcomes. We don’t want to get rid of the carcinogens in our water, just pick up the unsightly trash. We don’t want to put a halt to the wholesale destruction of old growth forests, just plant new seedlings to mitigate all the new highway construction. Too often we are blind to the plight of our cities while we are busy saving the suburbs. And the people harmed the most by these problems are usually not represented in the ranks of membership. The “Green” movement could be a compassionate answer to the environmental plight of many, but too often seems to greenwash those whose personal wealth is invested in a stock market leveraged by the same pollution-based interests that are plundering our planet. **Stiff Medicine?** Is there any hope that good can come from this wholesale pantomime that promises to clean up the Bay but instead just delivers new programs, initiatives and funding vehicles that benefit environmentalists instead of the environment? Waterkeepers were a brand new idea in the Chesapeake a scant few years ago, but we have grown to become a scrappy movement fighting tough battles against varied interests that have for too long maintained a stranglehold on the future of crabs, oysters, open space and clean water and air. In a movement dominated by the politics of “get-along”; the Waterkeepers have persistently fought the battles others have deferred. Instead of trying to educate those acting in bad faith, we the keepers of the waterways have taken polluters to court and more often than not have won our cases. In return we have incurred the anger of many who claim to love the Bay but are prepared to do just about anything except take the measures needed to actually restore it. These are tough battles, but in the words of Senator Bernard Fowler, “We will never give up”.

(10 Worst Polluters continued from pg 1)

In this way, in addition to our many other activities, we can make measurable and systematic progress toward creating a climate in our watershed that is intolerant of scofflaws and those who find it more expedient or profitable to pollute than to make the necessary investment to stay within the law. Research on this project began in late 2009 with a release date planned in sync with the release of the Annual Health of the Patuxent Report Card in early spring. So far the violators run the gamut of federal, state and privately owned facilities. Stay tuned to our website and newsletter for updates on our progress in naming and bringing to account the ten worst point source polluters of the Patuxent.

Website Outta Site

Our main website underwent a holiday facelift with some fresh enhancements. You can now add comments blog style to any of the posts, bid on auction items, renew membership, donate or join online, link to our Facebook page, run searches for specific content of interest and use the website as a hub for many of the activities and outreach facets of the organization including events, cleanups, paddling opportunities, advisories and alerts.



Broadband and Loving It!

Some of you might already be familiar with the running tales of woe related to our office internet. We survived five years of ISDN, satellite, DSL and then a 300 foot buried cable that seemed to operate like a giant lightning rod that spelled the demise of several computers and printers and caused other havoc. Our rural location is just too far off the grid for the usual internet facilities. Hence the improvised and self-help solutions. The snow storm of December 2009 dealt the coup de grace to the buried line and it was time for desperation and ingenuity to take over. While we struggled to keep working using WiFi at nearby coffee shops, several good samaritans came to our rescue and labored through snow and ice to get us back online. We now have blazingly fast, reliable (and non-lightning prone) internet via a newly trenched custom installed fiber optic cable. Many grateful thanks for the good people at Terra Nova Designs in Crofton, Jobuntu IT Services (IT Support For Humans: 240-242-9596) and the generosity of Dan "P".

Riverkeeping + internet = all smiles!

Upcoming Events

Check the Website for More Details

Green Expo

March 20, 2010

Davidsonville struts its best environmental practices

Annual Patuxent River Cleanup

April 10, 2010

Various locations throughout the Patuxent Corridor

Celebrate Earth Day

Ruddy Duck, Solomons

April (TBA) 2010

Beer tasting and party to support the Patuxent River

Faith Paddling

Various dates and locations along the river

Calvert County Green Fest

May 2, 2010

Riverkeeper Day at Greene Turtle

Prince Frederick

June 1, 2010

Patuxent Sojourn

June (TBA) 2010

Annual Fowler Wade-In

June 13, 2010

Join hands and wade in the water with friends and family

Patuxent Summit

October 8, 2010

This year's topic is the economics of pollution

Patuxent River Appreciation Days

October 9 - 10, 2010

2010 Sojourn in the Works!

It's time to start thinking about Patuxent Sojourn 2010. The route will almost certainly be oriented more downriver this year (i.e. lower Prince George's, Calvert and St. Mary's counties) with lots of big water attractions plus heronries and restoration projects. One thing is for sure: Sojourn 2010 will offer live music, great food, beautiful views and fabulous paddling. Plans are afoot to offer some training paddles and wilderness survival courses in advance for those Sojourners who would like to build their skills and preparedness. Formal registration will open in April on our website. See you on the river!

Patuxent River Commission has New Leadership

In December 2009, retired Senator Bernie Fowler stepped down as Chair of Maryland's Patuxent River Commission. The Commission was created in 1980 by the Maryland General Assembly as part of an agreement among the parties to a law suit filed in the late 1970's by the three southern Patuxent counties against the state for inadequate regulation of upstream wastewater treatment plants. The role of the Commission is to advise the state on its efforts to protect and restore the Patuxent. The Commission is unique among Bay tributaries as the only state-empanelled body devoted to a major tributary. Senator Fowler has been involved with the Patuxent River Commission in various capacities since its inception. Citing family reasons and his own frustration with the lack of progress in Patuxent restoration efforts, Senator Fowler and Vice Chair Michael Leszcz passed the reins of the Commission to a new leadership team that was elected in January. Dr. Kelton Clark of the Morgan State Estuarine Research Center is the new chair and David Bourdon, who's with the Prince George's County Soil Conservation District, is Vice Chair. The Commission meets the second Wednesday of each month at the Maryland Department of Agriculture in Annapolis from 4 pm - 6pm. Meetings are open to the public.

2009 Photo Gallery



Dining in Port Deposit after a paddle



*Environmental Justice Forum at UMD
Earth Day 2009*



Tubing in Western Maryland



*Sojourners take a shade break aboard
the Crazy Loon*



Roughnecks notching a river blockage

Vigilance: The Price of Clean Water

Our sister program on the Coastal Bays has been embroiled in a revealing controversy that points to a need to overhaul the state's accommodating relationship with factory farms, known as Concentrated Animal Feeding Operations (CAFO). During an aerial patrol in October, the Assateague Coastkeeper, Kathy Phillips, took photographs of a large pile of material at a chicken growing facility, which directly discharged into an open state-owned drainage ditch. Water from the ditch flows into the Pocomoke River and eventually into the Chesapeake Bay, a commonplace occurrence throughout the Eastern Shore. Further investigation at Perdue's Hudson Farm, an 80,000 bird CAFO near Berlin, Maryland, found additional piles of uncovered waste sitting in open fields. Since October, ongoing water sampling by the Coastkeeper and analysis by a state certified lab have shown extremely unhealthy levels of bacteria and other pollutants in the ditch just downstream of Hudson Farm. In December, Assateague Coastkeeper and Waterkeeper Alliance mailed a Notice of Intent (NOI) to sue Perdue Farms, Inc. and Hudson Farm for violations of the Clean Water Act and polluting the Pocomoke River. Later in December, the Maryland Department of the Environment defended the site as not containing polluted waste material and claimed the waste pile had been removed from the farm. However, it was learned that MDE's inspections of the farm had not included sampling of the pile or the water in the drainage ditch and the pile, in fact, was still located on the farm. Then in January, aerial photographs of the site showed that steps had been taken to mitigate the polluted runoff from the waste pile after the filing of the NOI and the subsequent MDE inspector's visit. The pile had been moved to a different area of the farm and covered with a tarp. However, Coastkeeper and Waterkeeper Alliance had to file a Public Information Act request to compel MDE to produce all documents related to Perdue's Hudson Farm because MDE would not voluntarily disclose what was going on there, how long the state knew about it, what (if any) testing was done, and what kind of pressure the state faced from the EPA to clean up this and related problems. Coastkeeper Kathy Phillips' work on this matter is the culmination of several years of intense scrutiny of the Maryland CAFO industry for its contribution to the ongoing decline in the health of the state's local waters. She emphasized the matter is not yet closed and that the group will remain vigilant. According to Kathy, "until this industry takes responsibility for its waste, and state environmental agencies get serious about protecting our waterways, no amount of taxpayer money, ongoing study or well-intentioned legislation is going to fix the Bay's problems." For more information visit: www.assateaguecoastkeeper.org/issuesandprojects/poultrycafos.html

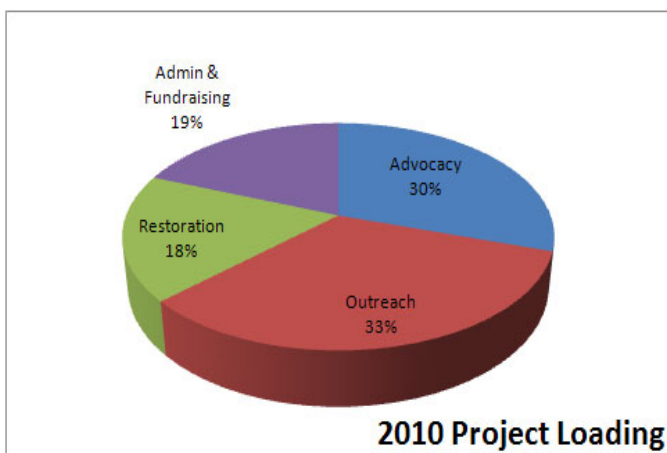
2010 Eco-Tours

With all the snow on the ground, there is no better time to start fantasizing about warm weather fun and discovery. We've already started preparing our list of spring/summer/fall bus and kayak trips to see the best the region has to offer. In addition to our weekday "meet up" paddles and our faith paddles, plans are shaping up for a camping/paddling trip in the sand dunes of Assateague in early spring. Sotterly Plantation is a certainty, Port Deposit on the Susquehanna a possibility (bar hopping afterward is always a favorite). So is tubing in Little Orleans in western Maryland and there may be a first time trip to West Virginia in the crystal ball. Get exercise, enjoy great local food, meet like-minded people and get outdoors. Got a destination you want to share with others? Let us know. Just thinking about it will help keep the winter chill off.

Need paddling information, updates, maps and information about the Patuxent Water trail in five counties? It's all at www.Patuxentwatertrail.org

River Currents

Patuxent Riverkeeper is involved in numerous positive activities, many of which are described in this newsletter and on our website. That said, when a smile and pat on the back simply won't work, the organization is more than willing to use legal and adversarial tactics to uphold environmental laws and champion the clean water that we are all entitled to. Here is an ever-so-brief summary of just some of the ongoing advocacy issues and complaints we are working on in the seven Patuxent counties. We are always happy to discuss these matters in detail with our members. One need only ask for more information.



- PrK is part of a coalition of groups working to ensure that the state adequately implements the Stormwater Act of 2007. Builders' lobbying interests have launched a counter offensive to delay and/or weaken the legislation during the present session.
- PrK is researching complaints about construction practices at Fort Meade, where observers tell us the Army often has construction

projects that lack adequate stormwater or sediment controls.

- PrK has notified the state of due process problems stemming from a public comment period for a Largo construction project for which the state mislaid the project files (citizens could not review) and subsequently closed the formal record without citizens having been afforded the opportunity to comment.
- PrK is also working with the Natural Resources Defense Council to review renewal requests for stormwater discharge permits, known as MS4 permits, issued to the counties in our watershed...and there's much more.

Join the Patuxent Riverkeeper Community--Become a Member

Name _____

Street Address _____

City/State/Zip _____ Email _____

Check or Credit Card

Visa AmEx Card # _____

Mastercard Discover Expiration _____ Security Code _____

- Red Winged Blackbird..\$35
- Green Winged Teal..\$75
- Osprey..\$125
- Great Blue Heron...\$250
- Bald Eagle..\$500
- Whooping Crane...\$1,000
- Other _____