

<< NOBEL PEACE PRIZE LAUREATE MIKHAIL GORBACHEV >>

# WATERKEEPER

Spring 2005

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## Storm *surge*



*Enemies of the  
Environment*

*Economics of  
Stormwater*

*Waterkeeper  
Vessels*

*Beating Around  
the Bush*



# Pollution, Prejudice & The Press

Hotly debated articles in national journals including the New York Times have recently proclaimed the “death of environmentalism” and blamed the movement’s lack of success on ossified leadership, tired strategies and the tendency of environmentalists to exaggerate crisis.

But suggesting that environmentalists have hobbled their movement by exaggerating is like blaming racial prejudice on the stridency of some civil rights activists. Environmentalism is a broad social movement encompassing millions of Americans and thousands of organizations.

No doubt, some use hyperbole. The leaders and professionals with whom I work, at groups like Waterkeeper Alliance, National Resources Defense Council, Sierra Club and the Union of Concerned Scientists, are more often conservative to a fault in their scientific and economic pronouncements.

And, far from dead, the movement is vibrant, financially robust, with sound strategies and exploding memberships. The NRDC, for example, has nearly doubled in size since 2000, with 300,000 new members and 500,000 more e-activists.

The movement’s failure to achieve its larger goals – like pressing government to sign a global warming treaty, to restrict mercury emissions or to protect the Arctic Refuge – is more aptly blamed on the financial and political power of polluting industries and the negligence of the American media.

Polluters spend hundreds of millions every election cycle on lobbying and campaign contributions to control the political process, and millions more on phony think tanks and deceptive advertising to hoodwink the public and manipulate the national debate. Environmental groups lack the financial resources to compete in those vital arenas.

Traditionally, public interest movements have relied instead on the political intensity they can generate by public participa-

tion. This success is highly dependent on an independent, vigorous and responsible press willing to speak truth to power. There lies the problem.

America’s negligent and indolent media seldom cover environmental issues and rarely intelligently. Last autumn, I took part in a 20-state tour touting my book on George W. Bush’s miserable environmental record, and invariably heard the same refrain from Republican and Democratic audiences: “Why haven’t I heard any of this before? Why aren’t the environmentalists getting the word out?” But there is no lack of effort on our part to inform the public. We often hit a stone wall: the media.

Gossip, pseudo porn, terror and distorted reporting have turned Americans into the best-entertained and the least-informed people in the world. Most Americans know more about Scott Peterson than they do about the mercury and asthma that are making them sick.

According to the Tyndall Report, which analyzes television content and surveyed environmental stories on TV news for 2002, of the 15,000 minutes of network news that aired that year, only 4 percent was devoted to the environment, and many of those minutes were consumed by human-interest stories – whales trapped in sea ice or a tiger that escaped from the zoo.

Broadcast reporters participating in the presidential debates were so disinterested in real issues that they neglected to ask the candidates a single question about the president’s environmental record.

The Fairness Doctrine, passed in 1924, required broadcasters to serve the public interest and advance democracy by airing issues of public interest, telling both sides of critical debates, and encouraged diversity of ownership and local control of broadcasting by avoiding corporate consolidation. Ronald Reagan’s abolishment of the Fairness Doctrine in 1988 ushered in the era of right wing broadcasting, corporate consolidation and the

elevation of shareholder’s interests over the public interest. Twenty-five percent of broadcast stations have since dropped all local news coverage and public affairs programming.

Today, environmental injury caused or aggravated by White House policies is dramatically diminishing quality of life in our country in ways that affect every American. For example, while all freshwater fish in 19 states are now unsafe to eat because of mercury contamination, and one in six American women have dangerous levels of mercury in their womb, the White House last month dramatically weakened mercury emissions standards.

The mercury and other pollutants that cause acid rain, and provoke most asthma attacks, come mainly from the smokestacks of a handful of outmoded coal-burning power plants – the kind that President Bush has relieved from complying with the Clean Air Act.

But overworked journalists routinely print a press release by the environmental community warning of some dire new environmental rollbacks beside the White House’s often patently false denial – and let the reader take his pick. They sit back, satisfied they’ve achieved “balance.” Generally, they made little effort to ground truth the White House’s easily discernable lies.

An uninformed public is the bane of democracy – providing easy pickings for demagogues, tyrants, religious fanatics and polluters who seek to privatize the public commons.

In December, Bill Moyers declared, “We have an ideological press that’s interested in the election of Republicans, and a mainstream press that’s interested in the bottom line. Therefore, we don’t have a vigilant, independent press whose interest is the American people.”

By diminishing the capacity for voters to make informed choices, the breakdown of the American press is threatening not just our environment, but our democracy. **WK**

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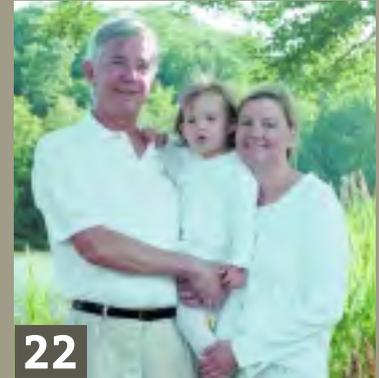


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# WATERKEEPER

M A G A Z I N E



WATERKEEPER ALLIANCE

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90% of the water that falls on rooftops, streets and parking lots is converted to surface runoff, polluted by dirt, grime and exhaust particulates.

Photograph by: Clint Clemens

### LETTERS TO THE EDITOR

Is there anything you'd like to say? Submit your letter to the editor via email [editor@waterkeeper.org](mailto:editor@waterkeeper.org) or by mail to **Waterkeeper Magazine, Suite 100, 828 S. Broadway, Tarrytown, NY 10591**. Please include your full name.

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# The Right to Water

## Access to water is not a privilege, it's a right

**MIKHAIL GORBACHEV**

*Chairman of the Board, Green Cross international*

On 13 September 2004, at the World Urban Forum in Barcelona, Green Cross International announced the launch of a global campaign for the Right to Water.

For many years issues of vital importance to mankind's future have become, and remain, hostage to political games, the selfish interests of multi-national corporations and the inability of the international community to translate its plans into action.

In spite of numerous statements, proclamations and declarations made by various institutions, including the UN Millennium Declaration, words have failed to produce the much-needed water. For the 1.1 billion people who cannot reach or afford safe drinking water, for the 2.4 billion who lack access to basic sanitation, this is an everyday reality.

These figures are so widely known and so extensively used that people start perceiving them as statistics. We should not fail to see human faces behind the ever increasing figures.

The UN Millennium Development Goals set the target of halving the number of people without access to water services by 2015. There is a danger that it will not be met. At the same time, according to reliable estimations, if the governments of the developed world were to allocate US \$20 per capita towards fighting the water crisis, it would take only 10 years to resolve it. \$20 is the price of 20 bottles of mineral water or 20 cups of coffee per year! In a recent report the UN World Health Organization estimated that meeting the UN Millennium Development Goals on sanitation would produce economic returns of US \$3 to \$34 for every \$1 invested. Somehow we are unable to find the funds to bring water services to the world's poor and suffering, but it was easy to raise \$70 billion in a fortnight to fight the war in Iraq! This is scandalous and we all share the responsibility for it.

Green Cross urges the international community to take the initiative, to assume responsibility and to play their part in the great human mission enshrined in the Millennium Development Goals.

People in villages, cities and towns, so often the instigators of change, innovation and solidarity, are absolutely central to this mission. Governments – including local governments – must lead by example. Hence the campaign for the Right to Water.

### INTERNATIONAL CAMPAIGN FOR THE RIGHT TO WATER

The ultimate goal of the campaign is to help resolve the problem of water access for the millions of people who do not have it. Those without access to water are inherently the poorest and most deprived people on the planet. They are often without a voice, and without the means to assert their rights. We must give them a voice, give them their humanity, and honour our Millennium promises to them.

Meeting the water goals would be an example of how it is possible to make a difference – to make things better for everyone, and for the environment. The alternative – that in 2020, half the countries of the world live with severe water problems, and one third of the world's population is without basic sanitation and practically without water – is too awful to even contemplate.

We must aim for universal access to water and basic sanitation – anything less is a violation of our civilization, our universal human rights, and our morality.

**WATER IS NOT A PRIVILEGE, IT IS A RIGHT!** This is the slogan we have chosen for the campaign and I am sure that nobody in his right mind would deny the essence of it. And yet, the situation is far from simple.

It is incomprehensible that governments would choose, at the 3rd World Water Forum in Kyoto, to ignore or diminish the advice of 12,000 water specialists gathered together to identify common sense solutions to water problems. Instead it is "business as usual"

as massive infrastructure continues to be regarded as the sole solution to the world's water crisis. In particular, the Ministerial Declaration did not commit governments to review dam development projects, nor did it ask for immediate ratification of the UN Convention on the Non-Navigational Uses of International Watercourses by all member states, as a first step towards the negotiation of a Global Water Convention.

These were among the official recommendations of Green Cross International, as was the request to institute international support for the creation of a Water Cooperation Facility, to work with basin authorities, governments and stakeholders to resolve intractable water disagreements.

There are many disputes within the water sector: about how much it will cost to provide water and sanitation to those in need (compare the estimates of the Camdessus Report to those made by the Water Supply and Sanitation Collaborative Council (WSSCC), WaterAid and others); about the role of the private sector and the issue of cost recovery; about the appropriate techniques to be applied and the scale at which projects should be designed and implemented; and, particularly relevant after the Cancun WTO Ministerial, the debate about GATS.

From a practical point of view it is the lack of suitable legal framework for resolving international water resource disputes that presents such a huge stumbling block to the solution of the global water crisis.

Providing essential services such as energy, water, and sanitation usually falls under the responsibility and the competence of local and regional governments. Without rules and regulations formulated and guaranteed by national governments and supported by international backing, it is impossible for many local governments in developing countries, especially in their larger cities, to ensure these basic services to everyone.

Supporting the ongoing work of United Nations institutions, like the UN-HABITAT, which promote the adoption of a universal declaration on access to essential services, Green Cross and its partners believe that an urgent and radical effort must be made towards international regulation of water supply and sanitation. One could wonder how it is possible that such an important component of an individual's life is not guaranteed by international law. Surprising as it may be, it is not.

In 1948, when the Universal Declaration of Human Rights was drawn up, it seemed so obvious to its authors that all people would have access to safe water that the provision of this right was neglected throughout the elaboration of international human rights law. It has been mentioned, more or less explicitly, in a number of international legal documents: the Mar del Plata Action Plan (1977); the Convention on the elimination of all forms of discrimination against women (1979); the Convention on the Right of the Child (1989); the Dublin Statement on Water and Sustainable Development (1992); as well as in more and more national legislature.

However, an international document guaranteeing that everyone has a right to safe and affordable water, which would be binding for national governments and that, most importantly, would provide a schematic for the implementation of this right, does not exist. In spite of this being a critical situation, governments, with

few exceptions, are reluctant to open complicated and time-consuming negotiations for a new international law.

An important step in the right direction was made in November 2002, when the UN Committee on Economic, Social and Cultural Rights (CESCR) recognized the right to water as a fundamental human right. This should, in theory, commit the 145 states that have ratified the International Covenant on Economic, Social and Cultural Rights to gradually ensure fair and non-discriminatory access to safe drinking water. Unfortunately however, the status of the interpretation by CESCR does not confer a legally binding governmental obligation.

Green Cross and its partners are proposing the negotiation and adoption of a Global Treaty on the Right to Water, which, when ratified by the member states of the United Nations, will give all people a tool through which to assert their right to safe water and sanitation and would oblige national governments to make sure that this right is respected. The rights-based approach to the management of water resources will open the road to access to water for all.

The fundamental principles of this Treaty have been discussed over the past four years, and were agreed to by more than 1100 representatives of one hundred nongovernmental organizations from around the world during the Water for Life Dialogue, hosted by the Universal Forum of Cultures in Barcelona, in June 2004.

In order to recognize the importance of this issue so that governments acquiesce to a new international treaty, their respective electorates must give them clear indications and sufficient pressure. To realize this, a world-wide public awareness campaign is necessary.

## We must aim for universal access to water and basic sanitation - anything less is a violation of our civilization, our universal human rights, and our morality.

This is why Green Cross International, together with other international, national and local organizations, has launched an international public campaign to convince national governments to start the negotiation of this Treaty. The campaign, which was launched in Barcelona last September, is expected to be conducted over the next three years and to be concluded in 2008 in another Spanish city, Saragossa, at the 2008 World Water Exhibition. Full information and regular updates on the campaign may be found at [www.watertreaty.org](http://www.watertreaty.org), where you can also find a petition for the Right to Water, which I strongly encourage you to sign.

I encourage and invite all readers of *Waterkeeper* to become Ambassadors for this global citizens' initiative in your countries, your communities, and your institutions. The Right to Water is our common cause and in order for it to succeed, we need every voice to make itself heard. **WIK**

*Green Cross International is an international environmental organization, represented in the US by Global Green USA. Visit [www.watertreaty.org](http://www.watertreaty.org) to sign the petition or visit [www.globalgreen.org](http://www.globalgreen.org) to learn more.*



# Protecting Our Water

## THROUGH BETTER LAND USE

By **Parris N. Glendening** >> Governor of Maryland (1995 – 2003) >> President, Smart Growth Leadership Institute

**W**henever I ponder the progress of the environmental movement, I think back to being a young boy, fishing with my dad in the rivers and streams of Florida's Lake Okeechobee watershed. Many a big old catfish or mullet became the meal for that evening for our poor family.

Years later, as I worked my way through Florida State University, I routinely traveled from Tallahassee to Hialeah, Florida. During those trips I saw the richness of the Everglades ecosystem give way to a vast network of four lane highways, subdivisions and shopping centers. In the years that followed, I watched as this great American watershed was weakened, cut back and almost destroyed.

As you know, the Everglades is not exactly an expendable backyard pond; it is

one of the country's great habitats, a world-class flood control system, and the natural reservoir for the southern third of Florida. The land and resources that have been lost are, in many ways, irretrievable. In addition, these losses and the damage from suburbanization led to billions of dollars in Corps of Engineers corrective projects. Decades later President Bush and his younger brother, Governor Jeb Bush, proposed billions more to undo the damage of those Corps projects.

It brings me such sadness to think that we wasted billions of dollars, threatened a great aquatic system and irretrievably lost a great portion of a national treasure, all because we did not understand that what we do to the land so greatly impacts our water.

It frustrates me even more to realize that, as recent events so clearly illustrate, we still have not learned that lesson – or perhaps, we just are not paying attention to it. Just look at the sediment plume that formed in the Chesapeake Bay after Hurricane Ivan's torrential downpour. NASA's *Terra* satellite captured the torrent of sediment, debris, and pollution that washed from the land into the Susquehanna River, and then into the Chesapeake Bay.

That is the view from miles up above the waterline. My wife, Jennifer, and our two and a half year old daughter, Bri, live on the shores of the Chesapeake. We saw the impact just feet away. The thick brown sediment that blocked out the bottom sands just inches below, the floating logs and construction debris that made boating unsafe

« LEFT Sediment-laden floodwaters from the Susquehanna River turn the Chesapeake Bay dirty brown in September 2004 after the remnants of Hurricane Ivan passed over the mid-Atlantic. The Susquehanna River flows down from the top left corner of the image into the bay, the Delaware River is visible in the upper right and the Potomac is on the lower left.

for weeks, the debris, trash and pollution that washed up on our beaches, and the stench of suffocated fish and aquatic life – this was the view from sea level.

Whether you look at it from miles above or from our bayside porch, the message is the same. Our land use policies are destroying our waters.

It is not just the great waterways like the Susquehanna River or the Chesapeake Bay that are struggling. It is not just the aftermath of a great storm like Ivan. We see the same decline and neglect in the Patuxent River. This waterway once handled great warships, tobacco traders and, shamefully, even slave ships. Today much of it can barely be crossed by canoe because of silting. The Potomac River regularly runs brown with construction runoff from northern Virginia. The Anacostia, The Nation's Capitol River, is an embarrassment of pollution and sediment runoff from the booming Maryland suburbs. From the smallest tributaries to the greatest waterways all across America, these scenes have become the norm.

We must change our land use policies. We must understand that how we use our land determines the state of our water. It is about trees, forests, natural drainage areas and buffers that absorb rainfall, and filter impurities. It is about asphalt, impervious surfaces and never ending silting and pollution.

It has become clear that controlling point source pollution, reducing auto emissions, reducing storm water runoff, and dozens of other important water improvement tactics will not work unless we also change the land use policies that cause more damage to water and watersheds than any other single factor. That is why I, and my colleagues at Smart Growth America, seek to alter land use policies across the country.

We seek to stop sprawling, haphazard development, to make our existing communities more livable and fun. We seek mass transit alternatives to more and more super-highways and congestion. We seek equity in housing choices. We seek jobs where people are, not in remote office parks, accessible only by the automobile.

One reason development has spread to every remote corner of our states is that the

development playing field has been tilted – intentionally or inadvertently – to support, even subsidize sprawl. Federal programs from mortgage guarantees to the Interstate Highway System made this possible. To these were added thousands of federal, state and local initiatives that made it cheaper and easier to build “out there somewhere” than to invest in our existing communities.

Over the last century people have moved outward from our cities, to our suburbs, and then as those suburbs age, from the older suburbs to the newer suburbs, abandoning each area as they moved further and further out. In the process of moving out, we took our natural resources for granted – as if they were unlimited. We took our communities for granted too, wantonly tearing them down or simply abandoning them. Our growth patterns have been destroying the beauty of our states, leaving large parts of our cities boarded up and abandoned, making congestion worse, and forcing our citizens to pay higher and higher taxes to cover the infrastructure costs created by sprawl. As these costs of sprawl continue to climb, many people are recognizing that we must better plan for growth.

Smart growth is about redirecting our economic energy back into our existing communities. It is about changing the rules, the regulations and the tax structure to encourage infill development and reuse of abandoned buildings instead of more sprawl.

We must stop subsidizing sprawl. Instead let us put in place a system of incentives to reinvest in our existing communities and to preserve our open spaces and natural areas.

During my terms as governor we put in place the nation's first comprehensive smart growth program and aggressively moved to protect our open space and natural areas. Using a variety of new and existing land preservation programs – the Conservation Reserve Enhancement Program (CREP), Open Space, Rural Legacy and Greenprint – we were able to protect permanently nearly 400,000 acres of land during eight years in office. This is about one-quarter of all the land ever protected in Maryland. In fact, for the last five years of my administration, Maryland permanently preserved more land than was lost to development. Just imagine the brighter future we could have if we would do that nationwide.

The end of our sprawl and the protection of our natural areas are essential if our hard working Baykeepers, Riverkeepers and

Waterkeepers are to succeed. Without a fundamental change in land use policy in this country, we will continue to see the deterioration of the Everglades, the Susquehanna River, the Chesapeake Bay and our water resources all over this country and the world, the dedication of Waterkeepers notwithstanding.

We must all become advocates for change in land use.

I started this essay with a personal remembrance, and I will close the loop by finishing with a personal hope for the future.

My son Raymond, now 25 and fighting for progressive causes across the Country, grew up enjoying the great bounty and fun of the Chesapeake Bay and her tributaries. Fishing on the lower Potomac, trotline crabbing on the Patuxent, trolling for Rockfish, or catching trout on light tackle at the base of the pilings of the Bay Bridge – this is how we spent many weekends and a good part of our summers.

I now have a beautiful daughter, who is almost three years old, and I hope to spend the same wonderful time with her on the water. However, I fear that, if we do not change our land use policies, she will never be able to experience the rich and beautiful Chesapeake Bay that I enjoyed with my son Raymond. The Bay will be almost barren and the few remaining fish and crabs will have toxin levels too dangerous to eat. Even as I write, the American Rivers organization just released a report that identified the Susquehanna – the source of half of the Bay's water – as the single most endangered river in the United States.

For my children, Raymond and Bri, and for all the children of America and the world, we must do better. We can start to do better by recognizing one vital fact: what happens to the water starts on the land. **WVK**

**Parris Glendening with daughter Gabrielle and wife Jennifer behind their home on the Chesapeake Bay. Since leaving office Governor Glendening has made it his business to make smart growth and protection of our nation's water resources a national priority.**



PHOTO: JUDITH CRAWFORD

# BILLION DOLLAR



## ***For economists,***

valuing the environment is not easy. The benefits that accrue from environmental protection do not have price tags. They are not traded on Wall Street. Yet they are very tangible in terms of economic prosperity, human and ecological health, and where you will decide to vacation this summer.

# Runoff

By Sharon Khan



## Putting A Price Tag On Clean Water

EPA now prefers the “willingness to pay” model to estimate the dollar value of clean water, safe drinking water and healthy seafood. But it isn’t so simple to put a price tag on something you already own. The question, “How much are you willing to pay for a shirt” makes sense because it isn’t yours – you balance how much you want it against how much you want something else (or you can always save the money.) But is the question “How much are you willing to pay for clean water?” really the best way to assign a dollar value to a natural resource? The question assumes that the polluter – not the public – owns the water. But the public does own the water.



Economics is the science of figuring out the best way to allocate resources – a resource is anything of which there is less than an infinite supply. Money is the common denominator that allows economists – and everyone else – to compare the relative values of different resources. They can then decide what to buy and what not to buy.

So what is the value of clean water? Economists start answering the question by assigning each resource a price. They build models of the market forces of supply and demand to determine who gets to use a resource, when they can have it, and how much they can have.

When the resource is a product, the answer is pretty straightforward: if you can afford it, you buy it and it is yours. When the “product” is a natural resource, owned by the public, shared by everyone and paid for by no one, it is much more difficult to assign a meaningful price.

Assigning a value for a natural resource is the economist’s first job when they are asked to help policymakers decide how society should use (or protect) our rivers, beaches, forests, air and other natural resources. It is the most important step in determining how we will use, or misuse, the resource. Consider stormwater runoff:

In 1998, EPA economists valued the benefits of regulating stormwater from small construction sites and municipal storm sewer systems. Using methodology that is largely accepted throughout the field of economics, EPA concluded that the benefits of stormwater regulations “fall between \$106 million and \$574 million [annually], with a possible upward benefit range of more than \$3 billion.” The payoff was there, so EPA started drafting new stormwater regulations.

In 2002, EPA proposed stricter stormwater regulations for the construction and development industry. EPA cited the benefits of reducing stormwater runoff from these industries and municipalities to be \$1.1 billion per year.

But in 2004, EPA reversed their decision. They dropped their proposed stormwater regulations because the benefits, EPA now said,

## The True Value Of Clean Water

EPA’s 1995 report on the *Economic Benefits of Runoff Controls* states that cleaner water and “the beauty of natural surroundings” that would result from new stormwater controls could raise property values near clean waterways by up to 28 percent (that’s \$64,596 for an average priced home in the US today.) Factor in the benefits from flood protection, reduced dredging to keep our harbors navigable and reducing the number of summertime beach closures and you can see how EPA reached the original \$1.1 billion value.



## Money Does Grow On Trees

Two regional economic surveys documented that conserving forests on residential and commercial sites enhances property values by an average of 6 to 15 percent.

were a mere \$14.5 million per year. Somewhere along the way the public got soaked for \$1,085,500,000.

Economics may be known as the dismal science, but we can't blame this on those gloomy economists. This was a purely political calculation. US EPA and the White House's financial review arm (the Office of Management and Budget) jiggled the equations and changed the rules of the game to drastically cut the value of keeping polluted stormwater runoff out of our waters. The new regulations were now "too expensive" to implement – the value of clean water was too low to bother protecting.

So where did the \$14.5 million estimate come from? Between 2002 and 2004 EPA rewrote the book on how they would assign prices on our natural resources. EPA excluded their consideration of the benefits from long-term improvements of water quality, ignored the costs of flooding, and discounted the value of habitat preservation. EPA identified an "improved" model for estimating

the benefits of environmental protection – a model that disregards the effects of sewage, garbage, and sediments contaminating the Chesapeake Bay, the Great Lakes, and all of our coastal waters. In one swooping change of a model, EPA forced government economists to ignore the enormous value of clean beaches and safe seafood.

But EPA's new model was an improvement on the old system, right? Actually, EPA's 2004 benefits value was based on 1983 *hypothetical survey data*. The science of economics has made a lot of progress in valuing natural resources over the past 22 years – so why is EPA reaching back to 1983 to figure out how much Americans are "hypothetically willing to pay" for clean water?

The answer is not in the numbers. Economics cannot explain the change. Politics can. EPA has reached back in time to find studies that justify relaxing the rules on stormwater pollution. They have manipulated economic theory to yield the results they want to see.

EPA has toyed with their model to recognize each dollar spent by construction and development company executives. EPA ignores the dollars that we pay to clean up from floods, to take toxins out of our drinking water, and to find something else to do when the beach is closed. Waterkeeper Alliance is determined not to let this misuse of science stand.

Stay tuned for the fall 2005 issue for more on EPA's misuse of environmental economics. **WVK**

## Sharing the Waste, Not the Wealth

**It's strange how some of the most strident advocates of the free market system turn a blind eye when companies steal from the public. Economists call it an externality. Environmentalists call it pollution. In a free market each company should keep the costs of doing business to themselves, the same way they keep the profits.**

## Like Money For Water

**Americans value clean water significantly higher than EPA economists do. The Trust for Public Land found that from 1998 to 2004 Americans voted to pay \$14.2 billion on ballot measures that provide funding for water protection – that's voters imposing new taxes on themselves. Talk about willingness to pay for clean water.**

April Showers Bring May Flowers: They also bring toxins and trash from streets, rooftops and lawns into our rivers and lakes.

# Storm Surge

**M**ost of us greet spring rains with anticipation of the fruits of the season – greenery and growth, flower buds and the awakening of the world around us. But there are a few, like Waterkeepers, who cringe. This stormwater will pick up pollutants from roofs, roads, and lawns and carry them into our streams and lakes on a massive scale.

Stormwater runoff is widely recognized as the single largest threat to water quality in the United States, whether in rural or urban settings. Rain is not the problem. But the pollution that rainwater picks up as it runs over manmade surfaces closes our beaches and poisons our drinking water. Surges of rainwater that are channeled directly into our waterways through stormdrains increase the magnitude of floods, and the severity of droughts.

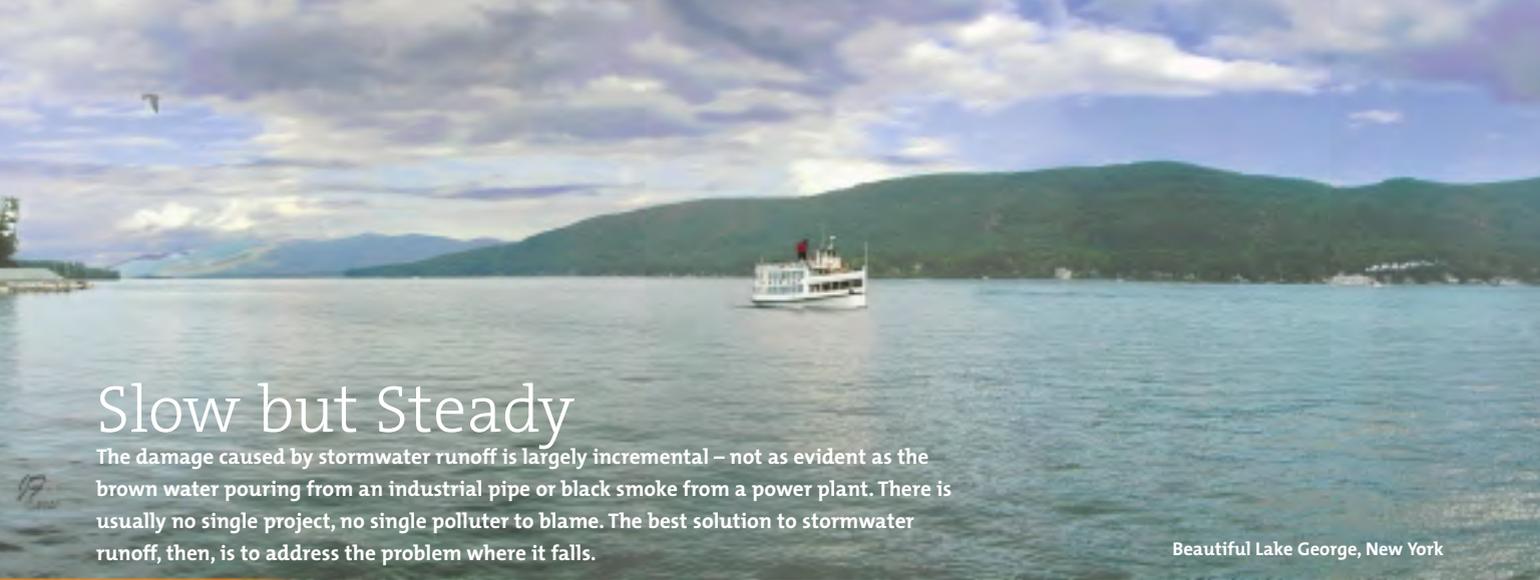
## Polluted Stormwater Runoff Is ...

America's number one water pollution problem. EPA reported in 2002 that 45% of our waterways are too polluted to support basic uses such as swimming and fishing. In 2004 the Congressional Research Service (Congress' in-house scientific experts) reported that 50% of water pollution problems in the U.S. are attributed to stormwater runoff – pollution from agricultural lands, forests, construction sites and urban areas that is washed from the air and land in rain or melting snow.

Stormwater runoff alters the amount, quality and temperature of water in our rivers and lakes. Stormwater runoff fundamentally changes the natural circulation of water – the hydraulic cycle that most people learned in elementary school.



**DANGER  
END OF  
STORM  
DRAIN**



# Slow but Steady

The damage caused by stormwater runoff is largely incremental – not as evident as the brown water pouring from an industrial pipe or black smoke from a power plant. There is usually no single project, no single polluter to blame. The best solution to stormwater runoff, then, is to address the problem where it falls.

Beautiful Lake George, New York

JIM FLOSDORF, WWW.JFPAN.COM

## Slowing Down Water into Lake George

For centuries people have traveled to upstate New York to Chris Navitsky's waterbody, Lake George, to escape the pressures of the city and enjoy the beauty of the lake and its watershed. The lake drives a thriving regional economy, and the development pressure for homes and commercial space is enormous. But the impact of runoff from these new buildings and roads is a huge threat to Lake George.

Twenty years ago a study by US EPA concluded that the water quality of Lake George was exceptional. At that time less than 5 percent of the area around Lake George was developed. However, EPA warned that unchecked development in the watershed would cause a significant decline in water quality within a twenty-year period. The 1983 study recommended that public officials, developers and homeowners take steps to reduce the impacts of

development by using structures that keep rainwater closer to where it falls for longer – this is called stormwater management. The study's predictions were proved correct in the early 1990's

when public beaches on Lake George were closed for the first time during the peak summer tourist season due to high bacteria counts.

The water in Lake George gets there by one of three routes. Some falls directly onto the lake surface as rain or snow. Some soaks into the soil and seeps slowly through the ground into the lake. And some rainwater or snowmelt flows over the surface directly into the lake. The amount of water falling directly into the lake doesn't change. But development can drastically reduce the amount seeping into the groundwater, diverting into drains and streams. This is runoff. When water flowing over the surface picks up pollutants from the ground, now you have *polluted* runoff.

Rainwater rolls quickly off roads, parking lots, roofs, lawns and other developments. In fact, these structures are usually designed specifically for that purpose. Construction sites can be the most disturbed landscapes and the largest contributor to the problem – nearly everyone has passed a construction site and seen thick muddy water running off the site into a city drain.

Natural landscapes slow water down, holding it close to where it falls, and allowing it to seep into the ground. This isn't just wetlands but the complex natural depressions, sponge-like soil and vegetation of a natural forest floor, meadow or any undisturbed area. Trees and plants take up much of the water.

The rule of thumb is this: slowing the rate of surface runoff allows more of the rain water to infiltrate into the ground and be absorbed by plants. The slower the flow of water, the fewer pollutants the water picks up and the cleaner downstream rivers and lakes remain.

## What's In Stormwater Runoff?

**Pollutants in stormwater runoff are substances that accumulate on paved – or impervious – surfaces during dry periods and are washed into waterways by rainfall:**

- Oil, gas, grease and other residues from automobiles and gas stations, including cadmium from tires and asbestos from brake linings
- Metals such as copper, lead, and zinc from abandoned mines, industrial sites, building and paving materials, and industrial farms
- Chemical spills and chloride used to deice roads
- Animal and human waste from leaky sewage and septic systems
- Fertilizers and pesticides
- Sediments and soils washed from construction sites, farm fields, lawns and river banks
- Trash



RUSSIAN RIVERKEEPER

Foss Creek

## First Flush in Northern California

Over two days Don McEnhill, Russian Riverkeeper, measured sediment levels in Foss Creek, California. Then, in less than an hour, as a brief but heavy rainstorm passed through the area, the turbidity of the water spiked over 1600%. The clear stream water turned a choking murky-brown. Driving around the upper portion of the creeks watershed, McEnhill found the source of the slug of mud in the creek: failed erosion controls at a construction site.

The brown muddy water running off construction sites is not an unfamiliar sight anywhere in the U.S. But the consequences are more severe than most people usually consider. The sediment flows downstream, settling into the spaces between the gravel and smothering the fish eggs. In the case of Foss Creek, this includes endangered Steelhead Trout and Chinook and Coho Salmon. It

clogs the gravel that serves as the natural drinking water filter for over 700,000 residents of this watershed in Northern California. The sediment-laden stormwater runoff also carries nutrients that cause nuisance algae blooms in the Russian River.

The first rains after the long, dry Northern California summer are critical for water quality. That's why each year, Russian Riverkeeper and hundreds of volunteers conduct the Russian River First Flush. This region-wide stormwater monitoring survey measures pollutants at 36 urban creek sites. The First Flush project trains volunteers to monitor streams for 22 pollutants associated with stormwater runoff. What they find is astonishing. In 2002, they measured the pesticide Diazinon exceeding EPA toxicity criteria in 33 out of 81 samples taken. In 2003, they measured the nutrient Phosphate at 2 1/2 times the water quality objectives in more than half the samples, and saw dissolved copper exceeding objectives more than a third of the time.



RUSSIAN RIVERKEEPER



CHOCTAWHATCHEE RIVERKEEPER

There is no heavy industry in Healdsburg, known for its quaint town square, rolling vineyards and wineries. But the stormwater runoff reaching local streams is as dirty as discharge from an industrial plant. Monitoring water quality is a crucial step in making people aware of just what pollutants are reaching their streams. "When I moved into our new office on a side street last fall, I watched an employee of the florist next door dump a pail full of liquid fertilizer down the storm drain," says McEnhill. "I asked her if she knew that it was less than 25 feet from that drain to Foss Creek and showed her the "no dumping" plaque on the storm drain. She got the point and we smiled."

## Muddy Water In Alabama

Educating public officials, developers and the public on the need to reduce the impacts of stormwater runoff is one of the biggest challenges Waterkeepers face. Just ask Michael Mullen. Mullen is a Certified Professional in Erosion and Sediment Control. He is also the Choctawhatchee Riverkeeper

The Choctawhatchee River runs through Lower Alabama and the Florida panhandle. As Choctawhatchee Riverkeeper, Mullen patrols the Alabama portion of the watershed. The biggest threat to water quality in the watershed is excessive sedimentation. The sediment in the water is coming from bad agriculture practices (any local farmer will tell you that soil shouldn't wash off of fields every time it rains), poor forestry practices, unpaved rural roads, stream bank erosion, and construction site runoff. Although only a small portion of the land area in the watershed is urban, development in these areas causes significant impact to the Choctawhatchee River and its tributaries.

Mullen first became interested in stormwater while he was standing in a light rain storm watching muddy water run down the street from a neighbor's newly built home in 1999. As he began to look around with a critical eye, he noticed that erosion and sediment controls on construction sites were rare, and even where they did exist they were generally poorly employed and inadequately maintained.

It wasn't long before a new subdivision, Prospect Ridge, started on an extension of his street. Mullen says that from the initial land clearing activities, Prospect Ridge was a small-scale environmental disaster. "At the start of the project little was done to catch the water running off the newly cleared site on the street where it entered storm drains and nearby Big Creek.

## A Little Goes A Long Way

The National Academy of Sciences attributes 85 percent of man-made oil pollution in North American oceans to consumption-related spills, largely leakage at automobile refueling stations and improperly maintained cars and trucks.

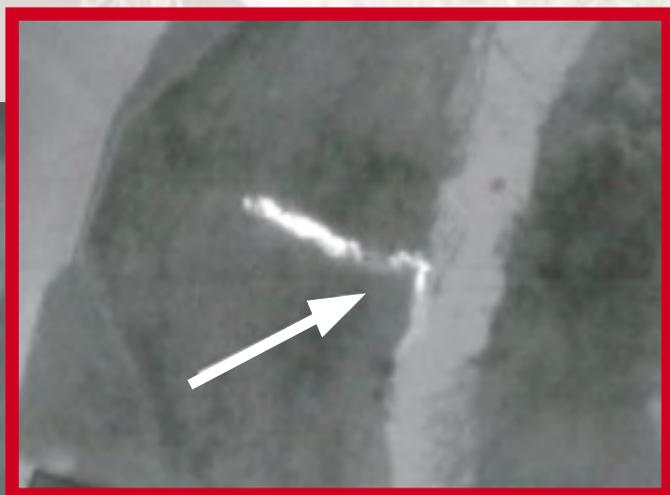


CHOCTAWHATCHEE RIVERKEEPER

Prospect Ridge Drain  
Above: Troy Industrial Park

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Inadequate silt fences were erected to catch sediment-laden water before it reached stormdrains, but they were not properly located or maintained. Over the course of the project the Alabama Department of Environmental Management (ADEM) issued warnings, and issued several violations against the developer. However, little if any improvements were made on the ground.” For several years, the site remained in noncompliance with its construction stormwater permit. And after each rainstorm the streets near the project were filled with sediment and muddy water.

Finally, in January of 2004, ADEM issued an administrative order that included a civil penalty of \$4000 against the developer. But by this time the first phase of the subdivision was almost entirely complete. In the end, the penalty was substantially less than it would have cost the developer to implement needed erosion and sediment control measures throughout the project. The developer did install devices on storm drains to address remaining problems, but Mullen says even this was done improperly – with gravel filters that were too small to work properly.

## Turning the Tide on Stormwater Runoff

The good news is that preventing polluted stormwater runoff is well within the grasp of every community in the United States. Stormwater management is a growing field that is gaining currency with city officials, public health experts and developers.

# Bigger Floods, Longer Droughts

Disturbed landscapes can increase the flow of water during a storm two to five times compared to the flow from natural areas. Greater volumes of water traveling at greater speeds mean the water carries with it more sediment and pollutants. Faster water causes damage to stream banks and downstream structures. In addition to the more dangerous floods, come more severe droughts. The reduction of natural infiltration into groundwater reduces the water table – the steady source of most streams during dry weather. More of the water that falls upstream rushes downstream with the storm surge, leaving less for plants and reducing the natural reservoirs of water that ensure a consistent supply of clean water. These impacts, along with the warming of water (which any trout fisherman recognizes as a major problem) also destroy aquatic habitat.



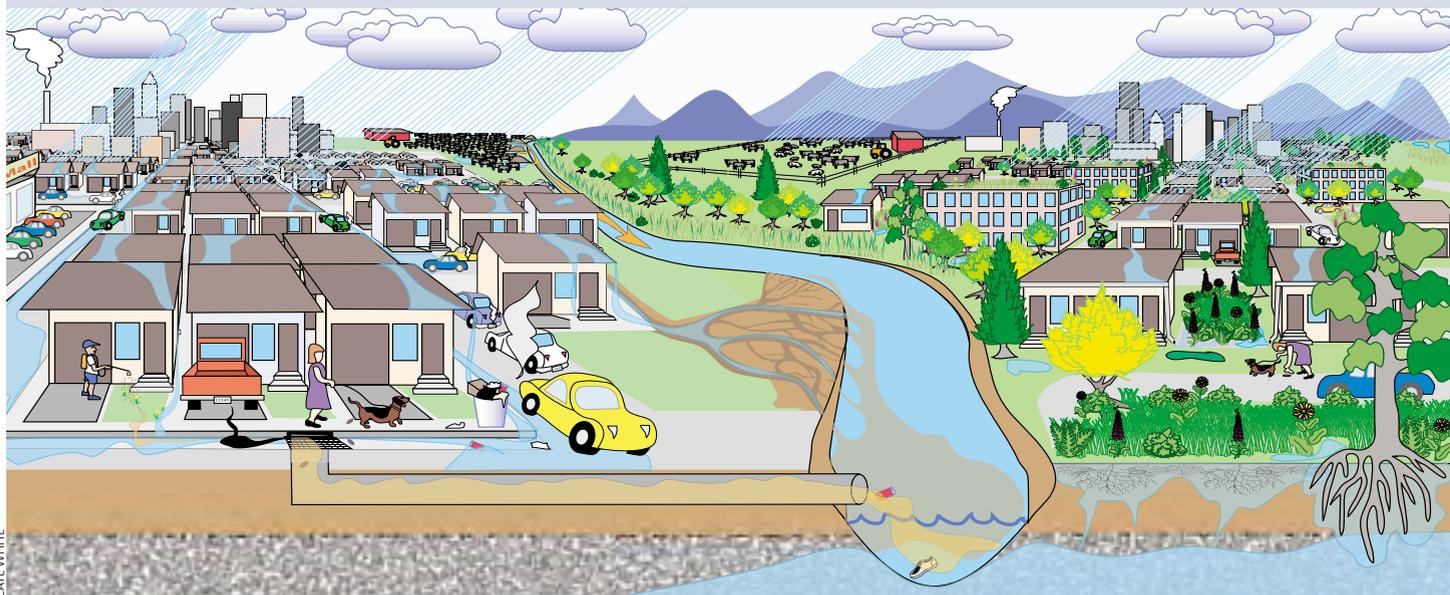
DELAWARE RIVERKEEPER

April 4, 2005, in Lambertville, NJ

While bureaucrats blamed the flooding in New Jersey and Pennsylvania in early spring 2005 on snow melt and Mother Nature, most of the damaged structures were located in floodplains. Respecting the floodplain of large rivers is even more important with increasing development. When you strip away plants and trees, rain that once soaked into the ground now races off the land, swelling the nearest waterway. Floodwaters rise higher and faster than they used to, making larger floods from smaller storms.

## City Stormwater Systems

Most stormwater that falls on city streets, building roofs, and yards is diverted into stormdrains that run directly into natural streams. Unlike sewer water, which is piped to a treatment plan, polluted stormwater runoff is connected, through a pipe to a stream – essentially the highest reach of every river, lake and coast.



CATE WHITE

In the late 1980's engineers started to recognize the importance of slowing down stormwater and began designing structures patterned after natural landscapes. These new designs are often called "Smart Growth." These designed landscapes and structures more closely mimic nature and the natural flow of water. For example, instead of installing curbs that collect stormwater and send it flowing over warm pavement into a drain, runoff can be directed into grass swales that allow infiltration into groundwater, removing pollutants through contact with vegetation, and reducing the temperature of the runoff.

## A Thousand Solutions to Stormwater Runoff

**There is an extraordinarily wide range of tools available to prevent or reduce polluted runoff. Each tool fits a particular problem. When a stormwater expert says "best management practice," they are talking about finding the best tool we have for preventing polluted runoff from a particular source. The tool can be a physical structure – something as simple as a hay bale used to block sediment from leaving a construction site, or as complicated as a filter to remove petroleum from water. It can be a practice – like picking up after your dog on a walk, or your town's street-sweeping program. The tool can be the design features of a building and it's landscaping. The toolkit of these practices continues to grow as new ways of addressing this problem are developed.**

Mike Mullen says, "Construction sites are not difficult to stabilize at relatively low cost if the developer utilizes appropriate and widely used erosion control technologies. Unfortunately, too many projects don't do anything to stop erosion and control water and sediment from running off the site into nearby waterways."

In housing and commercial developments runoff can be managed using basins, retention ponds or constructed wetlands that keep water on the site. These structures give sediments and pollutants time to settle out of slow moving water. They allow time for the biological activity of plants and bacteria to clean the water of nutrients, pollutants and even toxic metals. Water is filtered slowly back into the water cycle – through groundwater, into streams and back into the air by evaporation from the surface and from plants.

As with any project, the best stormwater management plan on paper will only be as good as its design, construction and long-term maintenance.

Fortunately, the Clean Water Act offers everyone a remedy. Citizens can petition state environmental agencies to require developers to get stormwater permits that make clear what technologies they must use to control polluted runoff from a site. They can also file suit in federal court.

As for Foss Creek, McEnhill presented pictures of the problems to the Regional Water Quality Control Board's enforcement office who promised to follow-up with the developer to fix their ero-

sion controls. Three months later the developer had not taken any action to fix the situation at the site. Polluted runoff from the site continued to exceed water quality criteria by several hundred times. McEnhill spoke with the regulators again and was told that because no strict numeric water quality criteria exist, it would be difficult to enforce against the developer that polluted Foss Creek. "It's like having a speed limit posted as 'Don't go too fast' instead of '65 miles an hour,'" says MacEnhill. "It is difficult to hold a speeder accountable to such undefined limits."

That's why McEnhill is pushing the U.S. Environmental Protection Agency to adopt numeric water quality criteria for construction stormwater pollution. Waterkeeper Alliance and the Natural Resources Defense Council recently sued EPA for failing to adopt such requirements.

Meanwhile, residents in upstate New York continue to enjoy the stellar clarity of Lake George. On a sunny day the bottom can still be seen clearly 28 feet down.

Lakekeeper Chris Navitsky's challenge is to change the attitude of many who believe that this tough old lake can continue to take care of itself, as it has for years. Navitsky knows better. He will continue to educate his neighbors. He will draw on the successes and experience from across the Waterkeeper movement to convey the message that if we take clean water for granted, we can lose it and all that it offers our communities. **WVK**

— Chris Navitski, Don McEnhill & Mike Mullen contributed to this story.



## Waterkeeper Sues Over Construction Stormwater Rules

Waterkeeper Alliance and partner NRDC have filed a lawsuit challenging US EPA's failure to issue regulations to reduce stormwater pollution from construction and development sites. Runoff from construction sites and newly paved developments is one of the leading sources of water pollution in the U.S. EPA decided last year to not issue regulations to control this pollution, claiming, in an Orwellian twist, that it was complying with its legal obligation to issue new rules by not issuing rules.

### What can I do about pollution caused by stormwater runoff?

**Stormdrains collect rainfall and carry it directly to the nearest waterway. This water does not go to a treatment plant; it does however collect an assortment of pollutants and trash on the way. This pollution flows directly into the nearest river, stream, lake, estuary, beach, harbor, or ocean. Even a simple act can have a large impact on what ends up in that waterway the next time it rains. Here are some simple things we can all do to help prevent stormwater pollution:**

- |  |  |  |
|--|--|--|
| <p>Never tip oil, paint or chemicals down the stormdrain – it takes only one quart of oil to contaminate a thousand tons of water.</p> | <p>Animal droppings contain bacteria that can make you sick. Always pick up droppings left by dogs to prevent them from washing into waterways and onto beaches.</p> | <p>Don't litter. One burst of rain can wash plastics bags, food scraps, cigarette butts, cans and other litter into the stormdrain – and into your stream.</p> |
| <p>Recycle used motor oil and other hazardous household wastes.</p>  | <p>Sweep sidewalks and gutters rather than hosing them down.</p>   | <p>Avoid using chemicals to wash your car. Try a brush and a little elbow grease instead.</p>  |

# Finding Solutions in Wisconsin

## A Rain Garden at Elm Grove Elementary



Volunteers plant rain garden.

By Cheryl Nenn,  
Milwaukee Riverkeeper

**I**t was a Sunday but at Tonawanda Elementary School the playground was teeming with kids. They were there, with their families, to help Friends of Milwaukee's Rivers – the parent organization of Milwaukee Riverkeeper – plant a rain garden.

A rain garden is specially designed to collect stormwater and allow it to absorb into the soil. At Tonawanda, the garden will catch water running off of the school's playground so that it can naturally soak into the soil, rather than rush into nearby Underwood Creek.

In recent years the Village of Elm Grove has experienced increased flooding as upstream development has "hardened" our ground surfaces. Rather than soaking into the soil, rain quickly rushes off of roofs, roads, parking lots, and lawns, causing area creeks and rivers to flood. This rushing water also carries high pollutant loads. Rain gardens clean pollutants from the

water and contribute to a more natural water cycle by allowing water to recharge groundwater.

The rain garden was not just a one-day effort. In the spring of 2004, students and families began planning the garden. Some families grew plants from seed, supplementing the purchased plants. Volunteers prepared the site, and then, on that beautiful Sunday in October, about 30 volunteers came out to plant. The Patent Teacher Association has formed a "weeding team" that will help with maintenance as the garden gets established.

In addition to the contributions of members, the garden was made possible by a grant from Tom's of Maine, through its partnership with the National Park Foundation. The National Park Service Rivers and Trails Program provided technical assistance, and Nancy Aten of Mequon designed the project. **WK**



Several decades ago, sediment was identified as the main cause of water pollution. Unfortunately, sediment is still the main cause. **Think why?**

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Cascades of silt fences without a strong ditch/channel liner is the biggest problem in water diversion ditches/channels. This contributes significant sediment movement to streams and lakes. Temporary erosion mats (Jute, Straw & Excelsior) are not strong enough to stand heavy flow conditions in ditches/channels.



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# Storm Ditches on the **BLACKWATER/NOTTOWAY**

By Jeff Turner,  
Blackwater/Nottoway  
Riverkeeper

Jeff Turner's hometown of Franklin, Virginia, sits on the bank of the Blackwater River. The city is relatively small with a population of about 9,000 people, a small percentage of whom are the source of the majority of trash in local streams. Turner says the problem begins with the fact that the city has open stormwater ditches. These large, open ditches are the primary channels for moving stormwater out of the town and into the river. The ditches also convey trash, at times a 1/2 mile slick of garbage and bottles, directly into the river.

The two stormwater ditches run through the city, eventually converging into one canal that leads to the river. The river at that point is only about 50 yards wide. Turner has seen the entire river from shore to shore covered in trash. The worst times are in the summertime. "The first real big *frog choker* flushes the trash into the river," says Turner. "When we do not get a big rain for a while, the trash piles. Sometimes after a really big rain the wall of water coming out of this canal is three

feet high. You can't believe the stuff that comes out of there. Cans, bottles and food containers make up the bulk of these nasty slicks, but I have

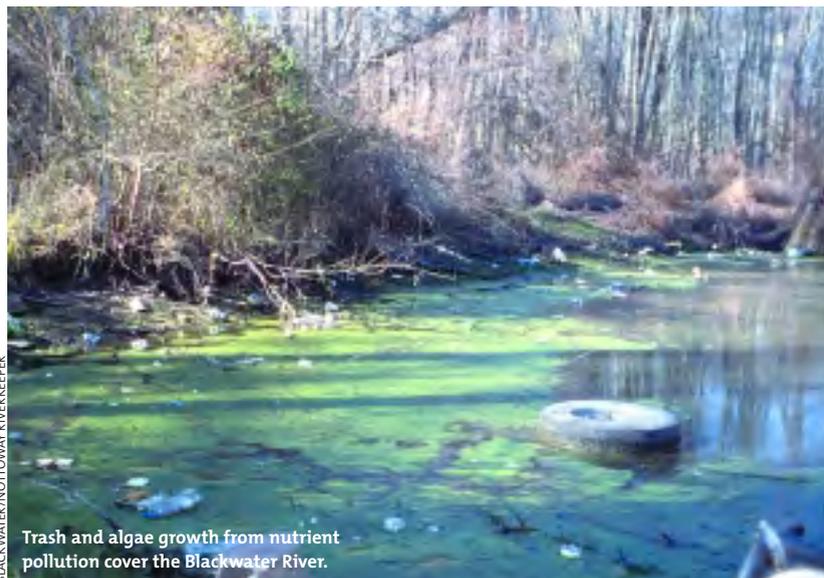
even seen the water carrying trashcans – the big ones like the city uses, big enough that you could put a cow in it!"

Turner has picked up dozens of basketballs, footballs, and tennis balls, every kind of ball you can imagine. But what concerns Turner are the syringes, condoms and other personal items that fish are not supposed to see. "See, I consider this river to be my baby. I'm entitled to because I look after it and pick up after it like a baby. I have asked city officials so many times to fix this problem. I bet there have been 20 articles written in the local paper and several in larger papers about the problem. Yet the city has failed miserably in addressing this issue."

The city made some progress on the Northern ditch by building two retention ponds. Turner says now they just need to install a boom or skimmer to pick up the trash of the ponds. They tried making a homemade grate made out of rebar, but all that did was clog up and flood the city streets with stormwater and trash. Turner says the city now needs to put a retention pond on the South ditch, and use one of the many different methods now available to remove the trash, "It would make the river so much more attractive, healthier to wildlife and would get me off their back." He's tired of spending his time riding them. But he's not even close to stopping. "I guess what really gripes me is that the city could correct the problem without spending millions of dollars."

The city is thinking of building a downtown boat ramp on the river for better access for locals and to draw out of town people, maybe even bass tournaments, sightseers and nature lovers. Next to the proposed boat ramp, the boardwalk in downtown Franklin is a place where the city holds outdoor concerts in the summer. Senior citizens walk along the river and parents teach their children how to cast a fishing lure. In a little kiosk beside the river a historical plaque showcases how the town grew up next to the river. Turner gets serious. "The river raised up Franklin and took care of it when it was young. With the river's health failing, I think it's time for the grown-up Franklin to now take care of the river, the one we call Blackwater." **WVK**

I consider this river  
to be my baby. I'm  
entitled to because I  
look after it and pick  
up after it like a baby.



BLACKWATER/NOTTOWAY RIVERKEEPER

Trash and algae growth from nutrient pollution cover the Blackwater River.

# Innovation



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# OKLAHOMA GRAND: PROBLEMS FROM **Poultry**

By Earl Hatley,  
Grand Riverkeeper

**L**ess than ten years ago the streams feeding the upper Grand River watershed, in Northeast Oklahoma, were clear visible rocky bottoms. But the explosion of industry chicken operations in the region has changed all that. Formerly clear streams now run dark with animal waste containing nutrients, bacteria and antibiotics.

Industrial poultry facilities raise thousands of animals packed together in sheds. They generate huge concentrations of waste that they dispose of by spreading on fields. On a sustainable farm, returning manure to the land is the key to circulating nutrients. In an industrial meat factory, the amount of waste applied to surrounding land quickly overwhelms the natural system. Waste is spread on fields simply to wash into nearby streams with the next rainfall.

Today, these streams are green and milky. Earl Hatley, Grand Riverkeeper, says, "When you are able to see the bottom, the rocks and bottom are covered with thick green algae. The oxygen levels are so low that fishermen complain that fish caught on a trot line die before they can get to the shore." After a recent release of

poultry waste from a facility across the border in Missouri, Hatley went to sample the nearby Elk River, "I didn't need monitoring equipment to find the problem, the overwhelming smell made it clear what was in the water."

In recent months, the Grand Riverkeeper has been working with local citizens to block attempts by MOARK (partly owned by Land O'Lakes) from establishing an industrial sized egg-laying and processing facility in the watershed. The MOARK proposal would establish a 3.2 million hen egg-laying facility, producing 640,000 pounds of manure per day. It would take several thousand acres to safely absorb that amount of manure.

The contaminants in the runoff impacting the upper Grand River watershed is due in part to the desire for cheap agricultural products that do not bear the additional costs of sound environmental protection. How much more are we willing to pay to ensure not only that we can enjoy our streams and lakes, but that we have safe drinking water? As Hatley notes, "In Oklahoma we pay several times that cost now in healthcare and environmental cleanup. The cost of doing business, whether mining or agriculture, should include the cost of cleaning up the mess – if it doesn't pay, it isn't good business. And one way or the other, we're already paying." **WVK**

## Killer chickens?

**Manure from industrial animal farms contains trace amounts of arsenic, copper, selenium, zinc, cadmium, molybdenum, nickel, lead, iron, manganese, aluminum and boron. These heavy metals are added to feed as growth stimulants or as pesticides. In addition, huge amounts of antibiotics, used to keep animals growing in the overcrowded conditions of these facilities, end up in our waterways.**

When there's so much at stake,  
there's so little room for error.



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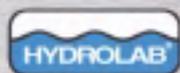
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# ENFORCING THE LAW in San Diego

By Bruce Reznik,  
San Diego Baykeeper

San Diego is known for its beautiful beaches, idyllic climate and family-friendly attractions like Sea World and the San Diego Zoo. Less celebrated, however, are the chronic water pollution problems that have caused San Diego Bay to be ranked among the nation's most toxic. San Diego has the dubious distinction of leading the nation with 1,349 beach and bay advisories due to elevated bacteria levels in 2000. That year clean water became front-page news in San Diego when area beaches were posted as unsafe every single day of that year. Five years later, despite legal and public policy advances, water pollution is still front-page news in San Diego.

For a decade, San Diego Baykeeper has focused on tackling this threat. Our first step was to identify and challenge those agencies and companies that were the most recalcitrant in managing polluted runoff. First up were two of San Diego's bay front shipyards – Southwest Marine and National Steel and Shipbuilding Company (NASSCO). These two mega-companies – owned by defense giants The Carlyle Group and General Dynamics, respectively – had been letting heavy metals (like zinc, copper, tributyltin, mercury, petroleum, chromium, and lead), and extremely toxic compounds (Polycyclic Aromatic Hydrocarbons – PAHs, and Polychlorinated Biphenyls – PCBs) runoff from

SAN DIEGO BAYKEEPER

their sites directly into San Diego Bay for decades, creating 'dead-zones' around their facilities.

In 1997, a San Diego Baykeeper lawsuit against NASSCO resulted in a settlement agreement that required the shipyard to conduct a complete environmental audit of its 75-acre facility, to reduce contaminated runoff from its site, and fund restoration of least tern and clapper rail nesting sites in the nearby Sweetwater River Refuge.

A subsequent San Diego Baykeeper lawsuit against Southwest Marine resulted in a 1999 U.S. District Court ruling against the shipyard, a \$799,000 fine and a court order for the company to build a stormwater diversion facility and increased monitoring to identify and stop future toxic runoff. This historic case was appealed all the way to the United States Supreme Court, which refused to hear the polluter's final appeal in June 2001, ultimately setting important precedent for environmental compliance. Southwest Marine now touts its environmental record as a model for others, going so far as to highlight an industry award they have received for its "voluntary" and innovative stormwater diversion system.

Next up was the California Department of Transportation (Caltrans). Working in partner-

## Jersey's New Stormwater Regulations Help Communities and Protect the Environment

New Jersey, the most densely populated state in the nation, is experiencing growing pains. People are moving from settled areas into the countryside. The price we are paying for this sprawling development is degradation of streams, diminished water supplies and flooded communities. All around the country, existing regulations and prevailing land use development practices have proven to be ineffective in controlling development's contribution to these growing problems and this downward spiral.

New Jersey adopted revised stormwater regulations in February 2004. These new rules require developers to use stormwater mitigation (i.e. best management practices) whenever land is developed. The rules focus on reducing the volume of stormwater runoff, ensuring needed groundwater recharge, and putting in place stormwater runoff water quality standards. These new regulations will not stop growth, but they will ensure that new developments take into account how they are changing the landscape and take steps to reduce stormwater runoff.

ship with the Natural Resources Defense Council (NRDC), San Diego Baykeeper reached a consent decree in December 1997 with Caltrans that forced the state agency to reduce the polluted stormwater that flows untreated from local highways and construction sites into San Diego watersheds. The agreement required Caltrans to undertake annual cleaning of the agency's 15,000 storm drains in San Diego. These storm drains





Everything that collects on our streets and gets into our storm drains eventually reaches our beaches and bays untreated.

These and other suits had a tremendous impact on the actions of local agencies and companies – perhaps the largest individual contributors to the problem. They set legal and technological precedents for stormwater management.



Water entering a storm drain flows underground and exists untreated on to the shore.

had never been cleaned prior to the suit! Caltrans was also required to underwrite a \$2.5 million pilot project to implement and evaluate innovative stormwater pollution control devices installed at a dozen sites. This pilot program has reduced pollution from San Diego's largest highways and also demonstrated the viability of stormwater control

devices such as media filters, constructed wetlands and bio-swales to reduce runoff.

San Diego Baykeeper also targeted the City of Encinitas, a picturesque coastal city, and a surfer town with a large tourism industry. Though cities are required by California law to develop a Stormwater Pollution Prevention Program, Encinitas did almost nothing to reduce or treat

stormwater runoff. They had failed to conduct regular inspections or monitoring of stormwater discharges. This inattention to their stormwater runoff resulted in flooding of homes and businesses, as well as discharges of pollutants into local waters, particularly during major storms. To make matters worse, the city was using a portable pump to illegally discharge polluted stormwater onto Beacon's Beach.

In 1999, San Diego Baykeeper signed a consent decree with the City of Encinitas requiring the city to develop and implement a model municipal stormwater program. That program includes installing new pollution control devices, hiring dedicated city staff to implement stormwater improvements, carry out a public education campaign, and monitor the city's stormwater runoff during rainstorms. Encinitas also agreed to provide \$100,000 to restore Cottonwood Creek. As a result of the settlement, Encinitas' new Stormwater Pollution Prevention Program is a model for the region, even receiving national recognition from NRDC in 2003.

## Spreading Around the Waste

The Pew Oceans Commission reports that sprawl is consuming land at five times the rate of actual population increase in many coastal communities. More than one quarter of all land developed as urban/suburban areas since European settlement was developed between 1982-1997 (last year with figures).

## The Battle Ahead

While San Diego Baykeeper has made progress on many fronts, the last great battlefield in the fight against stormwater runoff is our land-use

Before San Diego Baykeeper's lawsuit, Southwest Marine liked to take credit as an environmental steward while discharging deadly toxins into San Diego Bay. Today, the company touts its environmental record and awards it has received for building a court-ordered stormwater treatment system on site. The shroud over the ship being repaired at Southwest Marine, another requirement of our litigation, helps prevent toxins from being blown into the Bay.



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planning. The vast majority of San Diego's development has followed the typically destructive pattern of southern California suburban sprawl – loss of wetlands and other natural habitats and countless new miles of impervious concrete, rooftops, and streets. The result: lots and lots of dirty water.

To locals, it seems as though entire communities of industrial, commercial, and residential land uses sprang up overnight, bringing with them the daunting task of managing billions of gallons of runoff every year.

San Diego Baykeeper recently hired a land-use expert who is coordinating community organization efforts in two of the region's fastest-growing areas – North San Diego County and South San Diego Bay. By working in coalition with more than a dozen environmental, community and labor organizations, San Diego Baykeeper has been working to impact land-use decisions to preserve open space and promote low-impact developments. While these efforts are still at their infancy, San Diego Baykeeper's efforts are centered on preserving the last area of undeveloped bay front in the City of Chula Vista, and working with the City of Carlsbad to create a multi-million dollar fund to purchase and preserve open space in San Diego County. **WVK**



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San Diego Baykeeper and Caltrans staff visit a local maintenance yard to assess the performance of a storm-filter aimed at treating runoff pollution from the site. The storm-filter was one of a dozen state-of-the-art stormwater treatment devices installed at Caltrans sites in San Diego to determine their effectiveness as a result of a settlement the agency reached with San Diego Baykeeper, Santa Monica Baykeeper and NRDC.

# Enemies OF THE ENVIRONMENT

Pollution is the irresponsible disposal of waste. Doing business, producing goods, and simply living produce wastes. Eliminating waste from our society is impossible. But eliminating pollution is simply a matter of owning up to the waste we generate.

Companies, farmers, municipalities and industries act responsibly when they reduce or eliminate pollution. When they don't, they force the rest of us to carry their load – a load that is a drain on the economy and a danger to our health and communities. The Enemies of the Environment highlighted in this section are some of the most irresponsible companies, public officials, scientists and lobbyists who are leading an unprecedented attack on the American people.



President George W. Bush: Worst environmental president in U.S. history

## America's WORST CORPORATE POLLUTERS

It shouldn't surprise anyone that illegal dumping of toxic waste is a major problem. Few disagree that midnight dumping – backing a truck up to the water's edge and emptying its vile contents – is a crime. But toxic chemicals also take a second, equally insidious path into our waterways.

Under the Clean Water Act, state and federal agencies can grant a company or municipality permission to discharge their pollution – including sewage, heavy metals, cancer-causing chemicals – into public waterbodies. Congress included this permitting system in the Clean Water Act to control pollution while polluters figured out how to meet the larger national goal of “zero discharge” into our nation's waterways. But granting companies permission to pollute has resulted in the *de facto* legalization of this pollution – while midnight dumping is illegal, daylight discharging with a permit is not.

Companies should pay all the cost of bringing their goods to market. Keeping waste out of the environment is simply the cost of doing business. But these companies are using our natural rivers, streams, lakes and coastal waters as dumping grounds for industrial wastes:

**AK Steel Corp.** (NYSE: AKS), led by **James L. Wainscott**, has the distinct (dis-)honor of being the single largest reported discharger of toxics to water nationwide. Their Rockport, Indiana operation discharged an astonishing 29,680,083 pounds of toxins to the Ohio River. Though named one of America's Most Admired Companies by Fortune Magazine, how truly admirable can a company be when they are poisoning our water?

**BASF Corp.** (NYSE: BASF) is directed by U.S. CEO **Klaus Peter Löbbecke**. Their Freeport, Texas, chemical plant is the second largest single reported discharger of toxins to surface water in the U.S., releasing 15,945,553 pounds of toxins into the Clute Lake Jackson Drainage Channel and the Brazos River. The German-based chemical company reported discharging toxins to 11 different waterbodies in eight states. Maybe BASF should change their tagline to “We don't make a lot of the products you buy, but we do make a lot of the water you drink polluted.”

**Cargill, Inc.** (privately held), headed by **Warren R. Staley**, and their subsidiaries are a triple threat – high number (11) of facilities discharging toxins, high number (10) of waterbodies polluted, and total pounds (almost 12 million) of toxins discharged. Cargill is a multi-billion-dollar industrial agriculture corporation, which translates to big yields and big money for them, but big pollution for all of us.

**Dow Chemical Co.** (NYSE: DOW), and their subsidiaries under the guidance of **Andrew N. Liveris**, discharge a whopping 97 different toxins to 16 different U.S. waterbodies, including a total of 606



Clockwise from lower right: Monsanto Co. CEO Hugh Grant; U.S. Steel Corp. director John P. Surma, Jr.; Tyson Foods, Inc. CEO John Tyson; General Electric Co. CEO Jeffrey R. Immelt; Dow Chemical Co.'s Andrew N. Liveris; AK Steel Corp.'s James L. Wainscott; BASF Corp. CEO Klaus Peter Löbbecke; Cargill, Inc.'s Warren R. Staley; ExxonMobil Corp. CEO Lee R. Raymond; E.I. Du Pont De Nemours & Co., Inc.'s Charles O. Holliday, Jr.

pounds of the incredibly dangerous dioxin. There is no known safe exposure limit to dioxin and it bioaccumulates, working its way up the food chain and passing from mother to child in the womb and through breast milk. So much for “Living. Improved daily.”

**E.I. Du Pont De Nemours & Co., Inc.** (NYSE: DD), with **Charles O. Holliday, Jr.** at the helm, continues to discharge PCBs to the Delaware River, even though this highly toxic substance is banned. In addition, Du Pont, in conjunction with the U.S. Army, is planning to discharge VXH, a form of caustic nerve gas, into the Delaware River. It will take one of Du Pont's “miracles of science” to undo the damage that it has done to American waterways.

**ExxonMobil Corp.** (NYSE: XOM) is the company that brought us the Exxon-Valdez oil spill in Alaska. Under the direction of CEO **Lee R. Raymond** this dinosaur continues to poison our waterbodies with mercury, a neurotoxin, and MTBE, a potential human carcinogen. This petroleum powerhouse weighs in with 25 facilities releasing 47 different kinds of toxins into 25 different U.S. waterbodies.

**General Electric Co.** (NYSE: GE), controlled by CEO **Jeffrey R. Immelt**, is notorious for their legacy of PCB contamination of the upper Hudson River. They've spent millions on a campaign to avoid cleaning up this mess. They lead the pack with the largest number of facilities discharging toxins to surface water. Despite being named one of Working Mother's “Best Companies to Work For,” we think most working parents wouldn't want their kids playing in GE's toxic playground.

**Monsanto Co.** (NYSE: MON) and CEO **Hugh Grant** continue their horrifying tradition as the manufacturer of Agent Orange and now banned PCBs, producing herbicides and pesticides that contaminate water all over the U.S. and the world. Not only are their products dangerous, they take top dishonors for discharging the largest variety of toxins (97) to our waterways. While Monsanto has undergone considerable corporate restructuring, they haven't stopped “imAging” new ways to poison our water and our communities.

**Tyson Foods, Inc.** (NYSE: TSN), led by CEO **John Tyson**, is an industrial agriculture giant. Tyson's 23 facilities discharge toxins to 24 different waterbodies. The largest chicken producer and beef supplier in the U.S. likes to keep it big – including the 18,424,001 pounds of toxins they discharged to U.S. waters in 2002. Even though Tyson thinks it's “what your family deserves,” we actually think your family deserves better.

**U.S. Steel Corp.** (NYSE: X), directed by **John P. Surma, Jr.**, discharges more than 20 heavy metals and other toxins to nine waterbodies in Alabama, California, Indiana, and Pennsylvania. Their

Gary, Indiana, steel works alone pumps out 2,970,499 pounds of arsenic, chromium, cyanide, lead, mercury and 18 other toxins into Lake Michigan and three other surrounding waterbodies. Their long history as the largest steel producer in the United States would be more impressive if they weren't among the largest toxic dischargers as well.

**Why these companies?** We identified these *Worst Corporate Polluters* using the pollution numbers they recorded and reported to U.S. EPA for the most current (2002) Toxic Release Inventory. We used Environmental Defense's Scorecard tool ([www.scorecard.org](http://www.scorecard.org)) to screen the data for the top toxic dischargers to water. We also considered companies' environmental record. *The CEOs listed are current as of May 1, 2005.*

## Public Officials Endangering the Public Trust

In the 6th century the Roman Empire codified the rights of citizens to shared resources including air, flowing water and wildlife. These "public trust" rights descended to the people of the United States following the American Revolution. Throughout history, however, tyrants have broken the public trust to deliver these commons to private hands. The extent of this tyranny in 2005 is, perhaps, at an all time high:

### President George W. Bush

#### *Worst environmental president in U.S. History*

The centerpiece of the President's administration is the reversal of more than 30 years of progress restoring America's environment. Bush has filled the ranks of his administration with corporate cronies who are clear cutting environmental and public health protections wherever they interfere with the wishes of America's biggest polluters. Many of these rollbacks are hidden in the minutia of bureaucratic changes, leaving a facade for the press and public. But the results are real. More than 400 individual rollbacks damage your family's health, our natural areas and our economy. In 2005 alone Bush has:

- Released a new mercury non-control rule,
- Weakened federal cancer safeguards,
- Opened protected areas to development,
- Removed protection for endangered species, and
- Proposed an exemption for oil and gas companies from cleaning up their polluted stormwater runoff.

### Gail A. Norton

#### *Standard-bearer for gutting the Endangered Species Act*

As **Secretary of the Department of Interior**, Gail Norton is supposed to play the role of the primary enforcer of the Endangered Species Act (ESA). However, like many other bad actors in the Bush administration, she won't be winning any awards for her lackluster performance. As Colorado Attorney General, Norton argued to the United States Supreme Court that the ESA was unconstitutional. Her disdain for the ESA has continued as Secretary. In her first two years at Interior, Norton only added species to the Endangered Species list AFTER a lawsuit ordered her to do so. Despite the fact that the ESA directs Interior to protect critical habitat, Secretary Norton has suspended any further critical habitat designation because, she says, it provides "little additional protection to species."



AP PHOTO/AL GRILLO



AP PHOTO/JEFF T. GREEN, FILE



AP PHOTO/DENNIS COOK

Clockwise from lower left: Dale N. Bosworth; Gail A. Norton; William Gerry Myers, III

### Dale N. Bosworth

#### *Breaking The Law*

In 2001, Dale Bosworth became **Chief of the U.S. Forest Service**. Under his leadership, in 2003 and 2004, courts ruled that the U.S. Forest Service violated environmental laws 44 times. These violations included eliminating protections for endangered species, preventing Environment Impact reviews, and ignoring laws that protect historic sites. Bosworth's agenda of "streamlining" agency procedure rarely seems to jive with public interest or the law.

### William Gerry Myers, III

#### *Scales of Injustice*

William Gerry Myers is President Bush's **nominee for Ninth Circuit Judge**, despite having never served as a judge. He began his career as a lobbyist for the mining and cattle industry, once comparing environmental regulations to the tyranny of King George III over the American Colonies. As the Department of Interior's Chief Attorney from 2000 to 2003, Myers approved regulations that one federal judge described as "prioritiz[ing] the interests of miners...over the interests of persons...[who] seek to conserve and protect the public lands."

### Jeffrey Holmstead

#### *Inside Lobbyist*

Prior to becoming **Assistant Administrator for Air and Radiation at the Environmental Protection Agency**, Jeffrey Holmstead worked for the law firm Latham & Watkins where he represented the interests of the power industry. Now at EPA, Holmstead is responsible for

establishing mercury limits for power plants. Holmstead is taking every step to remove limits on mercury emissions from power plants operated by his former clients. As the chief architect of the administration's 2005 mercury rule, he inserted language verbatim from memos prepared by his former colleagues at Latham & Watkins.

### John D. Graham

#### *Public Safety a Nuisance*

John Graham, **Administrator of the Office of Information and Regulatory Affairs in the Office of Management and Budget**, once stated "environmental regulation should be depicted as an incredible intervention in the operation of society." Graham has made a career out of spinning anti-regulatory rhetoric, junk science and phony economics to serve polluters. In April, Graham testified at a House hearing supporting the elimination of 76 regulations, including laws that require the disclosure of information concerning the release of toxins and safety requirements for disposal of PCBs.

### Dr. Nils J. Diaz

#### *Keeping the Nuclear Industry's Dirty Secrets*

As **Chairman of the Nuclear Regulatory Commission**, Dr. Diaz classified formerly public data on the safety of reactors and spent fuel

Clockwise from bottom: U.S. Senator James Inhofe (Oklahoma); U.S. Representative Richard Pombo (California); Dr. Nils J. Diaz; Jeffrey Holmstead; John D. Graham; U.S. Representative John Duncan (Tennessee)



pools. A scientist at the National Academy of Sciences (NAS) reported that they have "never encountered such hurdles" releasing crucial information on the safety of the U.S. civilian nuclear industry. Chairman Diaz recently traveled to China to promote the sale of a nuclear reactor that had not yet passed a safety review by his own agency here at home.

### U.S. Senator James Inhofe (Oklahoma)

#### *Wielding the Power of the Senate for Polluters*

As the **Chair of the Senate Environment and Public Works Committee**, Inhofe is strategically placed to grant favors to his corporate friends who gave him almost half a million dollars in 2002. And he hands out those favors with fervor. Inhofe denies global warming as a "hoax" and opposes any attempt to reduce emissions of greenhouse gases. His environmental voting record, compiled by the League of Conservation Voters, is a perfect zero. Inhofe was the chief sponsor of President Bush's "Clear Skies" bill. And, to secure his place as the public's worst enemy in the Senate, Inhofe infamously compared the Environmental Protection Agency to the Gestapo.

### U.S. Representative Richard Pombo (California)

#### *Putting the Environment on the Endangered Species List*

Rep. Pombo, **Chair of the House Resources Committee**, was elected to represent his rural California district with significant help from agribusiness, oil and gas, and construction industries. To the delight of property rights groups, he has set his sights on gutting the Endangered Species Act and likes to mislead the public by claiming that the law has "a zero percent rate of success." Pombo also wants to take away the public's access to the courts to enforce environmental laws. Targeting the so-called "abuse" of citizen suits, Pombo held hearings last year to undermine the rights of citizens to protect their communities from environmental harm.

### U.S. Representative John Duncan (Tennessee)

#### *Environment Be Dammed*

Duncan, **Chair of House Subcommittee on Water Resources and Environment**, is the leading shill for the transportation industry – he received more contributions from transportation PACs than from any other sector. In 2001, he blamed the high gasoline prices on the "rich, yuppie environmentalists [who] are slowly but surely shutting this country down economically." In 2005, Duncan fought off attempts to reign in the excesses of the U.S. Army Corps of Engineers, and instead pushed through a pork-loaded multibillion-dollar bill to fund dam construction and river dredging.

## America's MADDEST SCIENTISTS

In his infamous 2003 memo on how to blunt the environmental movement, pollster Frank Luntz instructed polluters and their allies on how to suppress and marginalize science and scientists when their results don't jive with industry's goals. These mad scientists are on the frontline of this campaign against the public interest. Each has made a highly lucrative career out of corrupting scientific method and attacking their colleagues to bamboozle the public and the press:

### Elizabeth Whelan

#### *Ardent defender of the most toxic substances know to mankind*

Whelan is the author of *Panic in the Pantry* and *Toxic Terror*. In *Panic*, Whelan rejects back-to-nature "mania" like organic lifestyles and pes-

AP PHOTO/DENNIS COOK

AP PHOTO/IRON EDMONDS

ticide-free eating as a “hoax.” Whelan is President and founder of the American Council on Science and Health, a group that asserts “there is no scientific evidence that DDT harms the environment” and that dioxin, one of the most toxic substances in existence, “was not such a bad actor.” Whelan has suggested, contrary to a considerable body of research, “that there is no credible evidence that PCB exposure in the general environment, in fish, or even at very high levels in the workplace, has ever led to an increase in cancer risk.”

### Dennis Paustenbach

*Keeping the world safe for chromium polluters*  
Paustenbach is the president and founder of ChemRisk, a consulting firm that helps companies, “confront public health, occupational health, and environmental challenges.” Paustenbach served as an expert witness for Pacific Gas and Electric when the utility was sued for allowing the poisonous heavy metal chromium to leach into groundwater – a case made famous in the movie *Erin Brockovich*. In the 1990s, Honeywell, PPG Industries Inc. and Maxus Energy Corp. were faced with spending nearly a billion dollars to clean up New Jersey communities they had contaminated with chromium. Instead, they hired Paustenbach to mount a successful campaign to force the state to raise the allowable limit of chromium in soils. Paustenbach has taken his pro-toxic chemical stance nationwide with his recent Bush administration appointment to the advisory committee for the Center for Disease Control’s National Center for Environmental Health.

### John P. Giesy

*Ensuring that good science doesn’t stand in the way of America’s #1 pesticide*

Giesy is a leading apologist for atrazine, the most common pesticide used in the United States, and an endocrine disruptor so dangerous that it has been banned in Europe. When University of California toxicologist Tyrone Hayes linked tiny amounts of atrazine to deformities and infertility in frogs, Sygenta, atrazine’s manufacturer, hired Giesy to dispute Hayes’ research. Despite running faulty studies and misinterpreting the results, Giesy’s research was widely used by Sygenta and other pro-industry lobbyists to force EPA to back away from plans to tighten regulations on atrazine.

### S. Fred Singer

*Spreading a gospel of mis-truth about global warming*

Singer is President of the Science and Environmental Policy Project (SEPP), a non-profit policy research group that denies global warming. SEPP is directly funded by ExxonMobil, according to the company’s own disclosures. In 2001, Singer denied ever receiving oil industry funding. During the past two decades Singer has become one of the most prominent “experts” refuting the existence of global warming and the impact of human activities on climate change. In 1996, he wrote a declaration arguing that there was no scientific consensus on global warming and therefore no grounds for measures to reduce greenhouse gas emissions. Singer claimed the declaration was co-



Clockwise from lower left: Dennis Avery; John P. Giesy; Elizabeth Whelan; Dennis Paustenbach; S. Fred Singer

signed by “more than 100 European and American climate scientists” when most of the signers were not climate experts, and many were not scientists. But Singer made it clear that he is not necessarily ready to give up on global warming. In testimony to Congress he stated “a warmer climate would be generally beneficial for agriculture and other human activities.”

### Dennis Avery

*Guarding factory food from “dangers” of the organic food movement*

This self-styled “leading critic of organic produce” is a self-righteous attack dog who serves the interests of the corporate agriculture companies who pay the bills at his “think tank,” the Hudson Institute. “Organic foods,” Avery claims, “have clearly become the deadliest food choice.” He gained notoriety by insisting that people who eat organic food are eight times more likely to suffer *E. coli* food poisoning – a figure he claimed to draw from research conducted by the Centers for Disease

Control. But CDC has never conducted such research. Avery frequently repeats his mantra that there is no hard scientific evidence that pesticides harm humans, flatly ignoring decades of scientific analysis. Avery’s “research” has been paid for by Monsanto, DuPont, Dow-Elanco, Sandoz, Ciba-Geigy, ConAgra, Cargill, and Procter & Gamble.

## America’s LEADING POLLUTION LOBBYISTS

The power of persuasion in Washington D.C. is not distributed equally. Citizens have a fundamental democratic right to petition public officials. But all too often, their voices are drowned out by slick high-paid corporate representatives who plague the backrooms and shadowy hallways of Congress and the White House. This list includes the most dangerous pro-pollution lobbyists in America:

### National Association of Manufacturers

*Pushing an anti-environmental litmus test for judges*

The National Association of Manufacturers is one of the “Gang of Six” trade associations with close ties to President Bush. It is waging a multi-million dollar campaign to secure the appointment of federal judges who will be antagonistic to the public’s interest in environmental and health related cases. This unparalleled assault on the independence of the judiciary reflects the blurring of the line between corporate and government interests under the Bush Administration. NAM’s position on the environment could not be made any clearer than the 100% approval rating that it gave to Senator James Inhofe, the most anti-environment member of the Senate.

### American Petroleum Institute (API)

*Helping children understand why we shouldn’t sacrifice oil for the environment*

API promotes deregulation of environmental standards for the oil industry. API claims that environmental safeguards cost billions, but provide no benefits. It argues that environmental protection policies

are based upon faulty science and scare tactics by the environmental community. In its most cynical move, API took its propaganda into America's schools. API and the publishing house Scholastic developed the "Powering Your World" website providing 6th-8th grade science curriculum to teachers that indoctrinates children with their pro-oil, pro-plastic agenda. The website fails to mention the environmental and health problems associated with oil spills, air emissions or plastic toxicity. API has also funded a major study that discounted human-induced climate change and teamed up with Project Learning Tree (an industry propaganda effort masquerading as an educational resource) to develop a teaching curriculum that minimizes the threat of global warming.

### Lundquist, Nethercutt and Griles

#### *A Troika of Environmental Terror*

This new lobbying firm brings together the axis of anti-environmental evil. Andrew Lundquist headed Vice President Cheney's secretive energy task force that promoted an oil and coal-first approach to U.S. energy policy. George Nethercutt is a former U.S. Representative who supported drilling in ANWR and stood firm against implementing provisions of the Kyoto climate change accord. He once waited around the Capitol until midnight to sneak an anti-environmental rider into a bill. The rider had earlier been tossed out by a sizable margin. The most venal addition to this trio is former Deputy Secretary of the Environment J. Steven Griles. Prior to joining Interior in 2000, Griles was a lobbyist for the National Mining Association and Shell Oil. During his tenure Griles stayed cozy with his former clients, using his position to undermine the authority of the very agency he ran and continuing to receive \$284,000 each year he served as a "public servant" from his former fossil fuel lobby firm.

Clockwise from upper left: NAM President Jerry Jasinowski; Home Builders President C. Kent Conine; Red Cavaney, API President; Griles & Nethercutt



Jack Gerard, president, National Mining Association

### National Mining Association

#### *Moving more mountains than God*

Working in concert with the Bush Administration the National Mining Association, and its well-funded members forced through a change in federal law to allow "mountain top removal" coal mining. This practice, approved by agencies filled with industry cronies, allows coal companies to reach underground coal seams by using explosives to tear off the top of mountains, and burying adjacent stream valleys under millions of tons of rubble and waste. More broadly, NMA has successfully opposed other environmental and safety regulations of mines, particularly in poor areas of Appalachia. Under the guise of sound science, former National Mining Association lobbyist Steven Griles corrupted environmental impact studies on the effects of mountain top removal, ordering agency scientists to ignore evidence of harm to ecosystems and endangered species.

### National Association of Home Builders

#### *Tearing down tress and putting up parking lots*

The National Association of Home Builders is a rabid opponent of laws and regulations that protect wetlands from destruction, that require treatment of polluted stormwater from construction sites, and that protect endangered species and their habitats. They use lawsuits to rollback the reach of the Clean Water Act so small streams and wetlands can be bulldozed with impunity. Home Builders fights vigorously to undermine the government's ability to protect communities, public health, and the environment. They want to exempt developers from taking responsibility for the costs of development. They work to shackle the public's ability to protect itself and its natural resources from wanton development and degradation. **WK**

# VICTORY!

HACKENSACK MEADOWLANDS PROTECTED

New York/New Jersey Baykeeper and Hackensack Riverkeeper  
Save The Empire Tract:  
**Crown Jewel**  
of New Jersey Urban Wetlands

By Andy Willner and Glen Scherer  
Photos by Gene Nieminen/USFS

One of the greatest victories for urban land conservation in U.S. history was clinched on March 25, 2005, when the 587-acre Empire Tract of the New Jersey Meadowlands was transferred from private hands to the people of New Jersey – finally ceded by the Mills Corporation to the Meadowlands Conservation Trust. The tract had been slated to become the biggest mall east of the Mississippi River. Now it lies at the heart of an 8,400-acre urban wildlife preserve.

“This is the victory we’ve been working toward for fifteen years,” says NY/NJ Baykeeper Andy Willner. “The Empire Tract is the last piece of the puzzle, the jewel in the crown that concludes a journey that started for me in 1990.” It is a journey that began with practically no one believing that the Meadowlands could or should be saved, and ended with virtually everyone in agreement that it must be saved.

The Mills development company yielded thanks to one of the most successful urban wetlands preservation campaigns ever. Relentless grassroots pressure from a massive and diverse alliance that came to include dozens of environmental and community groups, city and county officials, U.S. Congressmen, two New Jersey governors, and hundreds of thousands of New Jersey residents.

The movement, launched by the NY/NJ Baykeeper in 1990, reversed an almost 400-year trend of filling and destroying urban wetlands on the Hackensack River. “People have stopped seeing this as a

**Every day, millions of people traveling to New York City look down from their commute into a sea of marsh grass, meandering waterways and mostly derelict industrial sites. 8,400 acres of Meadowlands – an ecosystem as rich as the Amazon, home to 260 bird and more than 50 fish and shellfish species – sits within five miles of Manhattan. This natural gem is now in the hands of the Meadowlands Conservation Trust – a public land trust formed to oversee this natural area on the public’s behalf. Developers, once sworn enemies of environmentalists, have largely come onboard, recognizing the value of a cooperative, regionally guided planning process to protect this vital natural area.**

All through the process we stuck to just one number – our stand on permissible acreage for wetland development. And that number was zero. Andy and I kept asking the Commission over and over again, “What is it about zero you *don’t* understand?”

— Hackensack Riverkeeper Bill Sheehan

‘mosquito infested swamp’ or ‘wasteland’, and started seeing it as an invaluable natural resource, a wildlife preserve located within a short drive of fifteen million citizens,” says Rutgers Environmental Law Clinic attorney Susan Kraham.” The day has even come where the Meadowlands is being seen with pride as a prime ecotourism destination.”

### **The First Fight of a Long Year Campaign**

The year was 1986 and the Hackensack Meadowlands Development Commission – a state regulatory body operating largely beyond the public eye – was intent on streamlining a path to quick development in the Hackensack Meadowlands. That meant destroying wetlands, lots of wetlands.

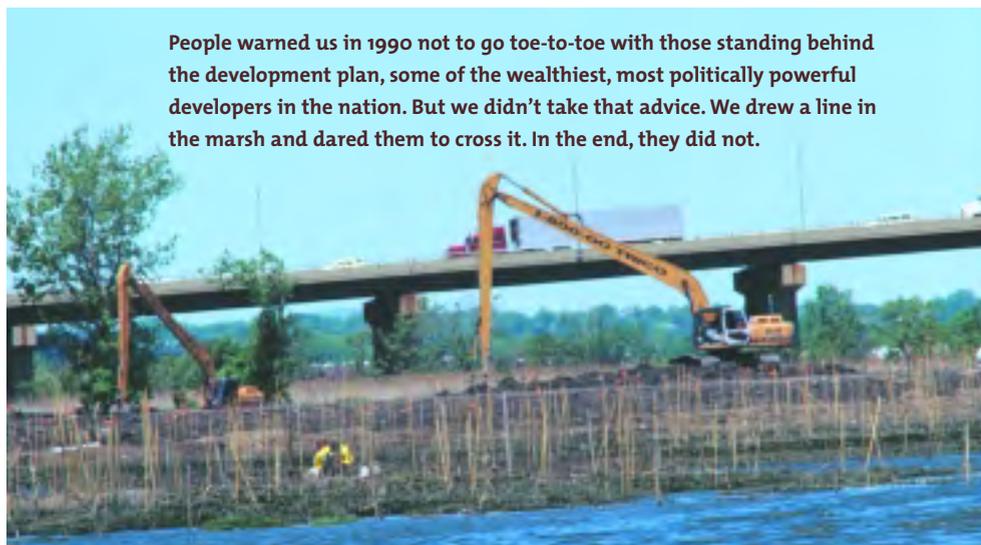
To legitimize their mission, the Development Commission and the Army Corps of Engineers worked to create a Special Area Management Plan – a development plan that called for the filling of up to 1,600 acres of prime marsh, destroying vast wetland habitat for migratory birds and spawning fish. The plan ignored viable pos-

sibilities for the redevelopment of the region’s many derelict industrial sites.

The plan was “contrary to common sense,” recalls Willner who first encountered the plan at a meeting of the Development Commission in 1990, at the time he had just become the Estuary’s Baykeeper. “I didn’t know what an environmental impact statement was,” he recalls, “But I knew that it all sounded fishy: that they were going to fill wetlands while there were obviously plenty of opportunities to redevelop in other places.”

As Willner got more deeply involved, it became clear that the Development Commission’s plan was wired to allow a few well-connected developers to build in the wetland. Sounding the alarm, Baykeeper joined with early allies including New Jersey Audubon Society, and lawyers Billy Cahill and Ed Lloyd of the Rutgers Environmental Law Clinic.

“I remember my first meeting with the Development Commission in 1993,” says NY/NJ Baykeeper Conservation Director Greg Remaud. “There we were: the Baykeeper and a handful of advocates,



**People warned us in 1990 not to go toe-to-toe with those standing behind the development plan, some of the wealthiest, most politically powerful developers in the nation. But we didn’t take that advice. We drew a line in the marsh and dared them to cross it. In the end, they did not.**

## What is a wetland?

Wetlands are a living, breathing part of the river, low-lying land that is flowed by the tide, absorbing water and producing and supporting wildlife on a massive scale.



maybe five or six of us in a big auditorium. And all grouped together up front were a lot of suits: lawyers, officials, developers, and the Meadowlands Development Commission. They were smiling, happy, and ready to destroy the Meadowlands. They kept telling us that, according to their plan, the only way to save the Meadowlands was to fill wetlands. Then Andy Willner stood up in his clogs, and tore them apart. He was logical, articulate and completely fearless in the face of a better organized, better funded and better dressed coalition of developers and government officials.”

By 1995, environmental advocates had taken their arguments against the development plan to the public and the people of New Jersey rallied behind them: The Army Corps and the Development Commission received more than 1,800 negative comments to a draft environmental impact statement on their plan. It was an unexpected firestorm of criticism. Not only did citizens and many mayors from the fourteen Meadowlands municipalities oppose the plan, but so did the federal Fish and

Wildlife Service and the National Oceanic and Atmospheric Administration. Strong ally U.S. Congressman Steve Rothman proposed “drawing a thick black line” of preservation around all the last Meadowlands wetlands.

### **Meadowlands Mills: The Mall that Never Was**

In 1993, Captain Bill Sheehan, who in 1997 would become the Hackensack Riverkeeper, joined the fray as a full partner, garnering names for petitions and rallying public understanding and support of the effort to protect the Meadowlands. Most importantly, he began his eco-tour program that would ultimately get more than 5,000 people out into the Marsh.

When in 1996, the Mills Corporation of Virginia, builder of some of America’s most pretentious mega-malls, announced their plans to build the Mills Meadowlands Mall on the Empire Tract, 587 acres of prime wetland at the heart of the Meadowlands, Sheehan, Willner and the rest of the Meadowlands Partnership were ready.

They were big, rich, and over-confi-

dent. They had used money and power to bulldoze environmentalists, building their malls on wetlands in the Florida Everglades and outside Houston, Texas. “We said, ‘Look, there are alternatives to building in wetlands, and we named ten different places, all in the market area where they could build,’” remembers Willner. “But this guy from Mills says to us, ‘We won’t move any closer to Newark because those people don’t shop and they won’t work.’” Willner’s resolve was doubled.

What ensued was a David and Goliath battle, a series of contentious public meetings with all the twists-and-turns of a highly charged courtroom drama. Then, unexpectedly, Mills announced that it had temporarily withdrawn their application.

But Mills had not given up – they had only shifted their strategy. Through a well-funded misinformation campaign they found allies in some labor unions to participate in the next hearing. “They bused these construction workers to the meetings,” recalls Captain Bill. “Outside they were milling around and looking threatening.” Inside Mills orchestrated the event as well, but things did not go according to plan. “They had these guys reading from slips of paper saying the same thing over-and-over why Mills should get their permit, but some guys didn’t use the paper. One literally asked the [Army Corps] Colonel to have us taken out in chains because we were the enemy of the state and worse than terrorists. That was us, worse than terrorists.”

In one hearing, Willner gathered all of the corporation’s glitzy promotional graphics together in a PowerPoint presentation and used Mills’ own images to prove the viability of the alternative sites. Captain Bill produced “*Phragmites* and you, perfect together” tee shirts and outfitted an auditorium full of Meadowlands supporters with them. In time, union support dwindled, as construction workers realized they would have the same jobs no matter where the mall was built.

As public opposition to the regional development plan stiffened, even the embattled Development Commission staff began to recognize their failure to listen to public opinion. “The one thing we did not do [in the 90’s] was reach out to our stakeholders: the environmental groups, the municipalities, John and Judy Q. Citizen, mayors, freeholders, and state legislators,” agrees

Bob Ceberio, Development Commission staffer who would eventually take over as Executive Director and help reshape the agency's mission and policies in a positive way. Back then, "we were obviously closely aligned to part of the business community, and the mindset of the Commission for the longest time was that of isolation."

By 2000, NY/NJ Baykeeper, Hackensack Riverkeeper and their partners had brought progress on the regional development plan to a standstill. As New Jersey's Republican Governor Christy Whitman departed for Washington to run the US EPA, the political climate and leadership at the Development Commission (now renamed the New Jersey Meadowlands Commission) changed radically. In March 2001, acting Governor Donald DiFrancesco came out in favor of Meadowlands preservation. Then on January 23, 2002, the New Jersey Meadowlands Commission withdrew its support for the proposed development plan. The Special Area Management Plan to pave the Meadowlands was officially dead.

Though the war was won, there was still one battle left: the Mills Mall development was still on the table. The key to the fight was forcing the Mills Corporation and the Army Corps of Engineers to look seriously at alternative sites for the project – and that happened when Mills and state officials started talking together about the redevelopment of the Continental Airlines arena, former home of the New Jersey Nets. With the law, the public, and eventually the Governor of New Jersey firmly in favor of preserving the Meadowlands, Mills eventually came to understand that their model of developing on wetlands was simply not going to happen in New Jersey.

### **Cementing a Permanent Plan to Preserve the Meadowlands**

Those environmental advocates who for so long fought an out-of-control political decision-making process now had to design their own plan for the Meadowlands. Working with the now-friendlier Meadowlands Commission they designed a new regional protection plan that would benefit Meadowlands communities, the environment and economy.

Environmentalists, municipalities, and businesses worked through the new plan chapter by chapter offering input and suggesting changes. "The new master plan became a true blend across the board for all

of our stakeholders," says Ceberio. "It dealt with quality of life issues, the environment, preservation, parks, and we showed the business community that in fact, from the economic development side, we could do equal-to or better-than was proposed... under the development plan, without filling in wetlands."

On March 25, 2005, Mills Corporation transferred title of the 587 acres of the Empire Tract permanently into public

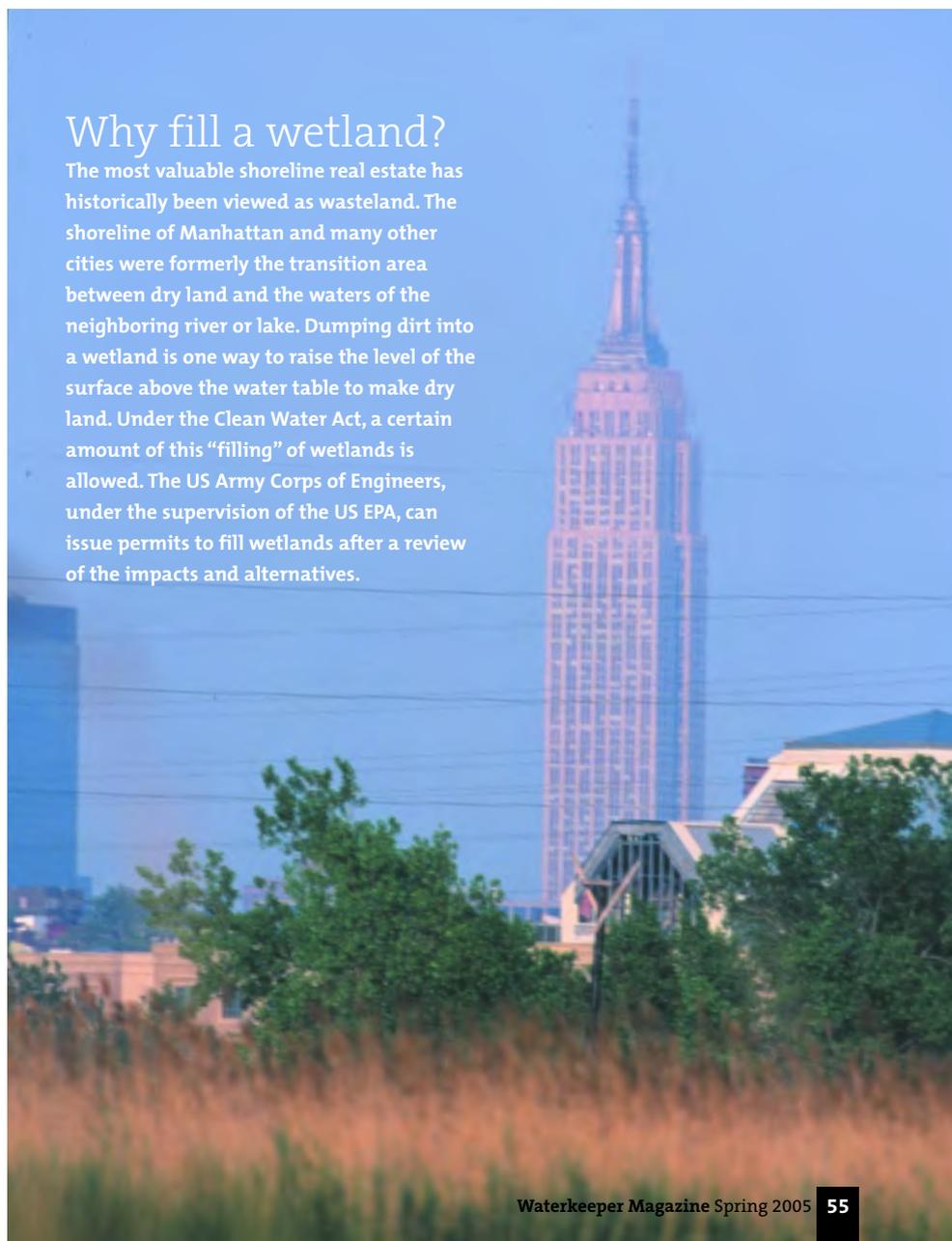
hands. At the same time Mills turned over its first of 75 annual \$100,000 payments to help pay for the preservation of the Meadowlands. After investing \$100 million to develop the Empire Tract – money spent on lawyers, scientists, public relations and even a barbeque at nearby Giants Stadium to rally support for their project – even Mills officials privately agreed that because they were forced to consider an alternative site, "we're going to have a better project." **WVK**

## **Garden State Trust**

**On March 12, 1997, New Jersey Assembly Majority Leader Paul DiGaetano introduced legislation modeled directly on NY/NJ Baykeeper's plan to create a public Meadowlands Conservation Trust. Ownership of 8,400 acres of Meadowlands will eventually be turned over to this public land trust for perpetual protection on the public's behalf. "It is my sincere hope that through this legislation, a significant piece of our neighborhood will continue to remain in its pristine state," DiGaetano said. "We should remember first and foremost that New Jersey is the 'Garden State,' not the 'Concrete State.'"**

### **Why fill a wetland?**

The most valuable shoreline real estate has historically been viewed as wasteland. The shoreline of Manhattan and many other cities were formerly the transition area between dry land and the waters of the neighboring river or lake. Dumping dirt into a wetland is one way to raise the level of the surface above the water table to make dry land. Under the Clean Water Act, a certain amount of this "filling" of wetlands is allowed. The US Army Corps of Engineers, under the supervision of the US EPA, can issue permits to fill wetlands after a review of the impacts and alternatives.



# Manure Rule Exposed

## WATERKEEPER ALLIANCE V. EPA: Court Throws Out EPA's Self-Regulation Rule for Factory Farms

**W**aterkeeper Alliance scored a major legal victory this February when the US Court of Appeals for the Second Circuit ruled that portions of EPA's Clean Water Act regulations for factory farms were illegal. Waterkeeper Alliance filed the lawsuit challenging the factory farm regulations in March 2003 with partners NRDC and Sierra Club.

EPA's February 2003 regulations strongly favored the interests of the industrial meat and dairy producers over public health. EPA's rule followed a path it has set out for other industries under the Bush administration, allowing factory farm operators to "self-regulate" by writing their own nutrient management plans and keeping them secret from the public and government agencies. These plans create the only limitations on the amount of waste that factory farm operators can dispose of without violating the Clean Water Act, so the regulations effectively gave industry the power to decide if they've broken the law or not.

The Second Circuit agreed with Waterkeeper on several important issues. The court ruled that the regulations set up an illegal "self-permitting" scheme that violated the explicit requirements of the Clean Water Act. As a result, the court directed EPA to revise the regulations. EPA must now require factory farm operators to develop

nutrient management plans that are approved by state agencies, open to the public for review and comment, and incorporated into the terms of a factory farm's Clean Water Act permit. The court's decision significantly strengthens industry and state government accountability. It means citizens will have the ability to comment on an individual factory farm's waste control plan before it is issued a permit – no more secret permitting – and ensures that citizens have the information they need to hold factory farms responsible for complying with the Clean Water Act.

In addition, the court ruled that EPA must make sure that its regulations will directly reduce pathogen flows into surface and groundwater from factory farms. Pathogens, such as *E. coli* and *cryptosporidium*, are dangerous, disease-causing microorganisms that are concentrated in

animal manure. EPA had argued that its regulations offered sufficient protection against this threat to human health because they "incidentally" reduced pathogens by 46%. The court disagreed and reminded the agency that the Clean Water Act requires it to select the best pollutant control technology for reducing pathogens. Incidental controls simply are not enough.

This victory is a tremendous step forward in our efforts to counter the environmental and health impacts caused by factory farms. We are pleased that the court has reaffirmed the central role of informed, active citizens in protecting our nation's waters. It is notable that the court has insisted that factory farms are a significant threat to water quality, and that these factories and public officials need to take steps to reduce that risk. **WKA**

### A bit of background:

**As we reported in our Summer 2004 issue, factory farms produce tremendous amounts of liquid manure and wastewater used to flush out the crowded barns.**

**This water is stored in pits, lagoons, or large tanks and then disposed of by applying it to farm fields or pastures. Ostensibly, this wastewater is used as fertilizer, but many factory farms scam the system, applying far more waste than can effectively be used by the crops they grow.**



What is it they don't want you to see?



Family farm?  
No, factory.

Each of these sheds houses thousands of animals. A factory like this one in North Carolina collects millions of gallons of waste in an open lagoon.



Nothing to hide?

Here, a farm is spraying waste directly in streams that feed the Trent River.

# Waterkeeper Flotilla

## Leave Nothing In Your Wake

by Sejal Choksi, San Francisco Baykeeper

To patrol the thousands of miles of waterways in the vast and beautiful San Francisco Bay, skippers of San Francisco Baykeeper and its Bay Chapter, Deltakeeper Chapter and Petaluma Riverkeeper Chapter log countless hours in six patrol boats. Like all Waterkeeper programs, Baykeeper walks the talk to reduce the ecological impacts of our own operations. Along with following best practices for refueling and maintenance, Baykeeper has equipped all six of our boats with four-stroke engines.

Four-stroke engines are a little heavier, a little more expensive, and require more maintenance than their two-stroke counterparts, but they are far less polluting. Older style two-stroke models can dump up to 30 percent of their fuel, unburned, into the water. This fuel poisons birds and aquatic wildlife. MTBE, a chemical found in some fuel, is particularly dangerous to drinking water supplies. While new direct fuel injection technology has substantially reduced this problem in some two-stroke models, four-stroke engines emit fewer hydrocarbons, run more quietly, and burn fuel more efficiently. All in all, four strokes are a sound choice for any boater concerned about protecting the environment.

## Getting Back in the Water

Here are some tips for cleaner boating as you prepare to launch your boat this spring.

### Run Clean

- » Clean your hull on the shore, contain the debris, and dispose of it in the trash.
- » Cleaning products that will harm you, will harm the environment – look for alternatives that don't say "do not get in eyes" or "always wear gloves."
- » Buy only non-toxic and phosphate-free cleaners – look for the Green Seal of approval ([www.greenseal.org](http://www.greenseal.org)).

### Better boat cleaning solutions

TRADITIONAL CLEANER	SAFER ALTERNATIVE
Bleach	Borax
Detergent and soap	Elbow grease
Scouring powders	Baking soda or rub area with half a lemon dipped in borax, then rinse
General cleaner	Baking soda and vinegar or lemon juice combined with borax paste
Floor cleaner	One cup vinegar in two gallons water
Window cleaner	One cup vinegar in one quart warm water
Aluminum cleaner	Two tablespoons cream of tartar in one quart hot water
Brass cleaner	Worcestershire sauce or paste of equal amounts salt, vinegar and water
Copper cleaner	Lemon juice and water or paste of lemon juice, salt and flour
Chrome cleaner	Apple cider vinegar to clean, baby oil to polish
Stainless steel cleaner	Baking soda or mineral oil for polishing, vinegar to remove spots
Fiberglass stain remover	Baking soda paste
Mildew remover	Paste of equal amounts lemon juice and salt or white vinegar and salt
Drain opener	Flush with boiling water and 1/4 cup baking soda and 1/4 cup vinegar
Interior wood polish	Olive or almond oil
Head and shower	Baking soda and brush thoroughly
Rug/upholstery cleaner	Sprinkle dry corn starch on rug and vacuum thoroughly

(SOURCE: PUGET SOUNDKEEPER ALLIANCE)

San Francisco Baykeeper (CA) monitors the 1600 square mile Bay, which receives 67 million tons of cargo annually.



## FILL IT — Don't Spill It

Fill fuel tanks slowly and leave the tank five to ten percent empty – fuel expands as it heats up.

Keep absorbent pads and air-vent containment trays on hand to catch drips and spills from nozzles, air vents and fittings – if something leaks, fix or replace it.

Place an absorbent pad or boom in the bilge to soak up any oil before the water is discharged.

In the case of a spill or leak, stop the source and call the US Coast Guard (1-800-424-8802.) Contain the spill with absorbent pads and booms but do not add detergent or emulsifiers to the spill – they are illegal.

## Stow and Dispose

- » Use a marine pump out station at the end of each day.
- » Never dump untreated sewage into any lake, river or coastal water.
- » Avoid holding tank products that contain quarternary ammonium compounds (QACs) and formaldehyde.
- » Stow it, don't throw it – throwing trash overboard is illegal everywhere.

## Disposing waste

WASTE PRODUCT	BEST DISPOSAL METHOD
Oil	Recycle
Antifreeze	Recycle
Paint and varnish	Bring to a household hazardous waste collection day
Solvents and pesticides	Bring to a household hazardous waste collection day
Expired emergency flares	Bring to a local fire department or household hazardous waste collection day
Plastic and fishing line	Recycle where possible or dispose in regular trash

(SOURCE: MARYLAND CLEAN MARINA INITIATIVE)

## Watch out for Wildlife

- » Proceed slowly in shallow areas and watch your wake – it can disturb or injure wildlife and increases shoreline erosion.
- » Avoid contact with submerged aquatic vegetation.
- » Prevent the introduction of non-native species by thoroughly cleaning your vessel before traveling a new waterbody.

...AND HAVE A GREAT SEASON ON THE WATER!

# Waterkeeper Flotilla



Soundkeeper Terry Backer (here with volunteer Cheryl McNeil) patrols Long Island Sound (CT) with a patrol boat, 4 pumpout boats and an Indian motorcycle – license plate “Keeper.”



Eileen McLellan, Chester Riverkeeper, on patrol (MD)



Anchafalaya Basinkeeper, Dean Wilson, guides a tour through the Louisiana Everglades



New Riverkeeper (NC)



Erie Canalkeeper's patrol area consists of 140 miles of the Historic Erie Canal from Amherst to Syracuse (NY)



Detroit Riverkeeper (MI) Robert Burns on patrol



Petitcodiac Riverkeeper (New Brunswick)



Catawba Riverkeeper (GA) patrols a watershed with 13 hydropower, 2 nuclear, and 3 coal-fired power stations, home of the rare Rocky Shoals Spider Lily found in fewer than 50 places on Earth.

Bob Shavelson, Cook Inletkeeper, patrols a 47,000 square mile Alaskan watershed with more than 400 wild salmon streams.



Santa Barbara Channelkeeper (CA) monitors water quality during a visit from the Diamond Princess cruise ship - a floating city of nearly 4000 people generating massive volumes of wastewater.  
 Photo by: Elizabeth Price



Fundy Baykeeper David Thompson patrols between Alma, New Brunswick, Canada and St. Stephen at the Maine border.



Michael Mullen, Choctawhatchee Riverkeeper with Mark Martin, Black Warrior Riverkeeper attorney, below a rapids near Ozark (AL)



Volunteers prepare for a survey mission on the mighty Columbia with Riverkeeper Gregory deBruler (WA)



Pensacola Gulf Coastkeeper (FL)



Buzzards Baykeeper (MA)



Apolachicola Bay & Riverkeeper (FL)



The Grand Traverse Baykeeper tugboat is a 22-foot eco-friendly aluminum-hulled patrol vessel featuring a composting head, dry exhaust, clean bilge system, and an energy-efficient bio-diesel engine. Michigan has more registered pleasure boats than any other state, but no other boat looks like this one. It also provides a stable platform for water quality monitoring, research, public outreach and education.



Peconic Baykeeper (NY)



Severn Riverkeeper (MD)



Upper Susquehanna Riverkeeper (PA)



Meredith Brown, Ottawa Riverkeeper (Ontario)



Delaware Riverkeeper's watershed receives 70 percent of all oil shipped to the East Coast, is home to the world's largest population of horseshoe crabs and the second largest stopover location in the Western Hemisphere for migrating shorebirds.



A volunteer videotapes while on river patrol with Great Salt Lakekeeper (UT).



Black Warrior Riverkeeper (AL). The headwaters are North America's largest coal-producing area.



Puget Soundkeeper (WA)



Patuxent Riverkeeper (MD) Fred Tutman relies on kayaks and canoes while his motor boat is dismantled for winter repairs.



Larry Baldwin, Lower Neuse Riverkeeper (NC) patrols 125 miles of river with 60 major industrial dischargers and 460 hog farms.



San Luis Obispo Coastkeeper (CA) Gordon Hensley and Brynn Nave, the next generation Waterkeeper



Savannah Riverkeeper (GA)



Housatonic Riverkeeper (MA)



Milwaukee Riverkeeper (WI), Cheryl Nenn, with volunteers.



Stephanie Weiss, Upper St. Lawrence Riverkeeper (NY)



Village Creekkeeper (AL)



Humboldt Baykeeper (CA)

# Waterkeeper Flotilla



DeltaKeeper of San Francisco BayKeeper has a fleet of three boats to patrol the largest estuary on the west coast.



Upper Chattahoochee Riverkeeper (GA) patrols at holiday time.



Mark Mattson, Lake Ontario Waterkeeper, (Ontario) collects a water sample



James Riverkeeper (VA)



St. Johns Riverkeeper (FL)



Assateague Coastkeeper (MD)



Pamlico-Tar Riverkeeper (NC)



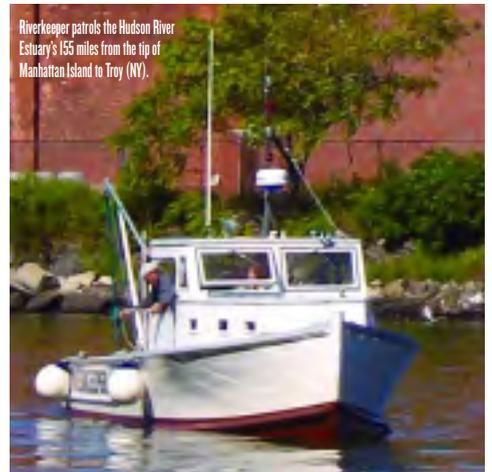
Commencement Baykeeper (WA)



San Diego Baykeeper (CA)



Don McEnhill, Russian Riverkeeper (CA) guides an educational tour.



Riverkeeper patrols the Hudson River Estuary's 135 miles from the tip of Manhattan Island to Troy (NY).



Volunteer Coordinator Monica Smiley with Tualatin Riverkeepers' (OR) Restoration Tool Bank Trailer carrying shovels, rakes, wheelbarrows, hoes, pruners, and pulaskis to remove invasive plants and restore native fish habitat.



Orange County Coastkeeper (CA) launches divers to bring students on a nearby floating classroom to visit a kelp forest using a two-way radio and underwater video camera.



Georgian Baykeeper (Ontario)



Ventura Coastkeeper's (CA) newly donated 30-foot Chris Craft

Captain Billy Sheehan, Hackensack Riverkeeper (NJ) has two 27-foot Aqua Patios, the Edward Abbey and the Robert H. Boyle, outfitted with Yamaha 4-stroke motors, 14 canoes, 12 kayaks, a 16-foot boat, and a Honda Aquatrax patrol vessel.



Santa Monica Baykeeper (CA)



Casco Baykeeper patrols the cold Maine waters in a 26-foot Seaway with a reinforced bow and shallow draft to slice through ice and reach sites near shore.



# Waterkeeper Flotilla

Southern Environmental Law Center barristers on a field trip with James Holland, Altamaha Riverkeeper (GA).



Virginia Eastern Shorekeeper, Richard Ayers, monitoring the tidal marsh with youth educators Seacil the Seahorse and Omar of the Reef.

Petaluma Riverkeeper of San Francisco Baykeeper (CA) clears trash - the 3000 acre Petaluma Marsh is the largest remaining intact tidal marsh in California.



Tennessee Riverkeeper (TN)



The watershed of the Upper Neuse Riverkeeper (NC) is home to 1.5 million people and 2 million hogs.

John Wathen, Hurricane Creekkeeper (AL)



Chandra Brown, Canoochee Riverkeeper (GA)



Cape Fear Riverkeeper (NC)



Galveston Baykeeper tours Houston in the "Gulf Ghost" to rally support against an unneeded container terminal at Bayport, Texas.



Earl Hatley, Grand Riverkeeper (OK)



Laura Calwell, Kansas Riverkeeper, in her touring kayak

South River Riverkeeper (MD)



New York/New Jersey Baykeeper patrols a rich ecosystem of bays, straits, islands, rivers, salt and freshwater wetlands, mudflats, beaches, and one of the world's busiest commercial port complexes.



Cape Fear Coastkeeper (NC)



Blackwater/Nottoway Riverkeeper (VA)



Raritan Riverkeeper (NJ) patrols in a 4-stroke Yamaha PWC, 25-foot SteigerCraft, a 16-foot shallow draft outboard, and kayaks.



Patapsco Riverkeeper (MD)



Oregon Governor Ted Kulongoski poses for a photo on Willamette Riverkeeper's boat.

Bow Riverkeeper (Alberta)



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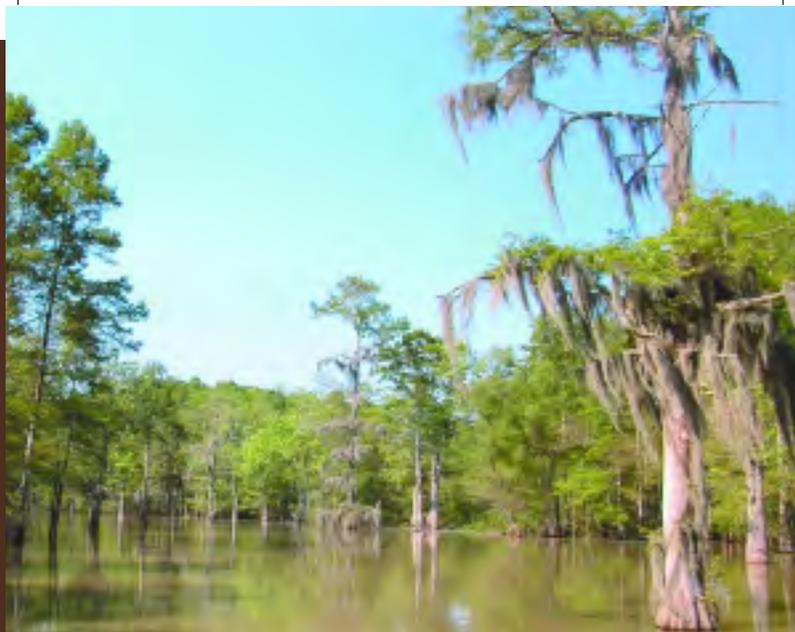
to take action or to get involved with your local Waterkeeper program.



# A Million Acres of Wilderness

## The Atchafalaya Basinkeeper

By Jeff Odefey and Dean Wilson



In the spring of 1984 Dean Wilson was a restless young man with a dream of moving to the Amazon rainforest to help protect one of the most bountiful and wild places on earth. He was looking for a place where he could acclimate to the heat and mosquitoes of his final destination. He found what he was looking for in Louisiana's Atchafalaya Basin.

Dean never made it to the Amazon, but stayed in the Atchafalaya making his living as a hunter and fisherman for the next 18 years. In 2000, Dean started a swamp tour company to raise awareness about the Atchafalaya, and, in 2004 he founded the Atchafalaya Basinkeeper program.

The Atchafalaya Basin is a largely unknown wonderland that echoes the richness of the Amazon. The Atchafalaya River is a 135-mile channel that breaks off from the main stem of the Mississippi River and runs to the Gulf of Mexico. The impressive Atchafalaya Basin contains 885,000 acres of contiguous bottomland hardwood forest and more than a half-million acres of marshland.

A paradise for birds (and bird watchers), the Basin supports more than 300 bird species. The swamps and forests of the Atchafalaya may be among the last wild places that the Florida Panther and Louisiana black bear call home. White tail deer, bobcat, and coyote share this watery wilderness with alligators, beavers, mink, otters and armadillo.

For generations, the Cajun people of the Atchafalaya have depended on the bounty of the region, collecting fish, crawfish, shrimp and crabs. Recreational and commercial fishermen remain the backbone of local culture in this part of Louisiana. But logging has long had an important and devastating role in the history and economy of the area. After the Civil War commercial loggers hacked down the ancient cypress forests of the Basin to provide lumber for use throughout the region. By 1930, the entire basin had been clear-cut – stumps of these ancient trees are still visible.

Today, the Basin's recovering cypress forests face the same threat. Logging operations are once again eradicating stands of cypress – mainly to make garden mulch, sold at Wal-Mart, Home Depot and garden stores across the nation.

Most of Dean's time as the Basinkeeper is spent introducing people to the swamp and fighting to stop illegal logging. The Army Corp of Engineers has only eight officers to enforce the conservation laws in all of southern Louisiana. Loggers take full advantage of the situation. Dean's knowledge of the Basin allows him to find illegal logging sites and report them to authorities. As a result of his vigilance, one company is now under criminal investigation.

Dean is also working to publicize the practices of the cypress mulch industry. It's likely that few garden center customers realize that the bags of cypress mulch they spread on their home gardens are the product of denuded Louisiana Cypress swamp. The key to preserving the nation's largest contiguous bottomland hardwood forest is making the link for consumers between their home gardens, migrating songbirds, and saving the Atchafalaya Basin. **WK**

Photography by Atchafalaya Basinkeeper



Logging of Cyprus trees is very destructive, mostly illegal and rarely punished.





# REMEMBERING BARNACLE BOB



100% REAL FICTION HAND-BLENDED by DOUGLAS MICHAEL © 2005



I REMEMBER IT AS THE SUMMER MY GIRLFRIEND LEFT ME.

"GROW UP."



BY THAT, I DON'T THINK SHE MEANT I SHOULD GO OUT AND BUY A SURFBOARD BUT THAT'S JUST WHAT I DID.



UNFORTUNATELY...



THEN THIS GUY CAME UP TO ME. SAID HIS NAME WAS BOB.

"TURD'S UP. EH, DUDE?"

GLOBAL WARMING WAS GOOD, HE SAID. LET THE WATERS RISE.



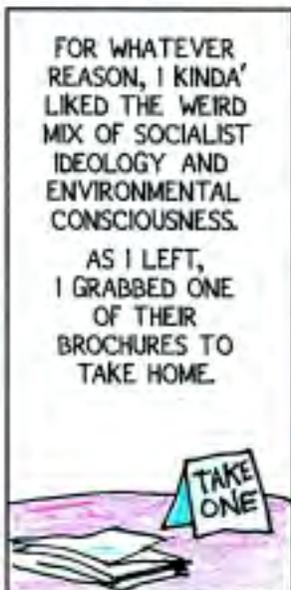
I SAW HIM AGAIN A WEEK LATER-

LEADING HIS LITTLE BAND OF 'FISH-HEADS' IN THE LOCAL EARTH DAY PARADE.



SO I HUNG AROUND TO HEAR WHAT ELSE HE HAD TO SAY.

"LISTEN TO ME. FISH SWIM FREE, AMID PLENTY."



FOR WHATEVER REASON, I KINDA' LIKED THE WEIRD MIX OF SOCIALIST IDEOLOGY AND ENVIRONMENTAL CONSCIOUSNESS.

AS I LEFT, I GRABBED ONE OF THEIR BROCHURES TO TAKE HOME.



## HOW TO RECONNECT WITH YOUR INNER FISH

SANTA BARBARIANS FOR A WETTER WORLD

1. THINK FISH
2. VISUALLY DISPLAY YOUR DESIRE TO OTHERS
3. FLEX THE REAR OF YOUR BRAIN.
4. REMOVE ALL DOUBT.
5. DISPENSE WITH YOUR BODY AND SWIM AWAY!

YEAH, I KNOW, CRAZY STUFF. AND YET, I WAS INTRIGUED. SO I WENT TO ONE OF THEIR MEETINGS AND SAT IN AS BOB AND HIS FOLLOWERS INTONED THEIR SACRED MANTRA.



"FISH SWIM FREE." "AMID PLENTY."

AFTER, BOB TOOK ME ASIDE. HE SAID *THIS* WAS THE NIGHT.

"THE TERRESTRIAL WORLD HAS NO PLACE FOR A GUY LIKE YOU. COME, IMMERSE WITH US."



I SAID OKAY AND LET THEM FIT ME FOR A FISH HAT BUT AS WE ALL MARCHED DOWN TO THE BEACH, I PANICKED AND RAN.



THE NEXT MORNING, FIVE HEADLESS BODIES WASHED UP IN THE BAY.

THE COPS SUSPECTED FOUL PLAY. I WAS QUESTIONED AND RELEASED. THE COP SAID I LOOKED LIKE ANOTHER DEAD END.



SO I STRAIGHTENED MYSELF OUT. I WENT TO LAW SCHOOL. GOT A JOB. WON SOME IMPORTANT CASES. LOST SOME TOO. I BOUGHT A BIG HOUSE. MARRIED TWICE. ALL IN ALL, AN OKAY LIFE.



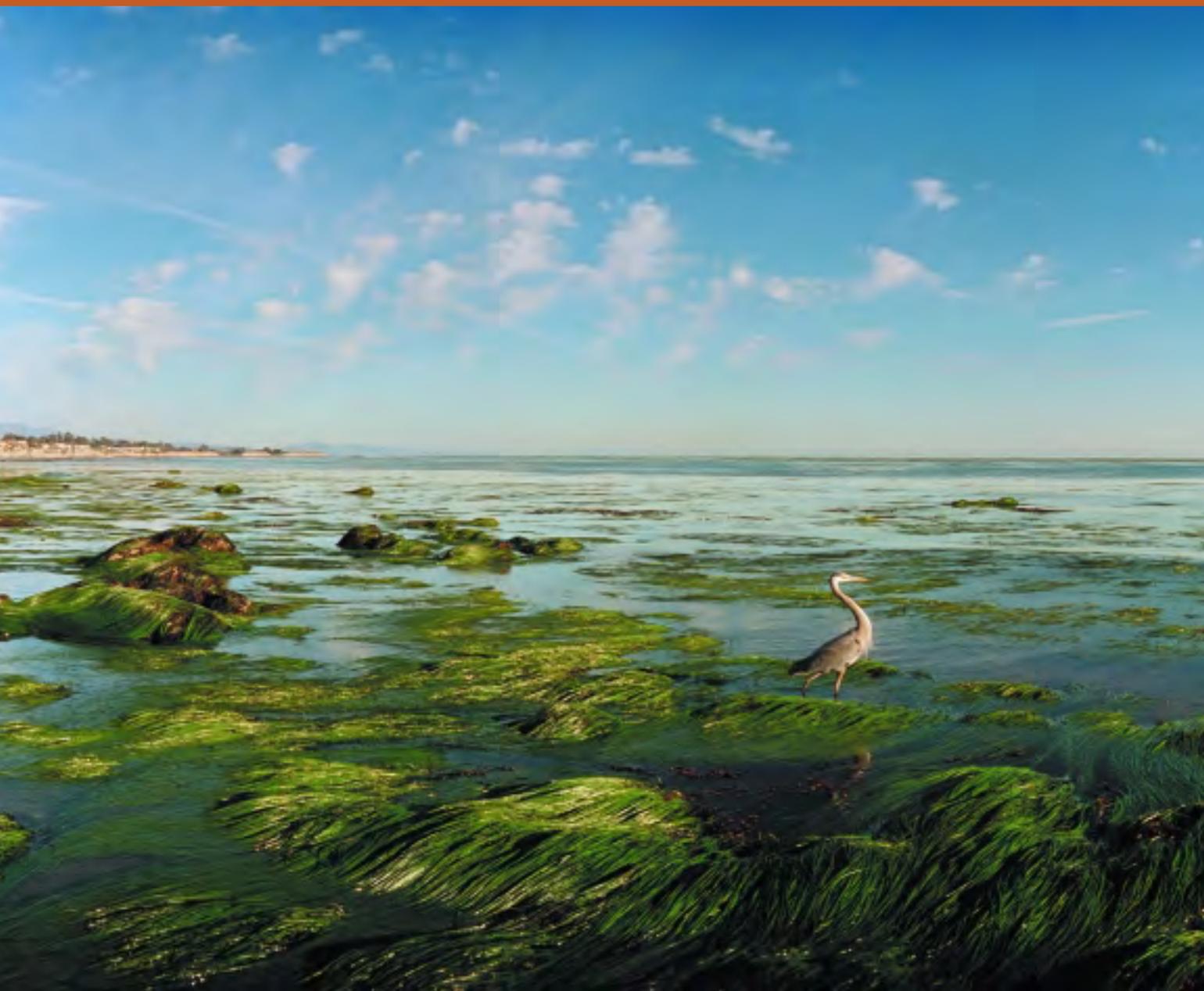
IN ANY EVENT, I KEPT MY SURFBOARD AND SOMETIMES I PADDLE OUT A WAYS FROM THE SHORE JUST TO SEE WHAT FISH MIGHT HAPPEN BY.



## On The Water

Photo critic Andy Grundberg wrote that, “Macduff Everton updates travel photography in the same way that Ansel Adams updated 19th century photography of the West. He captures strange and eloquent moments in which time, and the world, seem to stand still.”

Everton’s photographs appear regularly in National Geographic Traveler, Islands, Travel + Life and Conde Nast Traveler magazine. His work is in the world’s most prestigious public and private collections. He is represented by Janet Borden Gallery in NYC and the Kathleen Ewing Gallery in Washington, D.C. Macduff lives in Santa Barbara, California.





# ((( ((( Beating Around the Bush )))) )))))))

Since the last installment of **Beating Around the Bush**, George W. Bush has furthered his reputation as the **worst environmental president** in history with **three new assaults** on public safety and the environment:

1

## Pesticide Spraying Over Lakes and Streams Now Fine

Currently, the Clean Water Act requires permitting whenever anyone wants to add a pollutant to a waterway. On February 1 the Bush Administration proposed a new rule to allow the spraying of toxic pesticides “to or over, including near” a waterbody without a permit, as long as the chemicals are applied in accordance with their labeling instructions. This change is devastating because these chemicals were not designed for application to water. Most of these chemicals are toxic to aquatic plants and animals, causing massive fish kills and poisoning drinking water. With the removal of Clean Water Act safeguards our communities and waterways will be increasing subject to these dangerous contaminants.

2

## Selenium No Longer Dangerous

The Bush Administration has proposed a new standard for the heavy metal selenium. Selenium is a toxin that is known to cause severe reproductive impairment in fish, birds, and other wildlife. Selenium pollution is released into the environment by coal, phosphate, uranium and other mineral mining operations, by coal-fired power plants, and oil refineries. Selenium is also often a significant component of commercial fertilizers.

Bush's proposal will eliminate the existing water quality criteria for selenium and replace it with one developed with faulty science. Several scientific experts on selenium have already commented that EPA's method is not scientifically justified. The change will leave many fish species in significant jeopardy, and allow industries to increase discharges of selenium above current levels.



3

## Harvard Economists Squashed

The Administration has a proven track record of withholding information that undercuts their refusal to implement the simple solutions to mercury contamination of our waterways. U.S. EPA could drastically reduce mercury pollution by ordering the nation's coal-burning power plants to install available and technologically savvy pollution controls.

Instead, the Administration has ignored the inconvenient findings of a cost/benefit economics study that U.S. EPA commissioned. The study, released in February by the Harvard Center for Risk

Analysis, identified \$5 billion a year in public health benefits if EPA imposed stricter rules for controlling emissions containing mercury by reducing neurological and heart disease. Though EPA commissioned the research and reviewed the results, the findings were excluded from consideration in the new rule EPA released in March. To justify that step, EPA claims the study was submitted after deadline (although evidence has been found to the contrary.) In another example of EPA selectively ignoring the science, an ignored internal EPA report estimated that the Southeast alone could reap up to \$2 billion a year in benefits from reducing mercury pollution, far greater than the \$50 million in benefits the agency projected publicly for the entire nation. **WVK**