

MAYOR SHIRLEY FRANKLIN << CHUCK D >> SENATOR JIM JEFFORDS

WATERKEEPER

Summer 2006

\$5.95



MEANWHILE...



WATERKEEPER

Volume 3, Number 1

Summer 2006

*It takes a lot of hard work, determination, and passion to keep our
beaches clean.*

*Smart Sponge® technology and your continued support help
keep our beaches open...*

SO ENJOY THEM

smart sponge
PRODUCTS

We see on the horizon, possibilities for great changes in water quality around the world.

*Together with municipalities, AbTech Industries' Smart Sponge®
technology is changing the way we deal with stormwater
contamination issues.*

*For more information on what you and your city can do to improve its water quality
and to keep your beaches open, contact AbTech Industries.*

AbTech
INDUSTRIES

1.800.545.8999
www.abtechindustries.com

And she lived happily ever after...



Is this the ending you want?

If you are involved with water-quality issues, you know that stormwater runoff pollutes your community's creeks, rivers, lakes, beaches, and ocean.

Make a sea change by taking the next step. Tell your public works officials, water-quality experts, and politicians about StormCon, the world's largest gathering of experts on stormwater pollution prevention.

Visit www.StormCon.com and send StormCon invitations to those responsible for water quality in your area. Be sure to put StormCon on your calendar.

Help us prevent stormwater pollution and give the oceans a better story.

StormCon[®]
The North American Surface Water Quality Conference & Exposition

July 24-27, 2006
Adam's Mark, Denver, CO
www.StormCon.com



TURNING THE TIDE On Water Pollution

“[T]oday, the rivers of this country serve as little more than sewers to the seas.

Wastes from cities and towns, from farms and forests, from mining and manufacturing, foul the streams, poison the estuaries, threaten the life of the ocean depths.”

These are the words of U.S. Senator Edmund Muskie on November 2, 1971, during his introduction of the bill that would become the Federal Clean Water Act. At that time pollution and raw sewage from 60 percent of the nation’s population was dumped directly into our rivers and lakes. Ninety percent of U.S. watersheds were characterized as polluted. And in January 1969 the Cuyahoga River in Cleveland burst into flames (not for the first time) fueled by oil and industrial wastes. Then, in June 1969, a blowout at an oil-drilling platform off the coast of Santa Barbara spilled 200,000 gallons of crude oil, marring 35 miles of California coastline.

Congress Passes the Clean Water Act

Public outrage over these and similar incidents drove the passage the Clean Water Act. In warning the U.S. House against the dangers of failing to override President Richard Nixon’s veto, Representative Thomas ‘Tip’ O’Neill from Boston stated, “Should we fail to act, future generations of Americans living with dirty, unsafe rivers and lakes would know where to squarely fix the blame with the Congress that refused to override the groundless objections of the President.”

I remember the Cuyahoga River ablaze and that I couldn’t swim in the Hudson, the Charles or the

Potomac growing up. In 1970 these insults helped trigger the largest public demonstration in American history. Twenty million Americans hit the streets on Earth Day, demanding that our political leaders clean up our water and air. The Clean Water Act was the legislative response. It promised to make every American river fishable and swimmable and to end all discharges of pollutants into America’s waterways.

The results of that environmental law are demonstrated in improved water quality in rivers, lakes and coastal waters across this country.

In many ways, the Act truly did turn the tide on water pollution. We drastically reduced the percentage of our waters deemed unsafe for fishing and swimming, invested billions in sewage treatment plants and cut the rate of wetlands loss by three-quarters.

A key element to the successes achieved to date is the Act’s combination of techniques to revive the nation’s waters. The Act sets minimum standards for wastewater treatment and provides funding for improvements at municipal wastewater treatment plants; it requires all discrete dischargers of pollutants (i.e., point sources) to obtain individual, tailored permits that clearly specify the discharge requirements necessary to prevent degradation of its receiving waters; and it requires states to identify all

Each year about 400,000 sewage backups pollute the basements of American homes.

waters that are too polluted to be used safely, determine maximum pollutant loads for those waters and implement a cleanup plan.

But even after 34 years of progress, clean water remains an elusive goal. Most Americans believe that the national bipartisan consensus for clean water still holds. Like motherhood and apple pie, they don't believe that an American politician or corporation would oppose clean water. Unfortunately, this belief is wrong. The Bush administration has weakened or eliminated requirements for treating raw sewage, cleaning up polluted waters, keeping solid wastes out

of waters and protecting wetlands and streams. The Clean Water Act's principal goal of eliminating all pollution discharges has been disregarded like water in a flush toilet.

“The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters...

...it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works...”

—Title 1, Section 101 of the Clean Water Act

Standing in the Way of Progress

Unfortunately, each one of the Clean Water Act's core concepts is under attack by President Bush. This administration has derailed clean water advances, broadened loopholes and legalized previously prohibited destructive practices. The rules and policies of the Bush administration are rapidly undoing past progress and undermining the billions of dollars our country has invested in the effort to clean the waters.

While overall water pollution levels have decreased dramatically since the passage of the Act, data show a dangerous trend. In 2002, EPA released its biennial survey of the quality of the nation's waters. It showed that for the first time since the passage of the Clean Water Act water pollution levels were again on the rise. A recent EPA survey found that more than half of all U.S. streams are now polluted. Many of the details of the decline of our waterways remains obscure because the White House has derailed funding for scientific studies and resisted the requirement in the Clean Water Act that EPA

report to Congress and the public on the health of America's waterbodies. Waterkeeper Alliance is working to force EPA to release this information.

We know that thanks to Bush administration policies the amount of untreated sewage still reaching our

rivers, lakes and coasts is massive and growing. Modest rainstorms send billions of gallons of raw sewage carrying infectious pathogens – microbes, viruses and parasites – into our waterways and drinking water supplies. Even during dry weather outdated and badly maintained sewage systems spill untreated waste into our waterways.

Each year the U.S. experiences about 40,000 overflows of raw sewage and the attendant garbage – such as syringes, toxic industrial waste and contaminated stormwater – into our waters. And each year about 400,000 sewage backups pollute the basements of American homes. These overflows expose communities to a host of deadly diseases. These overflows contaminate drinking water and cause beach closings, fish kills, shellfish bed closures and gastrointestinal and respiratory illnesses. Sewage-infested waters pose the greatest threat for children, the elderly and those with weakened immune systems. Indeed, each year 3.5 million people are made sick from swimming in water contaminated by sewage overflows and an additional 500,000 from drinking contaminated water. The federal Centers for Disease Control and Prevention estimates that 900 die from waterborne infections each year.

Authorizing Raw Sewage Discharges

We also know that regulation of sewage treatment is flowing backwards. Right now, EPA is in the process of approving a Blending Policy that allows for the mixing and releasing of sewage and stormwater. But for decades we have known better. Dilution is *not* the solution to pollution. Fixing the problem is.

Allowing improperly treated and/or untreated wastewater to enter waters of the United States represents a giant step backwards from the goals and spirit of Clean Water Act. Yet, instead of tackling this problem by requiring sewage treatment agencies to remedy or cease their illegal discharges, EPA wants to sanction illegal blending and allow the discharge of raw and partially treated sewage from inadequate treatment plants. The implementation of the proposed Blending Policy will increase levels of pathogens and other dangerous pollutants in our waterways and mean more of our sewage will reach our rivers and beaches.

While the Bush administration rolls back protections for water quality, and state and federal officials avoid their responsibility to enforce the law, raw sewage flows into our waters. Meanwhile, Americans are often denied even rudimentary public notice of such contamination in the waters from which they drink and where they swim and fish. As the late Senator Edmund S. Muskie said in 1971, “The fact of raw sewage floating in our river outrages us.”

More than thirty years later, it still outrages your local Waterkeepers. **WVK**

WATERKEEPER

Volume 3 Number 1, Summer 2006



- 04** Letter from the President
- 10** Ripples
- 17** Chuck D - Weapons of Mass Distraction
- 18** Louisiana: They're Trying to Wash Us Away
- 22** Magdalena: Conservation 'Vigilante' Style
- 26** U.S. Senator Jim Jeffords - Sewage Infrastructure:
Bringing our nation's water systems into the 21st Century
- 28** Holy Sewage: *So just where does all our poop go?*
 - 30 Out of Time in NYC
 - 32 Cleaning Up Atlanta
 - 35 Atlanta Mayor Shirley Franklin - Embracing Clean Water
 - 37 Alabama: Perpetual State of Violation
 - 38 Out of Sight, Out of Mind in Milwaukee
 - 41 Santa Monica: Trouble at the Pump Station
 - 42 Sick of Sewage in Richmond, CA
 - 44 A Spill-a-Day in San Diego
 - 46 Lake Ontario Bypass: Deliberate Dumping
 - 48 Serious Oversight: Bayou la Batre, AL & Lake Champlain, VT
 - 50 Cruise Ships & Nutrients
 - 51 The Way Forward
 - 52 Designing Water
- 54** Comic
- 56** Waterkeeper Yearbook
- 60** Farr on Film
- 62** Waterkeeper's Wake: Chapter Three, The Journey Begins
- 63** Waterkeeper Kids
- 64** On the Water
- 66** Beating Around the Bush



17



22



26



35



54



56



At Paul Mitchell® we are proud to produce the finest hair care products...available only in the finest salons.
We are equally proud to support the clean-up of the waterways of our wonderful planet. Go Waterkeeper...GO!

cruelty free **environmentally friendly**

PAUL MITCHELL
only in salons www.paulmitchell.com

WATERKEEPER

M A G A Z I N E



50 S. Buckhout St., Ste 302, Irvington, NY 10533

The official magazine of Waterkeeper Alliance

Mission: Waterkeeper Alliance connects and supports local Waterkeeper programs to provide a voice for waterways and communities worldwide.

Eddie Scher Editor
Bandana Malik Assistant Editor
Switch Studio Art Direction
Richard J. Dove Photo Editor
William Abranowicz Photo Consultant
Giles Ashford Contributing Photographer

Board of Directors

Robert F. Kennedy, Jr. (President)
Terry Backer (Vice President) - Soundkeeper, Inc.
Bob Shavelson (Treasurer) - Cook Inletkeeper
Leo O'Brien (Secretary) - Baykeeper, Inc.
Casi Callaway Mobile Baykeeper
Donna Lisenby Catawba Riverkeeper
Daniel LeBlanc Petitcodiac Riverkeeper
Alex Matthiessen Riverkeeper, Inc.
Mark Mattson Lake Ontario Waterkeeper
Joe Payne Casco Baykeeper
Bruce Reznik San Diego Baykeeper
Maya van Rossum Delaware Riverkeeper
Andy Willner NY/NJ Baykeeper
Anne Brasie Grand Traverse Baykeeper
Karl Coplan Pace University, Environmental Litigation Clinic
Fernando Rey Cartagena Baykeeper Board
Murray Fisher Honorary member
Richard J. Dove Honorary member

Board of Trustees

Richard Dean Anderson Seema Boesky Gordon Brown
Michael Budman Ann Colley John Paul DeJoria
F. Daniel Gabel, Jr. Tom Gegax Jami & Klaus von Heidegger
Karen Lehner Paul Polizzotto Glenn R. Rink
William B. Wachtel Laura & Rutherford Seydel Terry Tamminen
Thomas Houston Joan Irvine Smith

Staff

Steve Fleischli Executive Director
Susan Sanderson Development Director
Scott Edwards Legal Director
Marc Yaggi Director of Waterkeeper Support
Eddie Scher Communications Director
Jeffrey Odefey Staff Attorney
Lauren Brown Staff Attorney
William Gerlach Staff Attorney
Erin Fitzsimmons Chesapeake Regional Coordinator
Thomas Byrne Field Coordinator
Cate White Operations Manager
Janelle Hope Robbins Staff Scientist
Mary Beth Postman Assistant to the President
Sharon Khan Environmental Economist
Bandana Malik Communications Associate
Anne Morgan Grants Manager

www.waterkeeper.org

LIMERICK CONTEST

Each issue we'll donate \$250 to the Waterkeeper program of the winner's choice.

**There once was river bubbling with sewage
And disease from municipal abuse.
When the Waterkeeper saw this reality,
She noticed her intent to sue the municipality
Now the river is open for recreational usage.**

You say you can do better? **Send your Waterkeeper-themed limerick to editor@waterkeeper.org.**

LETTERS TO THE EDITOR

Is there anything you'd like to say? Submit your letter to the editor via email editor@waterkeeper.org or by mail to **Waterkeeper Magazine, 50 S. Buckhout St., Ste 302, Irvington, NY 10533.**

Proud Sponsors of Waterkeeper magazine



DONNAKARAN
CORPORATION



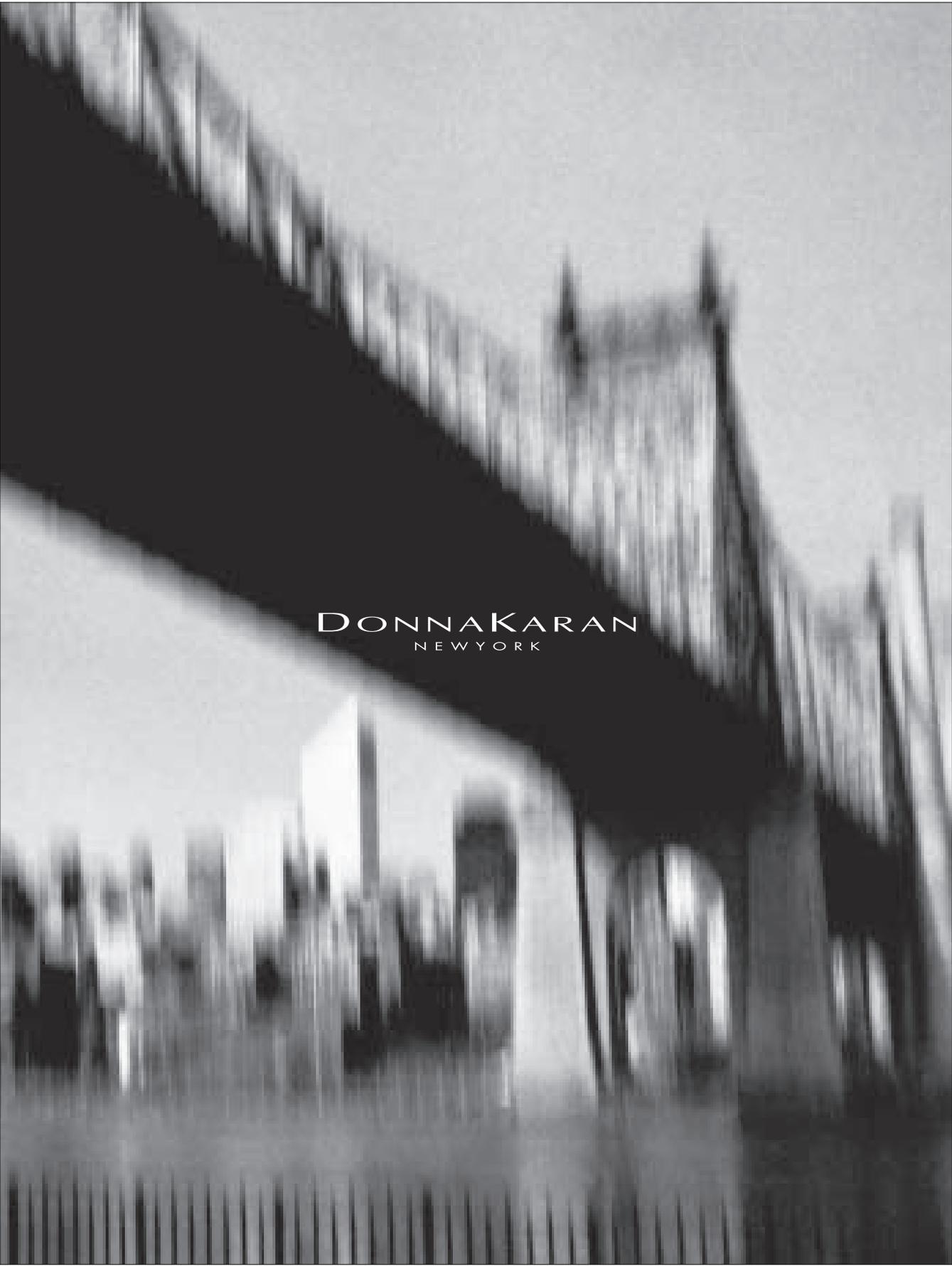
WATERKEEPER ALLIANCE

WATERKEEPER ALLIANCE is the most effective protector of clean water and strong communities. We act globally – fighting for everyone's right to clean water. We organize locally – supporting and connecting more than 150 local Waterkeepers into the world's fastest growing environmental grassroots movement.

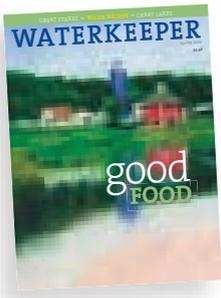
© 2006 Waterkeeper Alliance. Reproduction of editorial content only is authorized with appropriate credit and acknowledgement. Waterkeeper, Channelkeeper and Lakekeeper are registered trademarks and service marks of Waterkeeper Alliance, Inc. Coastkeeper, Creekkeeper, Gulfkeeper and Inletkeeper are trademarks and service marks licensed by Waterkeeper Alliance, Inc. Riverkeeper is a registered trademark and service mark of Riverkeeper, Inc. and is licensed for use herein. Baykeeper and Deltakeeper are registered trademarks and service marks of Waterkeepers Northern California and are licensed for use herein. Soundkeeper is a registered trademark and service mark of Soundkeeper, Inc. and is licensed for use herein.

Inside pages and cover printed on Sterling Ultra paper with a minimum of 10% post-consumer recycled content, and at least 17.5% of the fiber used in the manufacturing process comes from well-managed forests in accordance with the rules of the Forest Stewardship Council.

Printed in USA • Hudson Printing Company, Inc.



DONNA KARAN
NEW YORK



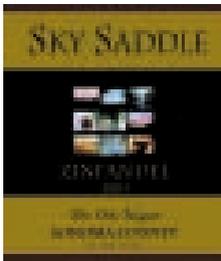
More on Good Food

Sky Saddle Wines

Matthew and Kate Wilson began making wine in their carport with grapes from a neighbor's vineyard in 2000. In fall 2005 they released their first official label, Sky Saddle Wines. Considered a small, boutique family winery with fewer than 1,000 cases made a year, they only purchase organic or biodynamic grapes from local growers and make their wine at Deerfield Ranch Winery in Kenwood, CA. Their Organic Zinfandel won a bronze medal at the San Francisco Chronicle Wine Competition!

The Deerfield Ranch Winery straddles the Kenwood Marsh, the most significant wetlands habitat in Sonoma Valley. The winery is restoring the marsh with the assistance of local environmental groups and state and federal agencies. The biodynamic vineyards surround the marsh demonstrating ecological balance and management.

The new winery is being certified as organic, one of only two in Sonoma County. All of the wastewater at Deerfield is processed through a state-of-the-art bioreactor, hidden in the forest above the winery. The water from the reactor irrigates the vineyards and harvest generated grape pumice is composed for reuse on the fields. Sustainability and award winning wines are what Sky Saddle Wines is all about!



Sky Saddle Wine Label



Chefs are in a unique position to educate the dining public through their menu choices. Chefs Collaborative is a national community of food professionals who promote sustainable cuisine, providing education about our food system for chefs and restaurants.

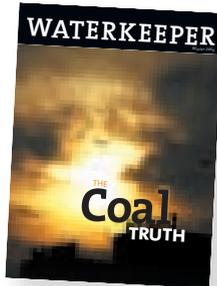
Chefs Collaborative members and supporters understand that the source of their ingredients – the way they have been grown, raised or caught – has a significant effect on the flavor and quality of their meals. They inspire chefs and other food professionals to be active participants in promoting a more sustainable food supply, improving the quality and taste of what we eat. www.chefscollaborative.org

More on the Coal Truth

Court Rejects Alabama Coal Pollution Permit

On April 20, 2006, Montgomery Circuit Court Judge Truman M. Hobbs, Jr. reversed a decision made by the Alabama Department of Environmental Management (ADEM) to issue a coal mining permit to Tuscaloosa Resources, Inc. Judge Hobbs's decision marks the first time the state has been forced through a citizen lawsuit to deny a permit to a coal mine operator.

"Judge Hobbs's decision means that ADEM will no longer be allowed to rubber stamp applications from the coal industry to add pollution to Alabama's



waters," said Adam Snyder, President of the Alabama Rivers Alliance, which along with the Friends of Hurricane Creek/Hurricane Creekkeeper jointly filed suit against ADEM in 2002 over the issuance of the permit.

The permit authorized Tuscaloosa Resources to add iron, aluminum, sediment and other pollutants to Hurricane Creek, even though the creek is already polluted. "The law is clear that it is ADEM's job to clean up our polluted waters – not to authorize their further destruction, and the court followed the law," said Edwin Lamberth of Cunningham, Bounds, Crowder, Brown & Breedlove, who represented the Rivers Alliance and Creekkeeper.

The Clean Water Act prohibits states from issuing permits for new sources of pollution in a waterway that is already 'impaired.' When state agencies ignore the law it is up to citizens to bring the problem to the attention of the courts.



CREDIT: HURRICANE CREEKKEEPER

For the first time in Alabama history a coal mine permit was overturned on appeal.



HURRICANE CREEKKEEPER

John Wathen, Hurricane Creekkeeper and Adam Snyder, Alabama Rivers Alliance, announce the success of their lawsuit.



South River CLEANUP

CREDIT: SOUTH RIVERKEEPER

South Riverkeeper conducted stream cleanups at six sites this spring as part of Project Clean Stream, an annual event coordinated by the Alliance for the Chesapeake Bay and funded by the Chesapeake Bay Trust. Throughout April, 100 volunteers from age 10 to 75 removed 144 tires and 26 tons of trash from South River streams. "Cleanups are important because they show people how what we put on the land, ends up in the water," says Drew Koslow, South Riverkeeper. Some unique items pulled from the streams include a Body By Jake ab-blaster, a water heater, an automobile gas tank, a refrigerator and a lawn mower.

Progress on Sewage Spills In North Carolina

Pamlico-Tar Riverkeeper and Clean Water for North Carolina, representing residents downstream of the City of Oxford wastewater treatment plant and sewage collection lines, reached a settlement with the North Carolina Division of Water Quality and the city on enforcing state sewage treatment laws.

In August 2005 the groups challenged the state for not adequately addressing extensive sewer overflows from the Oxford wastewater treatment plant and collection system. The state has agreed to improve its process for regulating treatment plants across the state. The City of Oxford agreed to improve monitoring for certain pollutants after sewage overflows for the next three years and will notify downstream residents of spills. City officials will also continue to work with Granville county and other organizations to restore the polluted Fishing Creek.

Tour De Neuse

This spring the Neuse River Foundation held its first ever Tour de Neuse. Lower Neuse Riverkeeper, Larry Baldwin, and Upper Neuse Riverkeeper, Dean Naujoks, combined efforts to paddle the 270 miles, the length of the Neuse River from Durham, NC, to the Pamlico Sound. Over the three-week paddle the Riverkeepers visited schools, paddled with elected officials, met everyone along the river from anglers to ministers and worked with the media to spread their message of hope for the river.

"For thirteen years now Neuse River Foundation has had a Riverkeeper patrolling and monitoring the river and holding those accountable who have done harm to the Neuse. Yet, our work is far from over and we need a lot more help. If people know our story and follow us down the Neuse, perhaps more of them will help save this great river," write the Riverkeepers in their Tour de Neuse journal.

The response has been overwhelmingly positive. Television stations and every newspaper in the Neuse Basin have covered the tour. One third of the town of Seven Spring's came to celebrate with the Neuse Riverkeepers in a Potluck Dinner on the river.

For more information, including videos, photographs and an online journal visit www.neuseriver.org.



Join Waterkeeper Alliance Get **WATERKEEPER**

Go to www.WATERKEEPER.org and click on Donate Now to join Waterkeeper Alliance as a supporting member.




www.WATERKEEPER.org

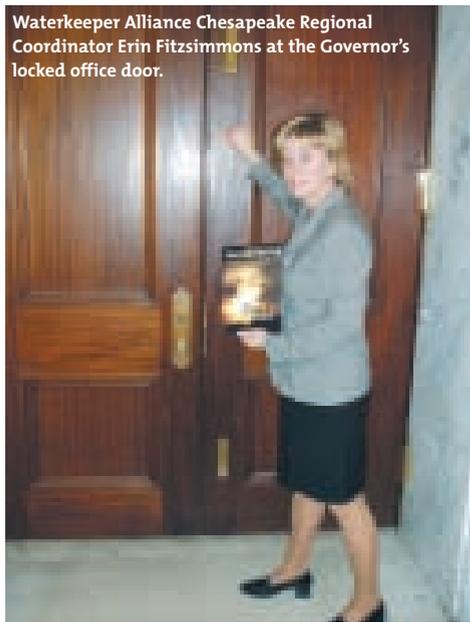


Healthy Air Act Becomes Law in Maryland

A four-pollutant power plant law requiring the strongest controls on coal-fired power plants in the country was passed and signed into law in Maryland this April, but not without significant drama. After a rough and tumble fight against the powerful utility lobby, and over the opposition of the Maryland Department of the Environment and Governor Robert Ehrlich, the Healthy Air Act is now law.

The new law requires the seven dirtiest coal-fired power plants in Maryland to significantly reduce emissions of nitrogen oxide and sulfur dioxides, which cause smog and soot, and reduce harmful mercury pollution by 90 percent. In addition, Maryland must now join several other states in a regional global warming agreement to reduce carbon dioxide emissions.

The 12 Waterkeeper programs in the Chesapeake watershed worked for many months as part of the Healthy Air Coalition, a broad and diverse group of organizations. After surviving two months of debate and numerous attempts to weaken the bill, the Healthy Air Act passed both houses of the Maryland legislature with bi-partisan support and a veto-proof majority. In an underhanded last minute maneuver, the Governor's office literally locked their office door and refused delivery of the bill from the legislature. But the strength of the coalition and public support ultimately convinced Governor Ehrlich to sign the bill.



Waterkeeper Alliance Chesapeake Regional Coordinator Erin Fitzsimmons at the Governor's locked office door.

Cooling Hot Water on the Susquehanna

PPL Corporation has agreed to construct cooling structures to reduce the temperature of 600 million gallons of cooling water discharged each day into the Susquehanna River from their Brunner Island steam electricity plant. The agreement is the result of negotiations PPL began with the state after receiving a notice of intent to sue from Lower Susquehanna Riverkeeper and PennFuture, along with a fly shop owner and the Susquehanna Smallmouth Bass Alliance.

The plant's violations of state and federal clean water laws caused several large fish kills and impaired fish habitat. At the plaintiffs' request, PPL will not only make the large investments to stop the problem, but will pay the fines assessed by the state directly to the Lancaster and York County Conservation Districts for measures to protect streams in the Lower Susquehanna watershed.

"It's wonderful to see PPL reducing its impacts on the Susquehanna," says Riverkeeper Michael Helfrich. "The proposed cooling technology and the proposed improvements at its Holtwood hydropower plant really show that PPL is responding to both the environmental and energy needs of their neighbors. I hope other facilities that harm the river – such as wastewater treatment plants and manufacturers that release waste into the river – will follow PPL's example."

HONOR ROLL

NY/NJ Baykeeper's Conservation Director Wins Spirit of Liberty Leadership Award

Friends of Liberty State Park, a volunteer-run organization that advocates for the protection and beautification of the historic Liberty State Park, honored New York/New Jersey Baykeeper's Greg Remaund with their Spirit of Liberty Leadership Award. Greg, who serves as Baykeeper's Conservation Director and the President of the Liberty State Park Conservancy, accepted the award at a luncheon celebrating the 30th anniversary of the park.

Make A Difference Day Award Goes to Milwaukee Riverkeeper

USA Weekend Magazine recognized Milwaukee Riverkeeper and their partners as a national winner of the Make A Difference Day 2005 contest for their Kinnickinnic River Cleanup in October. Milwaukee Riverkeeper, along with the 16th Street Community Health Center, Sierra Club, United Water and the Bay View Neighborhood Association, mobilized more than 90 volunteers and removed 12,000 pounds of garbage. The honor includes a \$10,000 gift, money that has been earmarked to support river cleanup partnerships in the Kinnickinnic watershed.

Wishtoyo Honored by American Planning Association

This spring, Wishtoyo (home of the Ventura Coastkeeper) received the Special Merit Award from the American Planning Association for their Chumash Village and Stream Restoration projects at Nicholas Canyon in Malibu, CA. Wishtoyo is honored to receive this recognition for the cultural and historical preservation of centuries of Chumash inhabitation and their connection with the natural environment.

Bethea & Holland: Georgia's Most Powerful Players

Georgia Trend Magazine, Georgia's premiere business and politics journal, recognized Altamaha Riverkeeper James Holland and Upper Chattahoochee Riverkeeper Sally Bethea as two of their 100 Most Influential Georgians of 2006 and the state's foremost "Power Players." This marks Sally Bethea's third consecutive year on the list.

The Earth



Dinner™

by DOUGLAS LOVE



Celebrating the earth – one dinner at a time.

Dinner has never been so much fun!
The Earth Dinner game brings out the best of everyone at your table, as stories of food entertain and delight. Download free sample cards, planning tips, recipes and purchase the collectors edition deck of Earth Dinner cards at www.earthdinner.org

“An idea whose time has come!”
~ Sandra Steingraber, Ph.D. ~



presented by
ORGANIC VALLEY
Family of Farms

Reducing Pesticide Smog in California

A lawsuit brought by a coalition of environmental justice groups, including Ventura Coastkeeper, will provide relief for smog-plagued California. In February, a federal judge ordered California to reduce smog-forming emissions from pesticides.

Pesticides rank among the largest contributors to California's smoggy air quality, causing thousands of deaths each year. In 1994, state regulators promised to reduce smog-forming emissions from pesticides by 2005. But weak regulations, based on faulty science, forced pesticide-makers to reduce smog-forming chemicals in non-fumigant products "only if feasible." The federal court agreed with Ventura Coastkeeper that the state was not adequately protecting human health and the environment.

This spring, the court ordered state officials to adopt stronger regulations to EPA for approval by January 1, 2008. The court is demanding that new regulations ensure that the Sacramento, San Joaquin Valley, Ventura, Southeast Desert and South Coast air basins reduce smog-forming emissions by 20 percent of the 1991 levels.

Once-Through Cooling in California

The California Ocean Protection Council – a state body dedicated to protecting, managing and restoring California's ocean and coastal ecosystems – passed a resolution in April that encourages the state's regulatory agencies to eliminate the devastating impacts of once-through cooling in power plants.

Twenty-one coastal California power plants are permitted to use once-through cooling – sucking in nearly 17 billion gallons of ocean and estuarine water every day, killing fish eggs, larvae and plankton. Larger marine life, such as adult fish, sea lions and turtles are trapped and killed on the intake screens or in the plant. The plants cycle the water through their systems to cool machinery and then discharge the now warm water into back into the ocean and estuaries, slowing new growth of kelp and eelgrass, which are critical fish habitats.

The resolution comes three days after the State Lands Commission unanimously passed a resolution stating that it will not approve leases for new power facilities using once-through cooling and discouraging existing facilities from relying on the

Kansas Riverkeeper volunteers stop to pose as they remove more than 1000 tires from the Kaw River.



This March all-terrain vehicles hummed and trucks bellowed when Kansas Riverkeeper and 100 volunteers came together to dig, pull and move 1,000 tires off a Kansas River sandbar just south of Linwood, Kansas.

Every two years, Kansas Riverkeeper Laura Calwell and volunteers navigate the entire Kaw, documenting water quality and keeping their eyes wide for pollution. Volunteers braced themselves for spewing pipes and polluted runoff, but no one expected to find a sea of abandoned tires at the edge of a remote, narrow creek. Laura immediately contacted Bob Medina of the Kansas Department of Health and Environmental Bureau to address the problem and coordinate a cleanup.

While no one is certain, Laura suspects that the tires were dumped on the sandbar by a local landowner to prevent water from flowing onto the bank, allowing them to recover more property. Over time, degraded tires could pose a hazardous waste threat. The Kansas Riverkeeper, state officials and strong corporate sponsors thought it best to dispose the tires properly.

As for the cleanup, "It was a beautiful day – with a good feeling for the community, good press coverage and new friends," says Laura.

EPA Charged in Endangered Species Act Suit

In an effort to protect threatened Puget Sound Chinook salmon from toxic pollution, a group of local and national organizations announced plans on April 19 to sue U.S. EPA for violating the Endangered Species Act. The group, lead by National Wildlife Federation and including Puget Soundkeeper Alliance, Public Employees for Environmental Responsibility, People For Puget Sound and Washington Trout, contends that EPA has failed to consider the harmful effects of discharged pollutants and stormwater on Chinook salmon.

Pollution discharge permits for stormwater are generally ineffective at stopping contamination from stormwater – the single largest source of pollution harming Puget Sound. Untreated stormwater includes heavy metals, bacteria, viruses, nutrients, oil and grease, pesticides, herbicides and suspended solids – all of which are harmful to salmon.

The groups are asking that EPA immediately initiate formal consultation with the National Marine Fisheries Service on the effects of permitted pollutant discharges on Puget Sound Chinook salmon. "It is essential that scientists with expertise in the impact of toxic pollutants evaluate the impact of EPA-approved pollution on endangered salmon and orca whales," says Sue Joerger, Puget Soundkeeper. "It is appalling that regulators have not consulted with scientists prior to allowing toxics to be discharged in critical salmon habitat."

ENVIRONMENT CANADA PROSECUTES POLLUTION ENGINEER



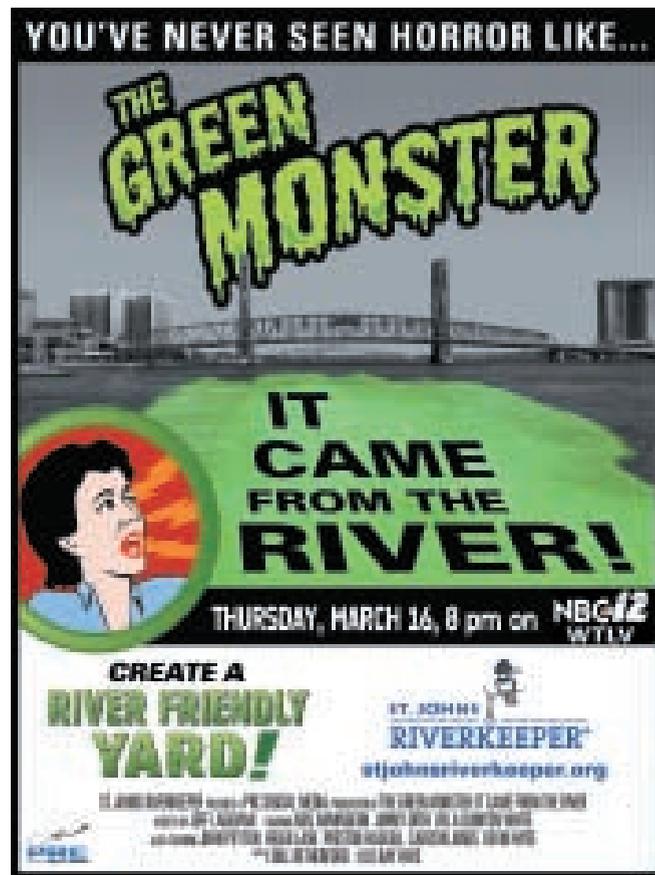
Sampling contaminated sludge

In 2000, Petitcodiac Riverkeeper Daniel LeBlanc and Lake Ontario Waterkeeper Mark Mattson strapped on hipwaders and set out to sample leachate running from a landfill into Jonathan Creek in Moncton, Canada. Concerned that leachate was contaminating the river and suspecting violations of the federal Fisheries Act, they took their concerns to Environment Canada. Six years later, their suspicions were confirmed and now the Petitcodiac River is finally protected from the landfill's toxic ooze.

The city operated the landfill on the banks of the Petitcodiac from 1971 to 1992 to dispose of residential, construction, asbestos, medical and other wastes. In 1993, Gemtec, a private engineering firm, developed and implemented a closure plan for the site that directed untreated leachate from the landfill into Jonathan Creek and the Petitcodiac, ignoring expert opinion that the method violated the law.

In 2002, Environment Canada launched its own investigation and charged the city of Moncton, Gemtec, and Robert G. Lutes, Gemtec's majority owner and principal environment engineer, with two counts of unlawfully depositing a deleterious substance into water inhabited by fish. The city pled guilty, was fined \$35,000 and forced to implement a remediation plan to stop the leachate from entering local waterways. Gemtec, however, went to trial, arguing that leachate would blend with river water and become less toxic.

Judge Yvette Finn disagreed. In April 2006 the provincial court judge found the firm and Lutes guilty. The decision is a landmark victory for Canadian Waterkeepers. It is the first time an engineering firm has been held accountable for knowingly drafting and implementing a plan that violates Fisheries Act requirements.



GREEN MONSTER River Friendly Yards

This spring St. John's Riverkeeper launched a River Friendly Yards campaign to educate homeowners on the impact fertilizers, herbicides and pesticides have on waterways. The main component of the campaign was The Green Monster: It Came From the River, a television program which aired on primetime NBC. The program discusses the river's massive algae bloom the previous summer, connecting the bloom to excessive nutrient loading and fertilizer use and instructing homeowners on simple ecologically-safe lawn maintenance practices to reduce individual impact. Hosted by former Jacksonville Jaguar player Jeff Lageman, the Green Monster is scheduled to air again on Florida's local PBS affiliate WJCT on July 27.

The River Friendly Yards program dovetails nicely with the St. John's recent lawsuit victory that found the state of Florida's TMDL for nutrients violated the state's own water quality standards for dissolved oxygen, forcing the EPA to intervene and develop a more stringent pollution standard.

newest Waterkeeper

Wim Ernst Wijsmuller van Rossum was born April 25 at 11:38 p.m. weighing in at 6 lbs. 6 oz. and 20 inches. Congratulations Maya, and welcome Wim (pronounced Vim) to the family!



Keeper Springs is a proud supporter of
Waterkeeper Alliance donating 100% of
our profits for environmental protection.



Weapons of MASS DISTRACTION

By Chuck D

(AP PHOTO/STUART RAMSON)

"The oil of the future is water. The wars being triggered now for oil, in 2025, will be concocted over water," says Chuck D, recording artist, author and activist.

It's hard to cut through the caveman rhetoric of commercials and politics – the weapons of mass distraction that keep people misinformed. It takes a lot of work for the average person to realize the impact that bad government has on their life. And it takes a lot longer to fix things than it does to mess them up.

Politics is no different than understanding who is running the streets. We all have the rights and the power to understand and change politics. Each one of us has to take responsibility for more than ourselves.

This is my 16th year speaking on college campuses on the topics of rap, race, reality and technology. I talk to students about getting involved and how important it is for them – and for democracy – that young people are politically active. I tell college students that they are not children. They have the same rights that a 55 year old has. But we live in a country that doesn't give young adults the latitude of freedoms that older Americans have.

Our culture of consumption keeps young adults in a naive state. Corporate marketing has succeeded in extending teenage life to 29 or 30 years old. But these are not kids. I'm here to tell people to open up your head and look beyond yourself – not to say you can't have a great amount of fun in your 20s, but look beyond yourself and develop a defensive shield of intellect.

I use my music to look at these hypocrisies, to shine a light on our society. Our government is supposed to believe that

everyone is created equal, that government is for the people and of the people, etc., etc. But the follow-through has been faulty. So being a rebel against that faultiness has been the right path for me.

I am a child of the 1960s. I grew up seeing Martin Luther King, Jr. and President Kennedy at a very young age. There were the Panthers and Nation of Islam, and people I admired like Malcolm X and Robert F. Kennedy. Twenty years later I applied these experiences and knowledge to a music that came from the soul. Music that itself was a relief valve. They had de-emphasized music education in New York City in the 1970s with all kinds of austerity budgets, but people always needed music. So out of those ashes rose hip-hop and rap music – they made musicians out of playing records.

I've always admired the songs that move people, or that people hate at first because the artists were trying to move mountains. I always was up for the challenge. You have to be kind of nuts to do that, that's why I have all the cuts and scars. The thing that drives me is that I want to be able to make a difference through the use of words and music. I'm a firm believer that words can spur action. Music should be some sort of platform for what human beings should be all about – connecting people.

Unfortunately, America is like McDonalds – instead of a billion people sold, it is a billion people told. You have to be able to question everything. I don't like the fact that Americans think there's no open land, no

clean water, no trees anywhere else – that somehow the rest of the world is a different place. But it's all the same Earth wherever you go. It's all orbiting the sun. That's where the connection starts, but it goes much deeper.

Keeping focused on what's important is hard. Campaigns to preserve wetlands or clean up toxic waste sites are fights that go on for 10-15 years or more. It's more difficult because of the musical chairs in DC. You need really strong people fighting hard over the long-term. These are fights that must be backed by people who honestly see the value in protecting the environment and our communities. This is everybody's fight – especially the young people. **WK**

"I keep my radio tuned to Air America; to listen to anything else is a drop off into anti-intellectualism that I can't really afford."



Chuck D is host of *On the Real*, Sundays 11 PM – 1 AM ET on Air America.
<http://www.airamericaradio.com/onthereal/>



Louisiana

They're Tryin' To Wash Us Away

By Marylee Orr,
Lower Mississippi Riverkeeper

Can you believe it is almost hurricane season again? We could lose New Orleans again this year... seems surreal.

Life is divided between before Katrina and Rita and after Katrina and Rita. I will never forget my call to our expert on hurricanes the night before Katrina. Dr. Ivor Von Heerden, even though incredibly busy, was kind enough to take my call. "How bad is it?" I asked. Ivor has a soft South African accent and his voice is very soothing and calming. He said, "It is very very bad." I got chills up and down my spine. This is it. This is what I heard about all my life growing up in New Orleans.

I grew up in the Crescent City, I buried my mother there a year and a half ago, my father 22 years before that. My brother and his family and my children's grandparents live there still. In my house my father kept a hatchet under his bed and one in the attic. When you went up the stairs the hatchet was tucked in the right corner of the attic. Decades ago my father's secretary was trapped in an attic by floodwaters for three days. He swore that he would never let that happen to his family. He said he would rather die on the roof like a man than die like a rat in the attic. Those words haunted me for weeks after Katrina hit. If I am truthful, they still haunt me.

When the hurricane hit, we took action. We were the first people to get food and

supplies into parts of Washington Parish. We delivered food and water to St. Bernard and Jefferson Parish and other hard-hit communities around the city. I could not believe that the "jewel" of Louisiana, New Orleans, was abandoned the way it was. I couldn't believe my neighbors were dying because they didn't have food or water. I am in America... aren't I? How could this be happening? It appeared that the agencies that should have been assisting here were paralyzed. But while our government failed us, people began helping people. It is what makes our country great. Ordinary people pitched in to assist each other. Some local and state officials were in boats rescuing anyone they could get to. Folks called here from all over the country asking, "What should I send?" As a school principal said in a small rural parish, "Imagine having nothing. That is what we have. We are starting from scratch."

Our members lost homes and businesses. They lost family photos and cherished mementos.

Baton Rouge, the city where we are located, doubled in size overnight from the evacuees. We had no electricity and communication was difficult. We were the lucky ones. We helped coordinate getting the first medical team into New Orleans. A surgeon, nurses and a mobile medical unit were told by agencies that they were not needed.

They called me and asked if we needed them. I said absolutely, even though I had no idea what to do with them. We ended up with Major May of the New Orleans Police Department getting them a special pass and into New Orleans. They treated the first responders who were wading through water filled with sewerage, chemicals and dead bodies. We received e-mails when our electricity returned telling us where people were still trapped in attics. Heartbreaking.

Near our house in Baton Rouge is the helicopter pad for the Louisiana State Police. Every few minutes day and night you would hear Blackhawks buzzing overhead. It sounded like the classic TV program MASH. I was always expecting someone to yell "incoming." Every time you heard them you prayed they would make it in time to save some of the thousands of people still stuck on their roof days after the storm.

Timothy Kerner is mayor of Jean Laffite, LA, a fishing community south of New Orleans. He also assists the three unincorporated fishing communities in the surrounding area. Our team met Mayor Kerner at Jean Laffite City Hall, the only structure in the area that didn't flood. Mayor Kerner personally manned the pumps throughout both hurricanes. He saved some folks in his community as the water was rising. He had a small cot in his office and basically had hardly slept from Katrina to Rita. His face was the picture of heartbreak. He spoke about how much he loved his people. How he couldn't get the help needed from FEMA. He felt desperate. The anguish on his face showed what a toll the hurricanes were taking on our citizens. His father died between Katrina and Rita and they didn't have time to have a service for him. Crypts were floating in the street. While they had lost so much, they had not lost their fighting spirit. They worked tirelessly to repair their homes and boat docks and vowed they would be back. There was no question ever. They would return. No hurricane would keep the people of south Louisiana from returning.

Paul, my son, went into New Orleans the first day that folks were allowed back in and saw the devastation first hand. He also went in the day the Lower Ninth Ward was opened. He called and said, "This must be what Hiroshima must have looked like." I have walked that area myself and it is tragic. I am not certain any words can express what happened or any picture can tell the story. Close your eyes and imagine your street if a bomb went off big enough to flatten things for miles. Now imagine there is no sound. No bird, cat, dog, child, no living thing for miles. Mounds of debris in some

places higher than the houses. Mold covering every surface like an old science fiction movie. The nightmare we were all afraid of is here.

We worked seven days a week from August until November. We received requests for everything from nebulizers, help with housing and assistance finding a love one, to needing a helicopter to save cattle or pets. Our phone rang from early in the morning until after midnight. Leaders in areas knew to call us and we felt privileged to try to respond. We had more than eight people living in our office for more than three months.

That is the reality. But the good news is that New Orleans and the Gulf Coast will come back.

LEAN/Lower Mississippi Riverkeeper continues environmental protection.

First citizen group to collect, analyze and report the impacts of sediments, sludge and toxics along the hurricane storm surge path through Louisiana, Mississippi and Alabama – this information is crucial for people making life-impacting decisions.

First group to conduct workshops for communities and government officials dealing with reentry, public health and safety.

Conducted ground tours for public officials and media of hurricane-impacted areas.

Provided technical information and human-interest stories to the national media.

Filed a lawsuit this spring to protect communities from the adverse effects of improper debris disposal.

Chair of U.S. EPA's National Environmental Justice Advisory Committee on the impacts of Hurricanes Katrina and Rita.

RELIEF

By Paul Orr, Lower Mississippi Riverkeeper

When we saw what was happening there was just no question, we had to help. We used our 19 years of experience and networks as a community group to get into the relief business.



Breach

Lower 9th Ward New Orleans. You can see an orange front-end loader on the levee by the bridge. It is working on one of the breaches in the industrial canal levee. Lower Mississippi Riverkeeper Paul Orr with a barge that floated through the breach and came to rest on homes in the residential neighborhood.



Jean Laffite

Supplies at City Hall in Jean Laffite. What Katrina's wind hadn't destroyed, Rita's flooding did. Mayor Timothy Kerner (pictured) estimated 85 percent of the homes in his area had serious damage and that doesn't include boats, which is how nearly everyone in this fishing community due south of New Orleans makes a living. I asked how many folks needed help? 15,000. We managed to get an 18-wheeler filled with supplies brought to Jean Laffite.

Common Ground

This delivery to Common Ground in the 9th Ward, one of the largest community distribution centers in New Orleans, included heaters and blankets, as well as fresh meat, produce and candy for the volunteers. Residents came out from the community without being asked and just pitched in to unload the truck. These citizens are committed to rebuilding their communities. Many of the volunteers had been living in sleeping bags on the floor of a gutted house for months eating mainly non-perishable foods. We did our best to keep the spirits of the community members and relief workers boosted, as well as provide them with basic supplies.





Cattle Trailer

In the beginning, all of the rental trucks had been commandeered by FEMA and the Red Cross, so we got creative. Mr. Steve Menard from Ville Platte, LA, volunteered his truck and cattle trailer. Each day we loaded it to the brim with food, water, personal hygiene products and clot hes, whatever people needed. As one Cajun gentleman told us, please send garlic and onions, my wife can't cook anything without them. The Salvation Army was very good about letting us have as much stuff as we could haul. We would go out and buy whatever else we needed and Mr. Steve would haul it wherever it needed to go.



Angel

The neighborhood in Arabie in St. Bernard Parish (just east of New Orleans) was filled with oil spilled by the Murphy Oil refinery – see the high water-mark on the white fence. Oil spills caused by the hurricanes are a significant problem. Wilma Subra, our staff chemist, was out in the field within 48 hours of Katrina's landfall doing damage assessments and taking samples. She has taken samples from Mobile Bay to Texas/Louisiana and found dangerous levels of contaminants in the sediments deposited by floodwaters.



STEVE MENARD



Cowboys

Only in Southwestern Louisiana are cows herded by airboat. This was part of the Herculean effort put forth by the many ranchers to save their cattle after the hurricanes. The storm surge ruined the fodder and hay bails in the fields. We shipped feed by the tons and also supplied cattle medicines.

Tour

Mayor Green (Director EPA Region 6) with Marylee in the Lakeview subdivision in New Orleans. We were the first people to bring EPA senior staff on a street tour of New Orleans. Here we were looking at the Agriculture Street Landfill area (an old landfill with a neighborhood built on top of it – now a Superfund site.) Flood water levels in this area exceeded 10 feet.

Reentry

We immediately recognized a great need for protective gear for anyone working in the toxic environments created by the floodwaters. EPA told people to avoid exposure to the sediments deposited by floodwaters, but no one was providing protective gear. So we began distributing 'reentry kits' – a spunbonded polypropylene coverall, safety goggles, a particulate mask, nitrile gloves, rubber booties and bottles of waterless hand sanitizer.



One very worrisome thing that we discovered is that migrant workers doing much of the cleaning were sleeping in flooded homes and cars and then working in toxin and mold laden environments. We are continuing to try to help migrant workers get access to protective gear and basic services. So far we've distributed 52,000 respirators, 38,000 protective suits, 11,800 goggles, 14,000 bottles of bleach and 1,000 pairs of yellow rubber boots.



Still Stranded

May 24, 2006, a shrimp boat still sits in a neighborhood just east of New Orleans. There are still HUGE areas of the city that are uninhabited and it looks like people are not rebuilding. Driving around the city it is plain to see that there is not a massive rebuilding effort going on in most neighborhoods. People are stuck, they don't have the money to rebuild, the government is not helping, insurance agencies are not helping... This story is far from over. **WIK**



DOUG PERKINS

MAGDALENA

Pacific Gray Whale | Ballena Gris del Pacífico

Conservation 'Vigilante' Style

By Chris Pesenti

Julio Solís and I sit among the dunes overlooking Magdalena Bay in Puerto San Carlos, Baja California Sur, Mexico. As we sip our cold *Modelos* the conversation drifts through racecars, immigration policy and past relationships before settling on *Vigilante*, the organization that has brought us together. Earlier today we wrapped up the first official board meeting of *Vigilante de Bahía Magdalena*, the Magdalena Baykeeper. A slight breeze blows off the bay, and I zip up my sweatshirt and don my beanie as I listen to the reflections of Julio, *Vigilante's* Executive Director, on his new Baykeeper program.

Another warm day in Mexico has turned into a cold, star-filled night on Mexico's Pacific coast.

"This entire beach used to be good for clamming; everyone used to come here for clams." Julio gestures just beyond the dunes. "Now it's contaminated, but some people keep using it anyway."

Ribbon cutting at the new office, September 2005. Apertura de la nueva oficina Septiembre 2005.



WATERKEEPER

Conservación al Estilo 'Vigilante'

Por Chris Pesenti

Traducido por Daniel Durazo

Julio Solís y yo estamos sentados entre las dunas que rodean la Bahía Magdalena en Puerto San Carlos, Baja California Sur, México. Saboreando cada quien una fría *Modelo*, nuestra conversación se pasea entre los coches de carrera, las políticas de migración y los noviazgos pasados antes de llegar al tema de *Vigilante*, la organización que nos ha traído a los dos aquí. Más temprano le dimos cierre a la primera reunión oficial de la mesa directiva de *Vigilante de Bahía Magdalena*. Una leve brisa nos llega desde la bahía, y me abrocho la chamarra y me pongo un gorro mientras me detengo a escuchar las reflexiones de Julio, el Director de *Vigilante*, sobre su nuevo programa.

Nuevamente un día cálido sobre la costa mexicana del Pacífico se ha tornado en una noche fresca y llena de estrellas.

"Toda esta playa antes era buena para cazar almejas; todo el mundo venía aquí por las almejas." Julio apunta un poco más allá de donde terminan las dunas. "Ahora esta contaminada, pero de cualquier manera la gente sigue viniendo."

La Bahía Magdalena forma parte de uno de los ecosistemas de humedal más importantes en toda la costa del Pacífico de Norteamérica. La bahía se extiende aproximadamente 200 km a lo largo de la costa, y llega a medir hasta 20 km a lo ancho, cubriendo un área total de 1,400 km cuadrados. Bahía Magdalena contiene hondos canales, alcanzando hasta 40 metros de profundidad, así como amplias zonas expuestas por la marea, incluyendo una geografía diversa de planicies de lodo y arena, campos subacuáticos de pastos marinos, playas arenosas, costa rocosa, y manglares. Un flujo de agua fría y rica en nutrientes y el vaivén de las

Magdalena Bay comprises one of the most important wetland ecosystems on the Pacific coast of North America. The bay stretches roughly 125 miles (200 kilometers) along the coast and 12 miles (20 km) wide at its broadest point, covering a total area of 870 square miles (1400 square kilometers.) Magdalena Bay contains deepwater channels, reaching down to 131 feet (40 meters,) as well as vast intertidal zones, displaying a diverse land and seascape of mud and sand flats, sea grass beds, sand beaches, rocky coastline and mangrove forests. Upwelling of cold, nutrient rich waters and the ebb and flow of the tides contributes to the high productivity of these waters. This precious ecosystem sustains a vibrant fishing industry – the major economic driver in all of the surrounding communities. In the Magdalena Bay area, 75 percent of the 13,000 residents are involved in fisheries-related activities. Magdalena Bay contributes as much as 65 percent of the Mexican State of Baja California South's fisheries volume, yet it enjoys no particular legal protection and receives no specific funding for conservation or resource management.

Endangered green, hawksbill, olive ridley and loggerhead sea turtles come to the bay to feed, and a wide variety of birds, among them migratory and threatened species, find their way to Magdalena Bay, including brown pelicans, magnificent frigates, and bald eagles to name a few. Mangrove forests, barrier beaches and sand dune islands contribute to the incredible scenery and diverse biological makeup of the bay.

The bay also provides shelter for Pacific Gray Whales to rear their young before making the long journey north to the Bering Sea. Tourism is truly a growth industry here, and every year the number of tourists arriving to the town of Puerto San Carlos increases; each visitor with hopes of petting a baby whale. This has supported a burgeoning side industry for pangüeros, or boat captains, operating as guides. The intricate mangrove system ensures that, apart from whale watching, any avid naturalist or bird enthusiast will find plenty of wonders to experience on the bay.

Unfortunately, Magdalena Bay faces growing threats generated by urban runoff, untreated sewage and industrial waste from both the local fish packing plant and a thermoelectric power plant located on the bay. A stroll down to the water's edge provides an immediate visual example of how the bay is being impacted. Earlier in the afternoon, Armida Romero, Subdirector of Vigilante walked me down the shoreline in front of the cannery, where a neon-green carpet of algae – the product of elevated nutrient levels – coats a beach once rich with clams, creating an anaerobic environment that now makes clam harvesting all but impossible. "Even if you could find clams here, you wouldn't want to eat them; the water is too contaminated. It's scary though, because you still see people down here looking for food," she tells me.

Enter Vigilante. Julio, together with Francisco 'Paco' Ollervides, Director of the School for Coastal Studies in San Carlos, established Vigilante de Bahía Magdalena/Magdalena Baykeeper in the summer of 2005 with the mission to conserve the natural resources

mareas aportan a la alta productividad de estas aguas. Este delicado ecosistema sostiene una active industria pesquera, el principal motor económico de todas las comunidades colindantes con la bahía. En la región de Bahía Magdalena, 75% de los 13,000 habitantes participan en actividades pesqueras; aquí se produce hasta el 65% de la pesca de todo el estado de Baja California Sur, sin embargo no recibe ninguna protección legal especial, ni recibe apoyo fiscal para proyectos de conservación o manejo de recursos.

Las tortugas prieta, carey, golfinia y caguama (todas en peligro de extinción) vienen a la bahía para alimentarse, y una gran variedad de aves, algunas de ellas especies migratorias y también especies amenazadas, habitan en Bahía Magdalena; se incluyen aquí el pelícano café, la magnífica fragata y el águila calvo, entre muchos otros. Manglares, hermosas playas e islas de arena todas contribuyen al asombroso paisaje e increíble biodiversidad del lugar.

La bahía también es un refugio para las ballenas gris del Pacífico, quienes vienen a aparear y reproducirse antes de continuar su largo viaje rumbo al mar de Bering en Alaska. El turismo esta creciendo exponencialmente, y cada año incrementa el número de turistas que llegan al pueblo de Puerto San Carlos, cada uno de ellos con la esperanza de llegar a acariciar un ballenato. Este fenómeno ha brotado una industria adicional para los pangüeros, quienes trabajan de guías para los turistas. El complejo sistema de manglares asegura que, aparte del avistamiento de ballenas, cualquier naturalista o entusiasta de aves podrá encontrar una variedad de tesoros naturales en la bahía.

Desafortunadamente, Bahía Magdalena se enfrenta diariamente a nuevas amenazas generadas por el desagüe urbano, aguas negras, y desperdicios industriales de la planta de empaque de pescado y una planta termoeléctrica que se encuentra también en la bahía. Una caminata a la orilla del mar rápidamente brinda un ejemplo visual de cómo esta siendo afectada la bahía. A mediodía, la Subdirectora de Vigilante, Armida Romero, me llevó a la playa frente a la planta de empaque, donde una capa de algas de color verde fosforescente cubre una playa que en el pasado estaba llena de almejas; este fenómeno es producido por niveles elevados de nutrientes en el agua, y crea un ambiente anaeróbico que hace imposible la cosecha de almejas. Me dice Armida, "aunque quizás pudieras encontrar almejas aquí, no quisieras comértelas; el agua esta demasiado contaminado. Pero da miedo, porque de cualquier manera allí ves a la gente, buscando comida."

Es aquí donde entra Vigilante. Junto con Francisco 'Paco' Ollervides, Director del Centro para Estudios Costeros de San Carlos, Julio estableció Vigilante de Bahía Magdalena en el verano del 2005 con el propósito de proteger los recursos naturales de Bahía Magdalena. Como parte de Alianza Waterkeeper, Vigilante de Bahía Magdalena lleva a cabo monitoreos y redacta reportes sobre la calidad del agua en varios puntos específicos de la bahía, a la vez creando conciencia en la comunidad sobre asuntos de importancia para el agua en su localidad. El grupo actualmente existe como la única organización ambientalista comuni-

Armida Romero, Subdirectora Vigilante de Bahía Magdalena



CHRIS PRESENTI



CHRIS PRESENTI

Julio Solís, Vigilante de Bahía Magdalena

in Magdalena Bay. As part of Waterkeeper Alliance, Magdalena Baykeeper carries out monitoring and reporting on water quality at specific points on the bay, while raising community awareness of local water quality issues. The group serves as the only local public advocacy organization representing the people of San Carlos.

Magdalena Baykeeper faces tremendous hurdles. As Paco noted in the board meeting, "One of the principal challenges for this group is going to be Vigilante's ability to arrive at the community's doorstep and bring people into the organization." Julio points out that everyday more doors in the community are opened by housewives who invite him into their homes to hear his message. These are the community leaders, taking care of the home and caring for spouses and children. Their concern over public health and the health of the waters that sustain their family is only natural. Julio realizes how vital community involvement is to the success of Vigilante. So he and Armida use beach pollution as a tool to raise awareness in the community, creating the link between visible contamination – mostly trash – and contamination of the water that may not be visible to the naked eye. The group holds regular beach clean-ups and hosts community forums to encourage civic awareness and participation.

The threats to the waters of Magdalena Bay are diverse. A rapidly growing population and mega-scale tourist developments threaten the same natural resources that first attracted people to the region. Puerto San Carlos, the largest town on the bay, is less than 50 years old. Yet it has rapidly outgrown all nearby communities. Turning away from the central plaza and heading through the ramshackle fishing settlements, the dearth of urban planning and infrastructure are obvious. Volumes of trash in the street clearly demonstrates the uphill battle facing Julio and Armida.

While the name Vigilante may conjure up visions of a ragtag group of hotheads, Magdalena Baykeeper presents a model for community-building and environmental conservation on the Baja California pen-

taria local representing to the people of San Carlos.

Vigilante se enfrenta a enormes obstáculos; Paco menciona durante nuestra junta, "uno de los retos principales del grupo es la capacidad de *Vigilante* de llegar a la puerta de la comunidad e involucrar a la gente en nuestra organización." Julio indica que cada día se abren más puertas en la comunidad por parte de amas de casa, quienes lo invitan a entrar en sus hogares para escuchar su mensaje. Estas son las líderes de la comunidad, cuidando su casa y cuidando a sus maridos y a sus hijos. Su preocupación por la salud pública y la salubridad del agua que sostiene a sus familias es de esperarse. Julio es consciente de lo importante que es el involucramiento de la comunidad para el éxito de *Vigilante*; él y Armida utilizan la contaminación de las playas como un ejemplo para crear conciencia dentro de la comunidad, enfatizando la conexión entre una contaminación muy visible, en su mayor parte basura, y la contaminación que tal vez no se note a simple vista. El grupo regularmente lleva a cabo limpiezas de playa y organiza foros comunitarios para animar la conciencia cívica y la participación ciudadana.

Existe una variedad de amenazas a las aguas de Bahía Magdalena. Una población que va aumentando rápidamente, aunado con el mega-desarrollo turístico, pone en peligro a los mismos recursos naturales que desde un principio vienen atrayendo a la gente a la región. Puerto San Carlos, el pueblo más grande de toda la bahía, tiene menos de 50 años en existencia, sin embargo ha sobrepasado casi todas sus comunidades vecinas. Dando la espalda a la plaza central, dentro de las colonias pesqueras, la carencia de planeación e infraestructura urbana es evidente. La basura que cubre las calles demuestra la gran lucha a la cual se enfrentan Julio y Armida.

Mientras el nombre, *Vigilante*, hace pensar en una banda peligrosa, el grupo presenta un verdadero modelo para el fortalecimiento comunitario y protección ambiental en toda la península de Baja California, y se ha establecido legalmente como una Asociación Civil. Habiendo recibido fondos iniciales de Environment Now, asistencia del Centro para Estudios Costeros y

Baby Pacific Gray Whale
Ballenato Gris del Pacífico



SCHOOL FOR COASTAL STUDIES



Julio's race-winning RX7
El premiado RX7 de Julio

insula. The group is a legally established A.C. or Asociación Civil, the Mexican nonprofit equivalent. With seed funding from Environment Now, assistance from the School for Coastal Studies and a grant from the Norcross Wildlife Foundation to purchase a small boat to be used as the Waterkeeper vessel, *Vigilante* is on the move. The group works closely with CEMDA (the Mexican Center for Environmental Law) lawyer Pablo Uribe in nearby La Paz, who provides legal support and consultation. Pablo has already assisted *Vigilante* in their first legal action, a request for information regarding the 'Magdalena Secret' development proposal just down the coast from San Carlos. The project aspires to create hotels, golf courses and shopping areas, all on the margins of the ecologically important mangroves. Magdalena Baykeeper will be there every step of the way. Water quality monitoring, beach clean-ups, public outreach and legal action to preserve vital wetland habitat – it's all in a day's work for the Magdalena Baykeeper.

Julio wasn't always a conservationist. When he began work as a panguero at the School for Coastal Studies, operating the small motorboat was just a job to him. But working with the School's sea turtle program transformed Julio. The rest is history. After several years representing San Carlos in the Grupo Tortuguero sea turtle network, Julio has become a force for conservation and an inspiration for environmental awareness in the region. Julio is well known and well respected in Puerto San Carlos. He is known locally as the Han Solo of pangueros, and once every month, when not on the water, he can be seen behind the wheel of his RX-7 with a 454 under the hood, vying for first place in the regional dirt track drag race circuit. "I'm still a rebel, but now I'm a rebel for conservation." It's that same rebel quality that gives Julio an edge going up against the challenges he faces. When I asked him why he chose to take on this enormous task, his response was simple, "This is my home. I have to think about the future, not just for me, but for my son, and his sons." **WK**

Author Chris Pesenti is co-director of Pro Peninsula, a San Diego based nonprofit dedicated to empowering communities on the Baja California peninsula to preserve their natural environment. www.propeninsula.org.

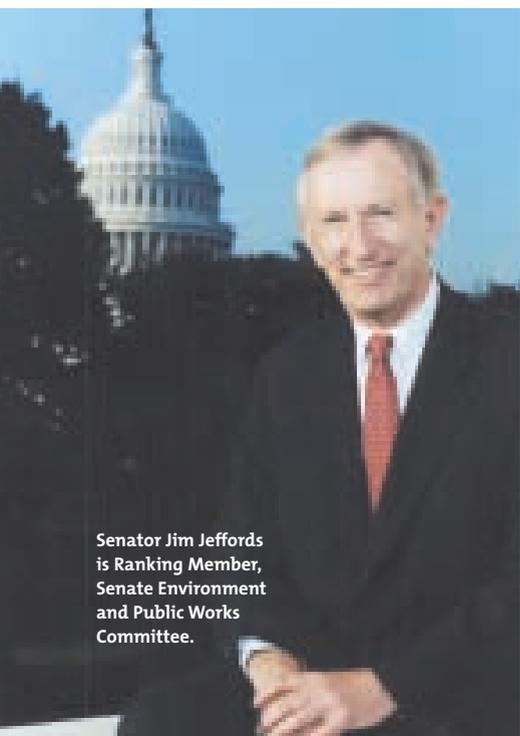
un donativo del Norcross Wildlife Foundation para comprar una panga para realizar monitoreos, *Vigilante* va a toda velocidad. El Licenciado Pablo Uribe de CEMDA (Centro Mexicano de Derecho Ambiental), en La Paz, también les proporciona apoyo y consultoría legal; Pablo ya le ayudó a *Vigilante* a llevar a cabo su primera demanda legal, exigiendo información sobre las propuestas del "Secreto Magdalena," un desarrollo turístico al sur de San Carlos que estipula construir hoteles, campos de golf y centros comerciales al borde de una zona de manglares ecológicamente significativa. *Vigilante* seguirá cada paso del proceso. Monitoreos de calidad del agua, limpiezas de playa, campañas de concientización social, acciones legales para proteger un hábitat esencial de humedales – todas son parte del trabajo cotidiano de *Vigilante* de Bahía Magdalena.

Pero Julio no siempre trabajaba en pro de la conservación. Cuando empezó su trabajo como panguero para el Centro para Estudios Costeros, el conducir un pequeño buque era sencillamente otro empleo. Pero su trabajo con el programa de tortugas marinas del Centro lo inspiró. Lo demás ya es historia. Tras representar a la comunidad de San Carlos dentro del *Grupo Tortuguero* durante varios años, Julio se ha vuelto un héroe por la conservación, y un personaje ilustre para la conciencia ambiental en la región. Julio es conocido y respetado en San Carlos. Localmente, lo conocen como el "Han Solo" de los pangueros, y una vez al mes, cuando no está en el agua, lo puedes encontrar tras el volante de su RX-7 con un 454 bajo el cofre, luchando por conseguir el primer lugar en la serie regional de carreras sobre terracería. "Sigo siendo un rebelde, pero ahora soy un rebelde para la conservación." Es precisamente su identidad como rebelde que le da a Julio la ventaja al enfrentarse a los retos que lo esperan. Cuando le pregunté por qué eligió asumir esta enorme responsabilidad, su respuesta fue sencilla: "Este es mi hogar. Tengo que pensar en el futuro, no solamente por mí, sino por mi hijo y por sus hijos." **WK**

El autor Chris Pesenti es co-director de Pro Península, una organización no lucrativa basada en San Diego que se dedica a fortalecer a las comunidades de la península de Baja California para que puedan proteger su medio ambiente. www.propeninsula.org.

Sewage Infrastructure

Bringing our nation's water systems into the 21st Century



Senator Jim Jeffords is Ranking Member, Senate Environment and Public Works Committee.

By Jim Jeffords

It's fair to say there is not much agreement these days between Republicans and Democrats in Washington. Whether the topic is immigration, the Iraq War or tax breaks, it seems increasingly difficult to find common ground between the two sides.

But on the Senate Environment and Public Works Committee, we have found one topic that both sides agree upon: the need for the federal government to help communities update or replace their aging water systems to ensure clean, healthy drinking water for their citizens.

Last July, our committee passed a bill, S. 1400, which would provide \$35 billion over five years for clean water and drinking water infrastructure investments. The bill would also authorize \$3.6 billion in grant funding for watershed restoration to remedy sewage overflows and stormwater discharges, to promote innovations in technol-

ogy and alternative approaches to water quality management.

The Water Infrastructure Financing Act enjoyed strong support in our committee from both sides of the political aisle. Unfortunately, the full Senate has yet to take action on our bill, which is now caught in legislative limbo. This is tragic. We know that our nation's need for updating its water and wastewater projects continues to grow at a pace that we can't keep up with. The Environmental Protection Agency now estimates that the gap for funding these water projects over the next 20 years now exceeds \$300 billion.

Our stalled legislation would have helped close that gap, or at least worked to narrow the great divide. I believe this bipartisan effort reflects a growing awareness that our nation's water supply is an increasingly precious resource that we must protect.

Clean Water Funding Slashed

By Nancy Stoner, NRDC

President Bush and his friends in Congress seem to have decided to make 2007 the year that America gives up on treating sewage. For the past several years, the President has proposed funding cuts to U.S. EPA's low-interest state loan program used by communities to install, maintain and upgrade sewage and stormwater treatment systems. Each year until now Congress restored the funding for this program, called the Clean Water State Revolving Loan Fund. But our sources on Capital Hill tell us that Congress may not come to the rescue this year.

The aging of the nation's sewage treatment infrastructure has a direct effect on our waters and everyone who comes into contact with them. Many sewage systems cannot meet the demands of growing populations, and are crumbling due to age and inadequate maintenance.

Symptoms of the problem include old pipes that leak or break, discharges of raw sewage when it rains and the growing

number of beach closures and polluted waterways nationwide. EPA estimates that between 23,000 and 75,000 sewer overflows occur nationwide every year, resulting in the release of three to 10 billion gallons of untreated wastewater. An estimated eight million Americans get sick every year from swimming in or drinking polluted water.

States, localities and private sources working to address their water infrastructure problems cannot meet the funding gap alone. For many states, water quality needs are urgent – yet projects are already seriously under-funded. The failure to fully fund the Clean Water State Revolving Fund only exacerbates the nation's water quality crisis.

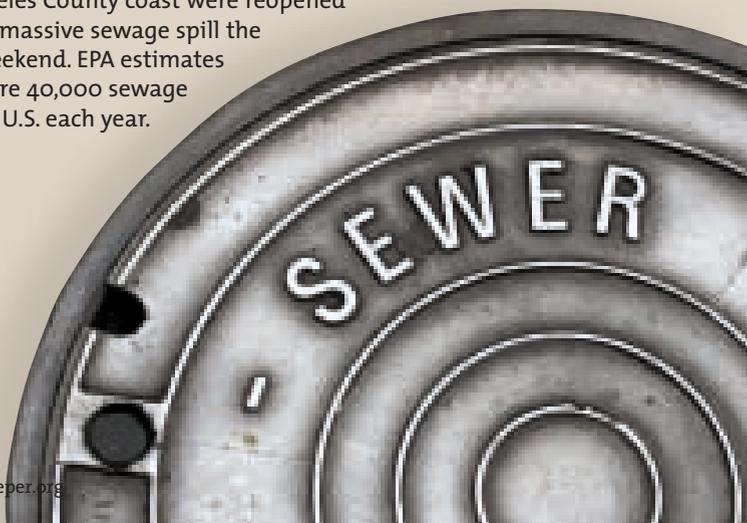
Nancy Stoner is one of the authors of the Swimming in Sewage Report, a detailed review of the status of our nation's sewer systems, with case studies and policy recommendations.



AP PHOTO/DAMIAN DOVARGANES

Treacherous Waters

Megan Lemond prepares to surf on Jan. 19, 2006, the day beaches on the Los Angeles County coast were reopened following a massive sewage spill the previous weekend. EPA estimates that there are 40,000 sewage spills in the U.S. each year.



Sadly, that growing awareness does not seem to extend as far as the White House. President Bush's proposed 2007 budget would cut the Clean Water State Revolving Fund (SRF) by almost 50 percent from what annual appropriations were when he took office.

The administration's budget is akin to an ostrich sticking its head in the sand. We all know that ignoring our problems won't make them disappear. If only it were that easy.

I have said before, and I continue to believe, that our nation's budget priorities are misguided. I believe that investing in clean water programs should be a priority rather than an afterthought, for the sake of our generation and for the generations to come.

I would argue that ensuring our nation's water infrastructure is up-to-date is not just an environmental priority, but a homeland security priority. This administration seems to recognize the importance of clean water overseas, but not at home. We've dedicated 12 percent of reconstruction funds in Iraq to water projects. As of February, the U.S. planned to complete 712 water projects in Iraq, having already finished 434.

On the homefront, we have made progress since Congress first passed the Clean Water Act in 1972, but we need to look no further than our rivers, lakes and streams to know that there is much more work to be done.

The EPA estimates that 40 percent of our nation's waters remain polluted, unable to meet the criteria of "fishable and swimmable." Discharges from aging and failing sewage systems, urban stormwater and other sources of pollution continue to pose serious threats to our drinking water supplies.

For years we have debated the role of the federal government in protecting our waters. That debate was front and center in 1987, when we amended the Clean Water Act to create state revolving funds. It remains so today, as we witness much of our nation's water infrastructure nearing the end of its useful life. I believe it is time to end the debate and for Congress and the administration to make a solid commitment to helping our communities bring their water systems into the 21st Century.

As I prepare in the coming months to wrap up my 32-year career in Washington (yes, I've been here almost as long as the Clean Water Act), I am sorry that I won't be here next session to renew the push for funding, but I trust many of my colleagues will. As a nation, we cannot afford to sit back and watch our nation's water systems deteriorate. **WVK**



So, just **WHERE** does all our poop go?

Dealing with sewage is not pretty. From the time of the first human civilizations to now, humans have had to confront the issue of what to do with our waste. Sewage infrastructure is a critical part of a functioning society. Public health, welfare and our very ability to live together depend upon it.

Clean water comes into our homes and then leaves through our toilets, sinks, washing machines and showers. Dirty. This wastewater goes to a septic tank in your yard or enters a sewer system – a labyrinth of pipes and pumping stations under our streets and cities. With a little luck, it makes its way to a sewage treatment plant where it is cleaned and disinfected before being released into a local waterway.

Someone has to keep this system running. Or it leads to a big mess.



When sewer systems fail, sewage ends up on our streets, in our basements and in our waterways.

Sewer Systems

Sewer systems move sewage from homes and buildings to a wastewater treatment plant. Wastewater flows from sinks and toilets, showers and washing machines to underground sewer pipes that run beneath city streets. Manholes allow access for maintenance and repair.

Overflows

Sewer systems can overflow when they are overwhelmed with water, when pipes break or back up from clogging. Overflows are usually related to maintenance problems – sewer pipes in older cities can be 200 years old or older, made of clay or even wood. In many cities, sewer pipes are not replaced unless there is a massive problem, so no one really knows the state of those pipes. Maintenance and replacement of sewer pipes is expensive, but overflows are dangerous. Swimming in water contaminated with sewage can cause infections, gastroenteritis, dysentery, hepatitis and respiratory illness.

Some cities have combined sewer systems, which convey both sewage and stormwater (from streets and roofs) in the same pipes. During rainstorms, stormwater can overwhelm pipes or

sewage treatment plants, resulting in a combined sewer overflow. The sewage that spills from combined systems maybe diluted by rainwater, but it is still very dangerous.

Treatment

Wastewater is ‘cleaned’ at a sewage treatment plant through a series of steps that are designed to meet the requirements of each plant’s Clean Water Act discharge permit. Solids and sludge are removed in each step and disposed.

- 1. Primary treatment** uses screens and settling basins to remove solids and grit.
- 2. Secondary treatment** uses microorganisms and/or chemicals to break down organic matter and nutrients and kill pathogens.
- 3. Tertiary treatment** further breaks down the waste and removes contaminants from wastewater.

Wastewater treatment plants are usually located in low-lying areas because sewer systems rely on gravity to move the waste. Pump stations – sometimes disguised as small cottages – move sewage up and over hills. Treatment plants discharge their treated wastewater into public waterways.



SEWAGE LEAVES THE HOME AND ENTERS THE SEWER SYSTEM



OLD PIPES ALLOW IN RAIN AND GROUNDWATER



OVERWHELMED OR LEAKY SEWER SYSTEMS OVERFLOW



SEWER SYSTEMS DELIVER SEWAGE TO TREATMENT PLANTS THAT REMOVE WASTE AND RELEASE WATER; WHEN THEY FAIL, SEWAGE ENTERS OUR WATERWAYS



Septic Systems

Septic systems are used in areas without sewer systems. A septic tank is an underground concrete or metal tank connected to a house’s plumbing. Heavy solids settle to the bottom of the tank and grease floats to the top. Naturally occurring bacteria inside the septic tank breakdown the waste. The septic tank must be pumped out every few years to remove the solids and scum that build up in the tank. Wastewater flows from the septic tank through pipes in gravel-filled trenches called leach fields. Dissolved waste and pathogens are trapped by soil particles or decomposed further by soil microorganisms. Treated wastewater eventually infiltrates to groundwater or evaporates from the soil.



Out of Time in NYC

By Andy Willner, New York/New Jersey Baykeeper

You hardly ever hear New Yorkers asking the unseemly but important question: “Where does the waste go when I flush?” If they think about the question at all, most would assume it goes to a sewage treatment plant for proper treatment. After all, this is America in the 21st century. Few would believe that New York City’s waste goes straight out a pipe into the harbor. But during and after even as little as a quarter inch of rain, that’s exactly where it goes. Millions of gallons of raw sewage flood the rivers and bays of New York Harbor, the Hudson River and the Long Island Sound, bringing the waters surrounding the city alive with disease-carrying organisms.

Each time New York City flushes its waste into our waterways it commits an act of open defiance of common sense and hygiene. The city is also violating the law. But even since the passage of the Clean Water Act, the NYC Department of Environmental Protection – the agency that runs the city’s sewage treatment plants – has done very little to correct its combined sewer overflow problem. Combined sewers are primitive systems that move raw sewage and stormwater together through the same pipe. This system works all right in dry times. But in wet weather sewage treatment plants are overwhelmed by the rush of stormwater. Operators ‘bypass’ the system, flushing human and industrial waste directly into our waterways.

U.S. EPA admits that combined sewers are a major source of diseases ranging from stomachaches and throat infections to cholera, salmonella, typhoid fever and hepatitis A. The agency also

agrees that combined sewers pose the greatest threat to water quality and public health in the New York City region. But New York City has long pleaded poverty for not solving this problem and federal and state regulators have turned a blind eye. A 1992 court order demanded that the city bring its sewer system into compliance with the law. But sewer system operators begged state officials for a multi-year extension, and recently got it – continuing not only New York City’s defiance of the spirit of the law, but a slap in the face to the many citizens who believe that everyone has the right to use our commonly held natural resources, but no one has the right to use those resources to the detriment of anyone else.

In the waters surrounding New York City, Riverkeeper, Soundkeeper, Baykeeper and our allies have worked patiently with New York City to solve the city’s sewage problems, but to no avail. When our government won’t stop the primitive practice of using our commonly held waterways as a toilet, then citizens must compel them to do so.

Thanks to irresponsible federal, state and city government, the next time you hear rain on the roof, you shouldn’t be comforted by the sound. For the foreseeable future, stormy weather will mean millions of gallons of sewage flushed into the New York Harbor – polluting swimming beaches and wildlife resources from the Tappan Zee to the East River, Long Island Sound to Jamaica Bay. It’s an uncivilized, unhealthy travesty that shouldn’t be sanctioned by our state or federal officials. Nor, as citizens, can we allow the intolerable practice to continue. **WVK**



GILES ASHFORD

A combined sewer outfall in Newtown Creek, between Brooklyn and Queens, NY





Cleaning Up Atlanta: Sewage Overhaul

By Sally Bethea,
Upper Chattahoochee Riverkeeper



Author Sally Bethea is the Upper Chattahoochee Riverkeeper.

Atlanta is the poster child for sprawling development — seemingly in defiance of its location only 85 miles downstream of the north Georgia spring that gives birth to the region's major water supply source, the Chattahoochee River.

In 1990, the city stretched 60 miles north to south; today its northern limits are 110 miles from its southern limits. There are no geographic constraints to Atlanta's growth. Yet, this metropolitan area of more than four million people relies solely on local surface water from its small watershed to sustain its people and its economic prosperity.

The community that has grown into the 11th largest metropolitan area in the country was founded in the 1840s because of its key location for connecting railroad lines, not because of the abundant water resources for industry, transportation or future populations. If city fathers had not convinced the federal government to invest in a major reservoir upstream of the city, Atlanta's prospects for growth would have been extremely limited by now the sparse water resources.

Before the construction of Lake Lanier, the Chattahoochee was a shallow, warm-water stream known to occasionally dry up in the summer. Its tributaries, which flow through the city's well-heeled and poor neighborhoods alike, are little more than headwater streams, strongly affected by pollution and the increasing volumes of stormwater from the rapid growth in the 1990s.

One-Hundred-Year-Old Sewer System

Most of Atlanta's sewer system was built between 1890 and 1930 on the abrupt slopes and narrow floodplains of an Appalachian forest. In 1934, construction began on a new sewer system, financed by the federal Works Progress Administration. Prior to that time, half of all sewage was simply dumped in streams leading to the Chattahoochee River. With each new home, hotel and high-rise office building, the number of connections to the aging system increased. By the 1970s, the city's sewer system was so overloaded when it rained that it discharged raw sewage directly into city creeks, leaving toilet paper hanging in trees and human waste rotting in stagnant pools. Environmental officials at all

KEVIN GARRETT

levels — city, state and federal — knew about the situation, which threatened public health, recreational areas and property values, but they did nothing.

In a small but old and highly developed portion of the city, rain that flowed into storm drains was funneled into the same system that carried household and industrial sewage to treatment plants. During the torrential downpours with which Atlanta is so familiar, the sudden inflow of rainwater swamped the sewage treatment system. The resulting overflow of stormwater and untreated sewage flowed into creeks and rivers, carrying waste and other matter downstream. In the rest of the city, sanitary sewer overflows (SSOs) polluted neighborhood streams even during dry weather — thanks to decades of failure to maintain, repair and replace 1,800 miles of sewer lines. The city's three sewage treatment plants were inadequate and ill maintained.

In 1988 a state official declined to publicly release the results of water quality tests in urban streams running through residential areas, saying that he feared some people might use the results to “embarrass” Atlanta. At that time, the prevailing attitude of the Georgia Environmental Protection Division was to hide the problem. If pressed, state environmental officials declared that the city shouldn't do anything until Congress developed a nationwide policy for treatment of combined sewer overflows (CSOs).

Revolt by Downstream Communities

Award-winning environmental reporter Charles Seabrook investigated the sewer crisis and its impact on the Chattahoochee and West Point Lake, located 65 miles downstream of Atlanta. Seabrook's hard-hitting articles, which appeared in the *Atlanta Journal-Constitution* in the late 1980s, declared that West Point Lake was “dying.” He quoted scientists who said that the lake had become the “ultimate pollution sink for Atlanta's waste” and was “exhibiting the classic signs of death by pollution.”

In 1989 nearly 4 million tons of phosphorus flowed down the Chattahoochee and into the lake every year. In the fall of that year, the city's R.M. Clayton sewage treatment plant, the largest such facility in the southeast, dumped 200 million gallons of raw sewage into the river during a storm event. Massive spills, such as this one, were routine during the 1980s and 1990s.

Irate citizens took their concerns to the State Capitol and demanded that something be done to protect their lake and the river; they called Atlanta's sewer disposal system “an abomination” and “a disgrace.” The state passed legislation 1989 and 1990 that banned the use of phosphate detergent in Atlanta. Subsequently, the state issued permits to metro Atlanta sewage plants requiring that phosphorus levels not to exceed 0.75 mg/l. Other state legislation set deadlines for the city to construct treatment facilities at the city's seven combined sewer overflow locations.



DAVID TULLIS/ATLANTA JOURNAL-CONSTITUTION

Large holding tanks sit amid grids of sewage at the R.M. Clayton Sewage Treatment Plant with a vista of Atlanta behind in this 1997 aerial photo.

By 1991, the larger Atlanta community was beginning to wake up to the incredible pollution that was flowing through its neighborhoods and downstream to other towns. The *Atlanta Journal-Constitution* published an article with elaborate maps that was entitled, “Streams of Waste — Atlanta's economic growth depends on its ability to save its urban waterways.”

Atlanta Neighborhoods

As city officials began to design plans to meet the legal deadlines they ran into significant neighborhood opposition to the construction of five proposed mini-treatment plants. There was little trust between the citizens and a corrupt city government (a situation that did not improve until Shirley Franklin took office in 2001.)

While the downstream communities were demanding immediate improvements to clean up their lake, some Atlanta activists were determined to oppose the city's proposed sewer cleanup plan for a variety of reasons. In internal memos, EPA scientists called Atlanta's plans nothing more than “Band-aid solutions.” The city proposed to spend \$100 million on mini-facilities that would do little more than screen and disinfect the sewer



overflows. Ignoring the concerns of EPA scientists and community members, Georgia state officials issued Clean Water Act discharge permits for these mini-facilities.

In 1993, the City of Atlanta began paying daily fines for failing to comply with state legislative mandates — fines that would ultimately reach \$20 million by the end of 1997. That same year, Laura Turner and Rutherford Seydel decided to establish a Riverkeeper program on the Chattahoochee, their home river, and asked the Hudson Riverkeeper to help get things going.

In March 1994, Upper Chattahoochee Riverkeeper (UCR) was approved as the 11th licensed Waterkeeper group in the country, and the office opened with one employee, a canoe and a \$50,000 start-up grant from the Ted Turner foundation.

Riverkeeper Enters the Fray

Upper Chattahoochee Riverkeeper was not established to focus only on Atlanta's sewer problems; however, it was clear from the beginning that the organization had to tackle this issue as soon as possible. After reviewing Atlanta's sewage permit and finding significant violations on the city's own monthly discharge monitoring reports, Riverkeeper sent a letter to the city of Atlanta and to the state environmental agency in May 1995 expressing grave concerns about the impact of

sewage on tributaries to the Chattahoochee and, ultimately, the river itself. We also called attention to problems associated with the completion of upgrades at the city's sewer plants, especially the R.M. Clayton plant.

Receiving no response, we decided to build a coalition of affected downstream residents and governments to take the next step. In July 1995, two environmental organizations, six local governments, a homeowner, a chamber of commerce and two individuals sent an 'intent to sue' letter to the City of Atlanta. The letter alleged violations of the federal Clean Water Act at the combined sewer facilities that discharged into the Chattahoochee River watershed.

Again there was no response from the city, the state or the federal government. So, in October 1995, Upper Chattahoochee Riverkeeper and our co-plaintiffs filed suit in federal court, represented by local environmental attorney David Pope. As the case made its way through the judicial process, Riverkeeper staff continued to patrol the river and its tributaries, documenting example after example of sewage spills and contamination that were revealed in colorful detail on the pages of the *Atlanta Journal-Constitution*.

EPA's Regional Administrator, John Hankinson, decided to conduct a thorough investigation of the city's *entire* sewage system in early 1997. And, he



Good Government Embracing Clean Water

By Mayor Shirley Franklin



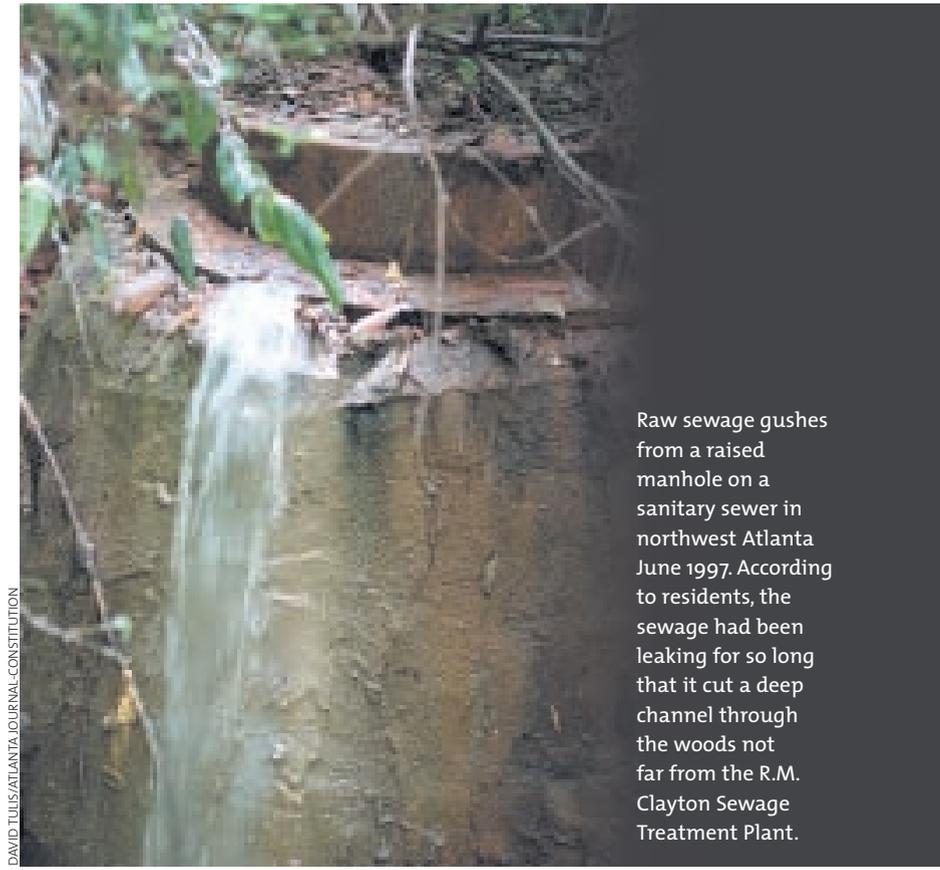
insisted that reluctant Georgia state environmental officials accompany his staff on what became a historic five-month joint enforcement review. The regulators made unannounced visits to sewage plants and walked urban streams to determine the extent of the sanitary sewer overflow problem.

In November 1997 federal Judge Thomas Thrash granted a summary judgement in our favor, finding that it was “a matter of undisputed fact that the CSO treatment facilities are dumping massive amounts of proscribed metals and fecal coliform into the tributaries of the Chattahoochee.”

Now the problem became a question of how the city would fix its sewage discharges so that they would meet federal water quality standards.

Negotiations Lead to Settlement

From the day that Upper Chattahoochee Riverkeeper filed its lawsuit against the city we had clear goals in mind: a federal consent decree, specific deadlines for system upgrades and compliance with water quality standards. We never tried to dictate the cleanup technology, but we were insistent that water quality standards be met by dates certain and we advocated a plan that would clean up the Chattahoochee and its tributaries in the quickest, most cost-effective and efficient manner. **WK**



DAVID TULLIS/ATLANTA JOURNAL-CONSTITUTION

Raw sewage gushes from a raised manhole on a sanitary sewer in northwest Atlanta June 1997. According to residents, the sewage had been leaking for so long that it cut a deep channel through the woods not far from the R.M. Clayton Sewage Treatment Plant.

Atlanta in 2001 was a city criticized by virtually every environmental group in the South, as well as downstream communities, because of its polluted streams and rivers. One such group, the Upper Chattahoochee Riverkeeper, had even filed suit against the city for violations of state and federal clean water legislation.

The problem was the city’s decrepit water and wastewater infrastructure, which was no longer capable of properly collecting and treating the wastewater and stormwater that eventually was discharged back into those streams and rivers. To stave off a court battle, the city had agreed through two Consent Decrees to make system-wide improvements that would significantly decrease pollution in the streams and river.

I took office in 2002 and immediately learned the scope of the task ahead. I was determined that Atlanta not merely comply with the Consent Decrees, but actively embrace their requirements. In one of my first major acts, I created the Department of Watershed Management to pull the wastewater system and the Consent Decree work under one umbrella. The drinking water system, which had been privatized, also was brought into the new department.

The city then established the Clean Water Atlanta initiative to provide the foundation for the Consent Decree work. It was a daunting undertaking, but we were determined to make it work. And, while Atlanta is still in the early stages of a construction program scheduled to run through 2014 and is facing the possibility of water and sewer rates tripling, our efforts thus far have drawn praise from the residents and the environmental groups that once criticized the city.

Left: Shirley Franklin – Atlanta’s self-described ‘Sewer Mayor’ – is all smiles while taking a one-mile train ride through one of the city’s new 18-foot diameter sewage storage tunnels.

In fact, Atlanta has established a friendly, mutually respectful relationship with the Upper Chattahoochee Riverkeeper, and I consider its executive director, Sally Bethea, to be a good friend. Last year, Sally and I took a boat trip down the Chattahoochee River, and we enjoyed it so much that we are planning another similar trip.

To fix our underground infrastructure, the city established a task force of nationally renowned water and wastewater experts headed by Georgia Tech President Wayne Clough to sort through the options and recommend a course of action. That course of action, which became the Clean Water Atlanta program, includes the separation of all remaining combined sewers not directly underneath downtown, construction of Sanitary Sewer Overflow (SSO) and Combined Sewer Overflow (CSO) tunnels, and a comprehensive Sewer System Evaluation Survey (SSES) and repairs/replacements identified in the SSES.

The city is also spending millions of dollars to replace aging water mains; to inspect sewer pipes and to make necessary repairs to the sewer system; and to acquire greenway parcels along streams and rivers to help reduce non-point source pollution. We also have implemented a comprehensive grease management program that includes a permitting process and an enforcement program.

People laughed when I declared myself “The Sewer Mayor.” But I believe that fixing sewers is much like putting a new roof on a house – it is absolutely critical to the health of the house, but it is not flashy, like a new kitchen or a new porch. Sewers are not as photogenic as parks and bridges. Consequently, in many cities, sewers often are overlooked.

That is not true in Atlanta, however. I am committed to the idea that clean drinking water and a functioning, environmentally sound sewer system are vital to Atlanta’s long-term development prospects. And if that is my legacy, it is one I will be proud of. **WK**



Shortly after the judge's order was issued, Hankinson suggested that his agency and the state could work with Riverkeeper to settle the combined sewer case. The agencies would then proceed on their own with a legal action to tackle the extensive leaking sanitary sewer problems that plagued the city.

After five months of intensive negotiations in 1998, Riverkeeper and the regulators agreed to a settlement with the city that required a remedial action plan for all of the city's combined sewer

a combination of storage in underground tunnels, treatment and separation of sanitary and storm sewers. Riverkeeper immediately hired Carpenter Environmental to review the concepts presented for any fatal flaws. Engineers Bruce Bell and Steve Garabed found a number of concerns, which we outlined in our comment letter to EPA. These concerns were ultimately resolved by modifications to the city's sewer cleanup plan.

In January 2002, Shirley Franklin was inaugurated as the first African-American woman to become mayor of Atlanta or any major southern city. She followed eight troubled years in which Mayor Bill Campbell had overseen the 1996 Olympic Games and ended his administration with an \$82 million deficit. Campbell's record on the sewer issues was abominable.

After she was elected mayor, Franklin talked about sewers every chance she got and even dubbed herself the "Sewer Mayor." She asked Georgia Tech president Wayne Clough to oversee a blue ribbon panel of national experts to review the city's proposed sewer cleanup plan, and when they approved it, she began work to fund the \$3 billion needed for sewer and water infrastructure upgrades.

Funding the Plan

After an extensive and acrimonious campaign to fund the sewer improvements the Atlanta City Council finally approved a substantial sewer rate increase in January 2004. A prominent business leader associated with the Metro Atlanta Chamber of Commerce said that this vote was possibly one of the most important votes in Atlanta's history. Riverkeeper worked actively with the mayor and other community groups to help make this happen.

Later that year, Atlanta residents overwhelmingly approved a one-cent sales tax increase for four years to help fix the sewers and cleanup the Chattahoochee and its tributaries. Finally, Georgia's Republican Governor agreed to help the Democratic Mayor and pledged \$500 million in low interest loans.

Looking to a Cleaner River

On October 10, 2005, the *Atlanta Journal-Constitution* published a retrospective article on this long battle to clean up Atlanta's sewage problems: "Ten years ago today, the city of Atlanta was routinely spilling raw sewage into the Chattahoochee River from its aging, broken and overwhelmed sewers. On October 10, 1995, the Upper Chattahoochee Riverkeeper, then a startup environmental advocacy group, filed its first federal lawsuit to force the city to fix its sewers.

"Today, the city is well on its way to spending \$3.2 billion to overhaul its water and sewer systems. Sewage spills occur less frequently. And, after years of racking up more than \$20 million in fines for missed deadlines, Atlanta is on target to complete upgrades to one section of its sewer system by 2007 and the other by 2014." **WVK**



NICK ARROYO/ATLANTA JOURNAL-CONSTITUTION

A city crew tries to stop sewage flowing into Nancy Creek in September 2004.

facilities, not just those in the Chattahoochee Basin. The city committed to a 2007 deadline to meet water quality standards at the outfalls. In addition to the \$2.5 million cash penalty, the city also agreed to remove every piece of trash from 37 miles of urban streams and to fund a supplemental environmental project — a greenways acquisition program that would invest \$25 million in the purchase and permanent protection of streamside lands.

The City's Sewer Cleanup Plan

In 2001, the city presented its remedial action plan to EPA, the state and Riverkeeper. It included



Black Warrior Riverkeeper has taken a comprehensive look at all of the municipal and private wastewater treatment plants and lagoons throughout our watershed. Of the 53 plants, 23 are in major violation of their permits. We estimate that over the past five years, these plants have violated the Clean Water Act a minimum of 24,657 times.

Alabama sewage treatment plants are permitted by the state Department of Environmental Management (ADEM.) ADEM has an informal agreement with wastewater utilities, allowing them to operate in violation of their Clean Water Act permits as long as they simply say that they are working on upgrades and improvements of their plants and collection lines. In other words, this is an unregulated community of polluters, with a few exceptions. ADEM has been known to step in and enforce the law, but only after a considerable amount of time has passed and much raw sewage has entered streams. Usually, citizen enforcement of the Clean Water Act through lawsuits is what gets ADEM moving – and this is where the Waterkeeper movement is making a difference in Alabama.

Out of the 23 Clean Water Act violators, Black Warrior Riverkeeper has issued five notices of 'intent to sue.' We are talking with officials at the rest of the facilities, hoping that we can get a voluntary commitment from them to work on cleaning up their mess.

Donaldson Correctional Facility was Black Warrior Riverkeeper's first sewage case. After issuing a 60-day notice of intent to sue in November 2004, the Alabama Attorney General's office stepped in and took the case from us. ADEM would have done so, but they had already allowed the state prison to discharge in violation of its permit for nine years. ADEM knew that we could argue that their lack of diligent prosecution gave us the right to carry on, so they asked the Attorney General to step in to protect its sister state organization, the Department of Corrections.

One problem was that the prison greatly exceeded capacity. Designed to accommodate 900 prisoners, since 1991 it has held 1,500 – overwhelming the small wastewater treatment plant. After we intervened in the lawsuit the Department of Corrections agreed to work with us, and contracted with a private sewer operator to take over the operation of the treatment plant. The company has spent more than \$400,000 upgrading the facility's equipment, including the construction of a 100,000-gallon surge basin. Donaldson has been meeting its permit limits since August 2005. **WK**

Perpetual State of Violation

By Nelson Brooke,
Black Warrior Riverkeeper



BLACK WARRIOR RIVERKEEPER

Valley Creek, one of the watershed's 53 wastewater treatment plants, discharges 65 million gallons per day of treated wastewater into the Black Warrior River. The Black Warrior River watershed is home to more than a million people and provides drinking water source for two of Alabama's largest cities: Birmingham and Tuscaloosa.



BLACK WARRIOR RIVERKEEPER, FLIGHT PROVIDED BY SOUTHWINGS

Donaldson Correctional Facility and its adjacent wastewater treatment plant (visible in the lower right).



Out of Sight, Out of Mind

By Cheryl Nenn,
Milwaukee Riverkeeper

When one thinks of Milwaukee, Wisconsin, many things might come to mind: world famous beer, Lavern and Shirley, the Milwaukee Art Museum addition designed by Santiago Calatrava or maybe Milwaukee's own Harley Davidson. But what many locals value the most is our proximity to three great rivers and Lake Michigan. These waterways provide beautiful beaches, waters to swim and boat and drinking water for more than a million people.

Sadly, many people also know that Milwaukee made water contamination history in 1993 when our municipal drinking water became contaminated with *Cryptosporidium*. The parasite sickened 400,000 people and caused an estimated 100 fatalities. The cause of the epidemic was sewage that passed through the filtration system of one of the drinking water treatment plants. This should have been a major wake-up call for

our city. But our city's sewer operators are obstinate that dumping sewage into our waters is fine for Milwaukee. And Milwaukee Riverkeeper's long battle to get sewage out of our waterways rages on.

Milwaukee, like many cities, has a long history of dumping raw sewage into Lake Michigan and our local rivers – the Milwaukee, Menomonee and Kinnickinnic. The City of Milwaukee operates its sewer system, which is largely a combined system in the downtown – meaning that both sewage from homes and businesses and stormwater runoff from roofs and streets all run into the same pipes. This mix of sewage and stormwater is sent to treatment plants operated by the Milwaukee Metropolitan Sewerage District. Sewerage District also treats sewage from 27 other local municipalities with separated sewer systems (sewage flows to the treatment plant and street runoff feeds directly through separate pipes into the rivers.)

The area's sewage travels through a 2,200-mile network of collection pipes to the city's two large treatment plants. Sewage (and mixed-in stormwater) flows directly to treatment plants or is diverted for storage into the 19-mile-long Deep Tunnel for storage during rainstorms when the treatment plants would otherwise be overwhelmed.

The Deep Tunnel, however, has not met expectations. More than double the predicted number of combined sewer overflows have occurred since 1994 when the tunnel began operation. Our experience in Milwaukee shows that massive storage tunnels are no substitute for good operation and maintenance of sewage infrastructure and good prevention of rainwater and groundwater entering and overwhelming the underground sewer pipes, a problem called inflow and infiltration.

At about the same time the Deep Tunnel came online, a grassroots group of local res-

family members and friends who had been impacted. Citizens called our hotline with stories of sailing, canoeing and kayaking through sewage and toilet paper, and about how physically ill and disgusted this made them feel. Fishermen complained about local fish tasting strange – when they called the Sewerage District to complain about condoms in the water, they were told that they had mistaken condoms for dead fish. The citizens of Milwaukee were unable to enjoy our region's greatest asset. Instead of being a source of civic pride, our waterways were a symbol of civic shame.

In 2001, after years of participating in local planning processes and public hearings that led to no real enforcement action by regulators and no real plan to solve the problem, Milwaukee Riverkeeper and local citizens were sick of sewage.

State regulators, who had sued Milwaukee's Sewerage District in the early 1970s over sewage discharges, had thrown in the towel. The legal settlement of that suit in 1977 was toothless and the agency failed to take further action to stop the illegal sewage discharges. So in 2000, with our fantastic attorney Karen Schapiro, we decided to pursue litigation against the Sewerage District. Chicago-based Lake Michigan Federation (now known as the Alliance for the Great Lakes) joined us as co-plaintiff.

On July 11, 2001, we filed a notice of intent to sue the Sewage District for repeated and ongoing violations of the federal Clean Water Act. The Clean Water Act prohibits sanitary sewer overflows, except in extremely limited circumstances when there are threats to life or property. Since the Deep Tunnel came on-line in 1994 approximately 43 sanitary sewer overflows had spilled more than 935 million gallons of raw sewage.

Our notice of intent gave the state regulatory agencies, in this case the Wisconsin Department of Natural Resources, 60 days to respond before the case could go forward. On the 59th day state officials filed their own legal agreement with the Sewerage District – attempting to preempt our case without allowing us to comment on their agreement. The state's intervention would have been fine with us if they took serious action to keep sewage out of Milwaukee waterways. But this new agreement was, again, toothless. The court agreed with us and rejected that agreement. Our lawsuit went forward.

Throughout 2001 and early 2002 we tried to negotiate a settlement with the Sewerage District and the various regulatory agencies. But without any progress, Friends of Milwaukee River/Milwaukee Riverkeeper and Lake Michigan Federation

filed a citizen suit in federal court in March 2002 seeking cessation of sanitary sewer overflows and penalties for past and future violations of the Clean Water Act. Later that same day, the Wisconsin Department of Natural Resources once again intervened, filing a new lawsuit against the Sewerage District for sewage overflows for violation of their state permit. But again, this state action was a 'friendly' lawsuit that would shield the Sewerage District from our citizen lawsuit.

Under the Clean Water Act, citizens cannot sue if there has been prior state or federal legal action – Congress included this language in the law to allow government environmental officials the ability to do their job. But in this case the state was using the law to protect the Sewerage Agency from being forced to cleanup.

On May 29, 2002, the court approved a settlement of the state agency's friendly lawsuit – a repeat of the 1977 weak agreement. The settlement required \$176 million dollars-worth of sewage infrastructure improvements, most of which were already planned. It contained lengthy timelines for improvements, vague commitments, included no penalties for past or future violations of the law and did not require the Sewerage District to stop discharging raw sewage into our waterways. Nonetheless, Federal Judge Charles Clevert, Jr. dismissed our case stating that the state's actions were sufficient.

We believed that the agreement did not constitute diligent prosecution of the case. The pattern of illegal behavior by the Sewerage District and the acquiescence of state regulators over 25 years demonstrated that our case is exactly why Congress provided an opportunity for citizens to act as private Clean Water Act 'attorney generals.' No one else was going to fight to ensure that past violations would be remedied and, more importantly, that raw sewage would stop flowing into Wisconsin waterways.

As a fairly small organization, we had to take a hard look at our finances and our chances of success. Even though we had pro-bono legal representation, our costs were racking up and the public relations battle would be expensive. The Sewerage District was trying to paint us as litigious environmental fanatics wasting the city's money on needless lawyers. But with strong support from our board of directors, our attorneys and our co-plaintiff we decided to appeal the decision to the U.S. Court of Appeals.

In March 2004, in front of a packed Chicago courtroom our attorneys argued that the state's actions were not enough and that the lawsuit must go forward. And events began to conspire in our favor.

JOURNAL SENTINEL/BUTCH JORGENSEN

idents, homeowners and river enthusiasts came together to form the Friends of the Menomonee River (later broadening their scope and becoming the Friends of Milwaukee's Rivers.) Our founder, Bob Boucher, was inspired to take action after seeing the creeks where he fished and swam as a boy continually degraded. The group started the Milwaukee Riverkeeper program in 1999.

By 2000 Milwaukee Riverkeeper and Friends of Milwaukee River had become a prominent voice in the local community for water protection. Things were going well, but our successes were overshadowed by constant sewage spills and the failure of our very expensive Deep Tunnel. It was time to hone our focus on the biggest health threat to the 1.3 million residents of the Milwaukee River Basin.

The 1993 Cryptosporidium outbreak had not faded from peoples minds. Many residents had been sick themselves or had



Sewage Blending

Milwaukee Riverkeeper continues to fight Milwaukee Municipal Sewerage District on their use of blending as an acceptable practice for treating sewage. The Sewerage District believes it is allowed to blend and release partially treated sewage with treated sewage during storm. Studies by the Milwaukee Health Department have shown high levels of both *Cryptosporidium* and *Giardia* in Milwaukee waterways after blending, constituting a clear threat to public health. A study by Michigan State

University researchers found that the risk to swimmers of contracting *Giardia* was 1,000 times greater after a blending event. In addition, a new study by the Medical College of Wisconsin shows a high correlation between increased visitations to the emergency room by children for gastrointestinal illnesses following sewage blending incidents in Milwaukee from 2002-2004. These studies present a compelling argument against EPA's efforts to promote sewage blending nationally. Milwaukee Riverkeeper is proud to be playing a part to stop that misguided and dangerous policy.

That same day the Sewerage District experienced a dry-weather sanitary sewage spill. Two months later, while we were still awaiting the court's decision, the Sewerage District dumped 1.2 billion gallons of combined stormwater and sewage and 500 million gallons of raw sanitary sewage into local rivers and Lake Michigan. The sewage plume extended up and down the lakeshore reaching Chicago to the south, Green Bay to the north. There were grave concerns from everyone over the safety of our water supply system – which thankfully had been upgraded after the *Cryptosporidium* tragedy.

In September 2004, the U.S. Court of Appeals found in our favor and reinstated our case. The Appeals Court called the 2002 legal agreement between the state and Sewerage District a “stalling tactic rather than a compliance strategy” and directed the lower court to determine whether or not that agreement contained remedies that were

sufficient to end all sanitary sewer overflows. Whether or not the May sewage spills had an effect on the judges we will never know, but those overflows could not have failed to impress the seriousness of the situation. We had had our ‘perfect storm’ to illustrate just how much work must be done to protect our waterways and our public health.

The Sewerage District appealed to the U.S. Supreme Court, but the Supreme Court decided to not take the case. Next, our job was to document for the lower court what the Sewerage District must do to end all sanitary sewer overflows. We hired a technical expert, deposed sewage experts and state officials and conducted considerable legal research. Although our co-plaintiffs helped shoulder the cost, the bills were piling up and we felt the strain. Many of our supporters learned about our situation and responded. We received an unsolicited check from a local family for \$5,000 – they are my new heroes.

As of spring 2006, we still await the Federal District Court Judge's decision (the same judge who initially tossed out our case.) To his credit, the judge has been trying to broker a settlement to the case, but the Sewerage District is not interested in talking to us. If the judge rules in our favor, we finally go to trial over the original merits of the case, which are the 900 million gallons of uncontested and illegal sanitary sewage dumping from 1994-2001. If the judge rules against us, the whole thing ends up in Federal Appeals Court... again.

In the meantime, sewage continues to flow. This spring, we had three different sewage dumping incidents. The Sewerage District continues to delay the necessary work to fix our sewage system and protect our waterways. But we are now getting help. In response to the May 2004 sewage overflows Wisconsin Attorney General Peg Laughtenschlager filed a lawsuit against the Sewerage District and the 28 municipalities that feed into the Milwaukee sewage system for being a public nuisance. The Attorney General has settled with the 28 municipalities, mandating that they make measurable progress on dealing with the inflow and infiltration of water into the sewage pipes, that they enforce their sewer ordinances and improve their operation and maintenance plans. However, the Sewerage District refuses to settle with the Attorney General and refuses to accept any culpability for sewage spills.

Meanwhile, the Sewerage District is attempting to convince U.S. EPA to essentially legalize sanitary sewer overflows using the justification that this sewage is often mixed with stormwater, and so is diluted and less dangerous.

The fight to get the Sewerage District to take responsibility for cleaning up our city's sewage is far from over, but Milwaukee Riverkeeper will continue the fight for as long as it takes. **WVK**



Milwaukee's Deep Tunnel was constructed at a cost of \$716 million in response to a lawsuit by the City of Chicago. It can store up to 400 million gallons of sewage during rain storms – but this expensive fix has not stopped the city's massive sewage spills.



©BRAD GRAVERSON, DAILY BREEZE

Crews work inside a sand berm dug to contain sewage on Manhattan Beach near Los Angeles, CA, following a massive spill in January 2006.

Trouble at the Pump Station

January 14, 2006. A holiday weekend and the surf in Los Angeles was stellar. But one of the pumping stations in the Manhattan Beach sewer system had failed. By 10 a.m. raw sewage was flowing directly onto the beach. For two years, the Los Angeles County Sanitation Districts, the owners and operators of the failed pump station, had been under an order from U.S. EPA to fix their outdated pump stations. The pump station that overflowed onto the beach was on the 'attention' list.

The day of the spill was chaotic to say the least. The pump station failed and quickly filled with raw sewage. Sewage began to flow into surrounding homes and onto the beach. The county responded to the spill by dispatching bulldozers to the beach to create a berm to prevent raw sewage from reaching the ocean. Eyewitnesses told Santa Monica Baykeeper that the berm was repeatedly breached and that the pond the bulldozers created

on the beach filled and spilled at least twice. Raw sewage pooled on the sand and poured into Santa Monica Bay.

In all, 2.5 million gallons of raw sewage escaped from the sewage system. County pump trucks captured some of it. A State Regional Water Quality Control Board employee estimated the spill volume reaching the bay at 250,000 gallons. How much ultimately was spilled to the Santa Monica Bay is up for debate. For every gallon, the State Regional Board has the discretion to fine the county up to \$10. Santa Monica Baykeeper will advocate that the county pay the maximum fine. There is no excuse for a spill of this magnitude, especially when the county knew the pump station was in need of repair.

Santa Monica Baykeeper, Tracy Egoscue was interviewed at the scene by ABC News (visit www.smbaykeeper.org and click on Advocacy.) **WK**



SANTA MONICA BAYKEEPER

Manhattan Beach was reopened after the spill, but to the surprise of County Sanitation officials, it had to be closed again almost a month later due to continued bacteria contamination. In the interim, countless citizens used the beach for recreation and were exposed to the bacteria. Despite the availability of safer disinfection methods, Los Angeles County sprayed bleach onto the sand to kill bacteria.



Sick of Sewage in Richmond, CA

By Sejal Choksi,
San Francisco Baykeeper



Fishermen and boaters in San Francisco have placed a lot of trust in city officials to keep sewage out of waterways.

It was an early weekday morning in San Francisco when the pollution hotline rang in Baykeeper's bustling office. The caller, a distraught resident of the City of Richmond, reported raw sewage flooding her front lawn and causing an unbearable stench in her home.

My initial surprise transformed into anger as I learned more about the extent of broken sewage pipes and the city's inaction. As Baykeeper attorneys and volunteers delved into the City of Richmond's records, we found evidence of close to 1,000 raw sewage spills since 2000, ranging in size from 10,000 gallons to more than 17 million gallons. The city was churning sewage into Richmond homes, streets and creeks. The city had also knowingly and illegally dumped more than 20 million gallons of raw sewage directly into San Francisco Bay

from overflow pipes. Our research further suggested that the city had been seriously underreporting the extent of the problems.

Richmond residents are some of the poorest in the bay area, facing social, economic and environmental injustices on many fronts. They pay some of the highest residential wastewater service rates in the region. Yet the city waxes allowing raw sewage to literally flow down the streets and threaten the health of thousands of people.

THE COMMUNITY PAYS A HEAVY PRICE

Spills from the sewage collection system, as well as raw sewage overflows from the city's pipes, have been devastating to the Richmond community. With the assistance of the West County Toxics Coalition, we reached out to the Richmond community residents and discovered that in many

neighborhoods sewage backups had become a normal part of daily life, with spills reaching playgrounds and school yards and damaging homes and businesses. One elderly resident was forced out of her home for almost a year after a main sewage line backup completely flooded her home of 30 years. During the 2005 and 2006 fiscal years alone, the city paid out more than \$1 million in claims that resulted from property damage due to sewer backups.

Every sewage spill puts Richmond residents at risk of infection from a host of disease-causing viruses, bacteria and other pathogens. Many of these spills reach local creeks and the bay, impacting Richmond's numerous shoreline beaches, parks and marinas, which attract fishermen, boaters and swimmers – all of whom count on clean and safe water.

The city's sewage also contains harmful toxins from nearby industrial operations. Under the Clean Water Act, most industrial waste water is directed into the sanitary sewer system through collection pipes. So when raw sewage spills, it often results in the direct discharge of industrial effluent (including waste from metal plating facilities, photo labs, printing companies, dry cleaners and other small manufacturers). These toxic chemicals and metals harm fish and wildlife and often become concentrated in large animals (like humans) at the top of the food chain.

THE ROOT CAUSE OF RICHMOND'S SEWAGE PROBLEM

Like many cities throughout California and the country, the City of Richmond has allowed its wastewater infrastructure to deteriorate to the point where spills are commonplace. The Richmond sewage collection system was designed and created more than 100 years ago. Consequently, the old clay pipes have deteriorated, causing significant breaks and cracks to develop throughout the system.

There are two main seasons in California's mild Mediterranean climate: rainy and dry. The rainy season runs from October to March, during which frequent downpours inundate our urban landscapes. In Richmond these rains are supposed to enter storm drain systems that lead to San Francisco Bay and other natural bodies of water. However, the cracks and breaks in Richmond's crumbling sewer pipes allow large amounts of this rainwater to enter the sewage collection system. This high volume overwhelms the pipes, causing backups and spills throughout the system. But Richmond's spill problem is not limited to the wet season. The infrastructure is so leaky that spills are also common in the



dry season. Dry weather spills arise from improper connections hooked to the sewage system and pipe clogs created by tree roots and grease from restaurants.

Proper maintenance of the pipes could help prevent clogs and breaks. In many locations older pipes must be replaced entirely by newer ones made of durable materials such as iron or concrete. The City of Richmond, however, has failed to prioritize such maintenance and replacement, and thus the crumbling sewage infrastructure is failing.

THE PUSH FOR SOLUTIONS

Over the years Baykeeper has found that litigation – or sometimes just the threat of it – can bring public awareness and scrutiny to serious environmental health problems, motivating public officials to take action. After months of extensive discussions with Richmond’s attorneys and the discovery that funds earmarked for sewer system repairs since 1999 had never been used, Baykeeper filed suit in spring 2006. To prosecute this case Baykeeper turned to a talented team of attorneys, including Daniel Cooper, Layne Friedrich and Mike Chappel of Lawyers for Clean Water and Chris Sproul and Jodene Isaacs of Environmental Advocates.

Economically strapped communities such as Richmond deal with many severe social problems such as poverty and crime. More mundane topics, like water infrastructure, take a back seat. Baykeeper decided to bring Richmond’s sewage spill problem to the forefront of public attention as a critical health and quality of life issue that was largely being ignored. The issue was timely given that the city was in the process of adding over 3,000 housing units to the waterfront without a clear plan or investment to handle the additional wastewater flows.

Even city officials acknowledged that the litigation and the press coverage the case brought was helpful in calling needed attention to the problem. Richmond’s new city manager told a reporter that the city had no excuse for not fixing the sewage collection system a top priority because money had been earmarked for the work. A Richmond City Council member piled on, telling local papers, “Unfortunately, Baykeeper is mostly right, and despite significant surges of progress, the city has more typically followed the [usual] way of foot-dragging delays, excuses.”

Baykeeper aims to win a number of improvements that are enforceable in federal court. We are seeking a moratorium on all new connections into the system until the city fixes the problems with the existing pipes and infrastructure. Baykeeper

is also looking for Richmond to prioritize, maintain, repair and replace existing pipes on a strict time schedule to rehabilitate the decrepit sewer collection system. In addition, we are asking the city to adopt an inspection and repair ordinance that would require homeowners to maintain and repair their individual connections to the system. Baykeeper will also secure a meaningful citywide program to provide financial assistance for low-income residents to make these individual repairs.

A DECADE-LONG CAMPAIGN ACROSS CALIFORNIA

Baykeeper was founded in 1989 to protect the entire watershed of the San Francisco Bay-Delta Estuary, the largest and most biologically productive estuary on the Pacific Coast of the Americas. The first Waterkeeper program on the West Coast, Baykeeper identified municipal sewage spills as a significant water quality problem early on. We launched a public advocacy campaign by suing the City of Vallejo in 1996 for spilling 35 million gallons of raw sewage annually into sensitive marshlands at the mouth of the Napa River.

Baykeeper’s success in forcing Vallejo to overhaul its sewage treatment system encouraged other Waterkeeper programs in California to address sewage spills in their communities, including enormous sewage control problems in Los Angeles, Orange County and San Diego. In the last 10 years California Waterkeepers have stopped hundreds of millions of gallons of sewage from reaching local neighborhoods and waterways. Together, the California Waterkeeper programs have succeeded in improving living conditions for Californians by forcing public agencies to prioritize the maintenance and upkeep of crumbling infrastructure throughout California. **WKK**



Sewage spills impact wildlife as well as commerce, recreation and human health.

HUDSON HENRY



A Spill-a-Day

San Diego Coastkeeper Zeroes In On Sewage Pollution

By Bruce Reznik,
San Diego Coastkeeper

“If San Diego County has established itself as the California capital of sewage spills, this [Mission Bay] beach is its White House...Care for a little dysentery to go with that typhoid fever, Mr. President?”

—Kemp Powers in *Forbes Magazine*, *Beaches That Make You Go Ewwwww!* (July 2000)

Just six years ago, San Diego had built a reputation as being home to some of the worst performing sewage agencies in the nation. Stories in *Forbes Magazine*, *The Wall Street Journal* and other national media outlets put not only citizens but the region’s \$6 billion tourism industry, and the 175,000 jobs it supports, at risk.

In 2001, San Diego Coastkeeper (formerly San Diego Baykeeper) resolved to address the region’s chronic sewage spills and inadequate treatment as the organization’s highest priority. Coastkeeper’s first target was the City of San Diego, the largest contributor to the region’s sewage woes. From 1996-2001, San Diego averaged nearly a sewage spill a day.

The city had long been under fire from local regulatory agencies. The San Diego Regional Water Quality Control Board leveled a \$3.4 million dollar fine against the city – the largest such fine for a sewage spill in California history – after a week-long 34 million gallon spill in February 2000.

Large fines, however, did not address the systemic problems behind San Diego’s sewage crisis – namely, a decades-long lack of investment in sewer infrastructure had left the city with 1,000 miles of sewer pipe (one-third of the entire collection system) beyond its life expectancy. With a pipe replacement schedule of 15 to 20 miles per year, San Diego was not even keeping up with its

ongoing maintenance needs, let alone overcoming decades of neglect. Additionally, a combination of poor inspection and maintenance programs and inadequate sewer metering meant the city had difficulty tracking major spills, allowing them on occasion to go for days before being addressed.

On March 20, 2001, San Diego Coastkeeper and The Surfrider Foundation jointly filed a Clean Water Act lawsuit against the city challenging its chronic sewage spills. U.S. EPA joined the suit in support of our case in 2003.

San Diego’s initial response to these suits did not bode well for a quick settlement. The city hired James Dragna who had unsuccessfully defended the City of Los Angeles against a sewage lawsuit brought by Santa Monica Baykeeper.

Negotiations dragged on with little progress for nearly two years. However, a combination of factors helped us make significant strides towards settlement in late 2002. First, a new City Council was elected. This environmentally-minded group sent a clear message that it wanted the city to engage in good-faith negotiations with the environmental groups, even providing resources to facilitate negotiations and hire experts to evaluate its sewer system. The retirement of the head of the city’s Metropolitan Wastewater Department, long considered by



James Dragna has received millions of dollars protecting the polluter’s right to destroy our waters, with taxpayers picking up the tab.

ENEMY OF THE ENVIRONMENT

James J. Dragna, a partner at Bingham McCutchen’s Environmental Group, prides himself on “counseling and litigation matters in all environmental media, with a particular emphasis in waste, wastewater and water rights matters.” Once a senior trial counsel at the U.S. Department of Justice, Mr. Dragna has spent much of the last decade profiting handsomely by fighting to allow pollution of our waters. He has earned well over a million dollars for himself and his law firms defending the City of San Diego’s ‘right’ to have an exemption from secondary treatment standards and spill untreated sewage in our waterways. He also represented the City of Los Angeles, where his firm was paid nearly \$6 million to defend the city’s abysmal sewage track record.

What makes Mr. Dragna an unabashed enemy of the environment is not his willingness to defend some of the nation’s worst polluters – it is the way in which he defends them. His prime tactics include using his client’s vastly superior resources to overwhelm and discredit citizen groups. Even though Mr. Dragna’s cases often end up as losers, he has mastered the legal art of delaying resolutions indefinitely. After lengthy citizen lawsuits both Los Angeles and San Diego were forced by courts to upgrade sewage infrastructure and reduce spills. Mr. Dragna needlessly delayed and drew out the litigation, forcing everyone’s costs through the roof. Beaches stayed contaminated longer and Mr. Dragna’s profits soared. This would almost be comical if he was not representing municipalities – meaning it is taxpayers who foot the bill.



environmentalists as an impediment to solving the agency's problem, led to the hiring of Scott Tulloch, a much more engaged director. Finally, the election of a new city attorney, combined with a financial crisis that has left the city near bankruptcy, resulted in discontinuing Mr. Dragna's contract as outside counsel.

Even while the legal settlement was slow to develop, the city, now under new and improved leadership, was already beginning to implement measures to reduce spills in response to the suit – measures that would eventually be memorialized in a legal settlement. In 2001, the city approved a 4-year, 30 percent sewer rate hike to generate funding for sewer line replacement and maintenance. Pipeline rehabilitation and replacement was also increased from 15 to 45 miles per year. In May 2005, after more than four years of litigation, Coastkeeper, Surfrider and EPA reached an interim agreement with San Diego that obligates the city to continue a \$187 million inspection, maintenance and sewer pipe replacement program. The city has seen an 84 percent reduction in sewer spills, from 365 in 2000 to only 63 spills in 2005. This reduction came in spite of near-record rainfall in 2005, which has traditionally meant high-spill years.

Coastkeeper, Surfrider and EPA are now working with the city to reach a final agreement, which will include major sewage infrastructure improvements to keep the city's sewage out of San Diego's bays, rivers and coastal waters.

San Diego Coastkeeper Takes On The Marines

As bad as the City of San Diego's record was on sewage spills, the Marine Base at Camp Pendleton was worse. The reason for these failures was simple – for decades, little maintenance has been done on the base's sewage collection system and the base's five sewage treatment plants that date back to the 1940s and 50s. While everyone knew about the problems, nobody was willing to address them. In fact, top officials at U.S. EPA and state and local regulatory agencies approached Coastkeeper about bringing a suit as these agencies were unable or unwilling to do so. Finally, in November 2001, Coastkeeper, Surfrider, the American Canoe Association and Divers' Environmental Conservation Organization filed suit against the base.

This was one of the most difficult and controversial suits Coastkeeper has ever had to bring. Our notice of intent to sue [the first step in filing a Clean Water Act lawsuit] was in the outgoing mailbox in our attorney's Washington, DC, office when the terrorist attacks of September 11 occurred, halting mail service. We held off filing the notice as we wrestled with whether we should bring the suit. Eventually, we decided we had to move forward. Not only were the base's sewage spills damaging our coastal environment but Marines were training in this sewage-tainted water. Despite the public relations worries and



© 2006 KEVIN ROCHE

Point Loma

In addition to its spill problems, San Diego is home to the Pt. Loma Wastewater Treatment Facility. The facility, which treats 170 million gallons of wastewater daily, operates under an exemption that allows only primary treatment before sewage is discharged into the ocean. Coastkeeper, Surfrider and Sierra Club filed a suit over the facility in 2002 demanding that the ocean is not an acceptable dumping place for raw sewage.

the loss of two board members who resigned as a result of this decision, we concluded that nothing is more patriotic than clean water and a safe environment. We were later assured that our decision was justified after receiving letters and emails from current and past Marines thanking us for taking action.

After nearly 18 months of negotiations with officials, we reached an agreement in May 2003 that required Camp Pendleton to implement a strict prevention and response program for sewage spills and identify the appropriate technology for treating sewage at the facility.

Since then, Camp Pendleton has reduced its spill score (measuring frequency & impact of spills) by more than 50 percent, more than two years faster than required under the legal agreement. And a new advanced sewage treatment plant is scheduled for completion by the end of 2006. **WK**



© 2006 KEVIN ROCHE

The U.S. Marine Base at Camp Pendleton is one of the nation's most important training grounds. It is also a city of 9,000 people.



Bypass: Deliberate Dumping

By Krystyn Tully,
Lake Ontario Waterkeeper

Sewage runoff makes
its way towards Bluffer's
Beach in Toronto.



LAKE ONTARIO WATERKEEPER



Budapest Park Beach, Toronto

Wolfe Island is one of nature's last refuges on Lake Ontario. The island sits at the eastern tip of Lake Ontario, quietly guarding the entrance to the St. Lawrence River. At sunrise, when you awake, you can look east and see the mighty St. Lawrence flowing towards the Thousand Islands and further on towards Quebec. At sunset, before you fall asleep, you can look west, across Lake Ontario towards beaches, wineries, cities and commerce. Northward, across the river towards the City of Kingston, you can see the sewers that dump billions of litres of raw sewage into this Great Lake.

Kingston is not the only city along Lake Ontario that dumps sewage – raw or partially treated – into local waters. But because of the astounding quantity of sewage that finds its way into the city's waterways (well over one billion litres or 265 million gallons since 1999, and counting), it may well be the most disheartening. By March of 2006, Kingston had dumped more than 46 million litres of sewage into area waters, roughly 400 litres per city resident.

All of this sewage finds its way across the harbour to Wolfe Island, where condoms, feminine hygiene products and syringes wash up on shore. "I never dreamed living on Wolfe Island that I would have to give my five-year-old a talking-to about not picking up syringes off the shore," said Collin Mosier, after discovering sewage debris

LAKE ONTARIO WATERKEEPER



in his backyard. In addition to the debris, water samples collected by volunteers for Lake Ontario Waterkeeper proved that Mosier's well had been contaminated with E. coli following a sewage spill. A few days later, when the sewage washed away, his drinking water supply was clean again.

The Wolfe Islanders' outrage over Kingston's sewage bypasses is a recent development, but the practice itself has been going on for generations. In 1955, Kingston identified 23 different sewers emptying into the harbour and prompting regular bans on swimming. In 1979, the provincial Ministry of Environment vowed to "get a handle on this thing," and to "see things cleaned up in a hurry," but little happened. In 2001, the city allowed raw sewage to pour into a local river for three weeks unabated. Forty-eight hours after the local newspaper ran a front-page story and published Lake Ontario Waterkeeper's sample results, the dumping ceased.

Despite the fact that over the years the sewage bypasses have been large and very public, the City of Kingston has never been charged. In 2005, Lake Ontario Waterkeeper and the Canadian Environmental Law Association (CELA) filed an administrative challenge to the city's sewage system operating permits with the Province of Ontario. Waterkeeper and CELA asked for changes to the permits that would force the city to notify downstream users of bypasses, to monitor bypasses and to clean up any debris that found its way downriver.

The Province of Ontario denied this request, opting instead to enter into a voluntary agreement with Kingston's utility company to address the concerns. Under this agreement, the utility company promises to call the Wolfe Island township office when there is a bypass, develop a monitoring plan for all bypass events, implement a debris and floatables removal plan and undertake an education program with the local health unit on proper syringe disposal. But this voluntary agreement does not penalize the city if it breaks these promises, rendering it meaningless. "Now, every time it rains, I have to take the time, before I let my kids outside, to check the God-damned shoreline," complains Mosier.

In April 2006, Waterkeeper and CELA decided to appeal the province's decision of a voluntary agreement in order to institute *real* rules for Kingston's sewage management. The province's environment commissioner has agreed that the Ministry of Environment, "needs to be more active as a regulator in this regard," and is now reviewing the issue.

Meanwhile, the City of Kingston is starting to make modest improvements to its system. Wolfe Island residents notify government, neighbours and media when they find waste on their shorelines. Waterkeeper and CELA push for stronger rules and better protection for our waterways. We are not the first generation to say, 'enough,' but we will be the first to stick with it and win clean water. **WK**



Dragon boat practice in Toronto – not a jellyfish

LAKE ONTARIO WATERKEEPER



Mark Mattson, Lake Ontario Waterkeeper, samples sewer outflow.

LAKE ONTARIO WATERKEEPER



Serious Oversight: Bayou la Batre

MOBILE BAYKEEPER

By Casi Callaway, Mobile Baykeeper & Ariana Moore

Above: A single shrimp boat fishes Portersville Bay. Before this bay became the sewage receiving area for the town's seafood processing plants this scene would have included hundreds of boats.

Mobile Baykeeper's work helping coastal communities in the aftermath of Hurricane Katrina has uncovered deeply rooted water pollution problems that predate the storm and that will remain long after the recovery unless something is done to correct problems now. One example is the town of Bayou la Batre and the local utility's handling of the town's sewer system. As devastating as Hurricane Katrina was in that community, the biggest threat to the health of local residents and their fishing grounds may be the negligence of the Bayou la Batre Utilities Board.

I first visited Bayou la Batre after friends told me that the sewage treatment facility there was entirely wiped out. But the true extent of the problem only became clear after speaking with community members and researching the abysmal track record of the town's Utility Board.

The Utility Board's record is especially troubling because of the deep connection of community members to the water for their livelihood. Most families in Bayou la Batre have worked for generations in the bayou's seafood harvesting and processing industries. Prior to Hurricane Katrina, about 85 percent of the town's gross income came from the seafood industry. Area residents also rely on the waters of Bayou la Batre and

Portersville Bay for subsistence and recreation. Despite the reliance on these waters, they have remained on the Alabama state list of impaired waterways for close to a decade. The state's 2006 Impaired Waters Report specifically cites Bayou la Batre Utilities' sewage outfall among the main culprits for contamination.

I expected to see major sewer system problems related to hurricane damage, but what I found was a long history of neglect and shortsightedness. The City of Bayou la Batre built its first wastewater treatment plant in 1974 with a capacity of one million gallons per day. The Utilities Board needed income to support the sewer project and included the town's seafood processing plants in the sewer system. But those plants alone discharged in excess of one million gallons of wastewater per day. No surprise then that the plant was quickly overwhelmed, sending untreated wastewater discharge into the bayou. It is unclear when the utility removed the seafood processors from the wastewater treatment system, but as soon as they did, the processors again began discharging their untreated wastewater directly into the bayou. State environmental officials and U.S. EPA determined that the bayou failed to meet existing water quality standards and told the seafood industry to find a better method of disposing its wastewater.

In 1987 the three largest seafood processors in the area joined together as the Bayou Joint Venture, Inc. (BJV) to construct an outfall pipe system to collect wastewater from the plants and discharge it (untreated) in Portersville Bay – the waterbody that

In 1786 the Spanish governor of Louisiana made a land grant of Bayou la Batre, on the Alabama Gulf Coast, to Joseph Bosarge "for the purpose of fishing and planting corn and... to conceal his misery and the poverty of his family from the world." Bosarge's decedents remain prominent in the local telephone book along with a rich mix of Asian, African-American, European Colonial, Hispanics and Native American residents. Many area residents live at or below the federal poverty line. And Bosarge's hiding place is still a beautiful, secluded fishing community to this day. Protected from overdevelopment by its distance from Mobile it is also, unfortunately, out of the sights and minds of environmental regulators.



connects the bayou with the Gulf of Mexico. While BJV accepted responsibility for the operation and maintenance of the line, the public Utilities Board holds the actual wastewater permit, sets rates, collects fees and manages the system.

When ADEM, the state environmental agency, began regular sampling of Alabama's waters in the early 1990s, they found unacceptable concentrations of contaminants near the BJV's sewage outfall. Ongoing sampling repeatedly showed excessive levels of fecal coliform. Fishermen noticed receding levels of plant and animal life near the outfall's discharge point. Shrimpers and oystermen blame the outfall for the death of shrimp nurseries and oyster beds in Portersville Bay. Though the Utilities Board and seafood processors denied responsibility for the high levels of fecal coliform, ADEM disagreed. After extensive sampling ADEM ordered that the seafood producers' wastewater be pretreated before discharge and imposed a series of deadlines for compliance.

In 2002 the Utilities Board completed a new facility to treat the seafood processor's wastewater. This facility was touted to the public as an essential (though costly) project. But it, too, failed to do the job. In April 2003 ADEM issued another consent order against Bayou la Batre Utilities for continuously violating discharge standards and monitoring requirements for both its municipal and industrial permits. In May 2005, the Bayou la Batre Utilities Board entered into a legally enforceable agreement with U.S. EPA to take steps to clean up these discharges. But, according to ADEM officials, the Utilities Board has not yet met those requirements. Lest we blame Hurricane Katrina for the Utilities Board's woes, sampling shows high readings of chlorine, fecal coliform and enterococci from April 2004 through January 2006. (Katrina made landfall August 29, 2005.) A source at ADEM confirmed that the facility was in violation before Katrina and continued to violate its permits after the storm.

Discharge monitoring reports for one of Bayou la Batre Utilities' permits illustrate the magnitude of the problem. In May 2004 the utility reported fecal coliform levels 25 times higher than the established daily maximum. The utility maintained a dismal track record of sewage spills throughout 2004 and 2005, exceeding water pollution standards 16 out of 22 months.

The basic facts of this case are enough to cause Mobile Baykeeper serious concern, but the stories we hear from bayou residents and sources inside ADEM since the storm worry us even more. Post-hurricane, many homes and businesses have hooked back up to the sewer system despite severe damage to the treatment facility and pumping stations. The smell of sewage keeps people indoors at times and bacteria in the water has sent swimmers and commercial fishermen to the doctor with eye problems and cases of flesh-eating bacterial infections. Oddly, an ADEM inspection report from March 16, 2006 rates the sewage treatment facility as 'satisfactory' – a des-

ignation that ADEM is suspicious. Rumors are also circulating about construction of a new sewage treatment facility with an outfall pipe in a small bayou that empties into a part of Portersville Bay still used for shellfish harvesting.

Mobile Baykeeper is gathering the information necessary to take action against the Utilities Board of Bayou la Batre. People in this part of the watershed depend on clean, healthy water for their livelihoods. The idea that the Utilities Board would again build an inadequate sewage treatment facility, especially with all that we have learned since Hurricane Katrina, is astounding. **WK**



MICHAEL JERMYN

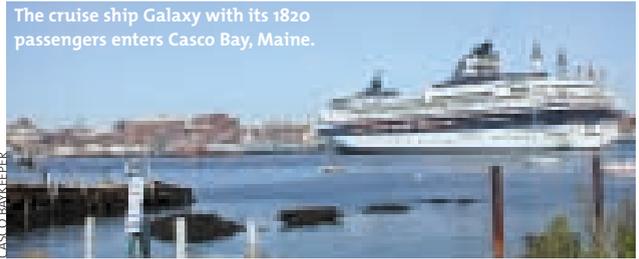
By Tim Burke, Lake Champlain Lakekeeper

Last year four million gallons of raw sewage (that's 2.5 million toilet flushes) flowed into the Winooski River just upstream from Lake Champlain when a 24-inch diameter sewer pipe in the river broke. Yet, despite the lake's importance as a spectacular natural resource and the drinking water source for 200,000 people, it took eight days to stop the spill.

Spill notification records at Vermont's Department of Environmental Conservation revealed that while this one was exceptionally large, raw sewage spills are a regular occurrence in the Champlain watershed, averaging almost two per month over the past year. Several of these spills took place within a few miles of the lake's largest drinking water intakes. Aging sewage collection systems and lack of inspections and maintenance are to blame.

Lake Champlain Lakekeeper approached a Vermont Senate Committee in January with proposed legislation to make sewage spill prevention a key element in the state's permitting for wastewater treatment facilities. The legislation got a big boost when the *Burlington Free Press* ran "What Lies Beneath," a feature story on this problem. The paper followed up with an editorial demanding action by the legislature. The legislature passed the bill in late April and the Governor signed it into law on May 17.

When renewing discharge permits, Vermont state regulators will now require wastewater treatment facilities to prepare operation, management and emergency contingency plans. Sewage facilities must identify critical elements in their collection systems and treatment plants that need periodic inspections and establish a schedule for these inspections. They must also prepare emergency plans to limit the damage from spills that do occur. **WK**



CASCO BAYKEEPER

The cruise ship Galaxy with its 1820 passengers enters Casco Bay, Maine.

Cruise Ship Sewage

Mary M. Cerullo, Associate Director, Friends of Casco Bay

Cruise ships are called floating cities for a reason. In 2005, 29 visits by cruise ships brought approximately 64,000 passengers and crew to Portland, Maine, a city of 64,000.

When the Clean Water Act was passed in 1972 only about a dozen cruise ships plied U.S. waters. Not enough, regulators concluded, to have much of an impact. The ships were only required to minimal treatment and could discharge their wastes anywhere. Today, worldwide, about 220 cruise ships carry more than 10 million passengers a year, a number that is expected to double before 2010.

While cruise ship visitors are welcome in Portland, their wastes are not. Friends of Casco Bay and Casco Baykeeper Joe Payne introduced the issue of cruise ship pollution in Maine with a Citizen Forum on 'Pollution Solutions for Cruise Ship Discharges' for legislators, candidates and concerned citizens. As a result, state legislators passed a law in 2004 restricting the disposal of gray water (from sinks and showers) into the bay. Since then, Casco Baykeeper has been advocating

for Casco Bay to become the first waterbody in Maine designated a 'No Discharge Area.' This protection would stop ships from discharging their partially treated sewage into the bay. A No Discharge Area designation by U.S. EPA is the only way a state can legally regulate sewage pollution from vessels.

Yet, as the Maine Department of Environmental Protection was drafting its No Discharge Area application to EPA, Payne learned of confidential negotiations between the state and cruise ship lobbyists to ask EPA to grant an unprecedented exemption for ships with advanced wastewater treatment systems. This was in direct conflict with earlier stakeholder meetings and legislative hearings where the issue had been debated and rejected. Had the cruise ship industry won the exemption for Casco Bay waters, it would have weakened the Clean Water Act around the country.

On August 12 Payne, Friends of Casco Bay Executive Director Cathy Ramsdell and State Representatives Jeff Kaelin and Herb Adams met with Maine Governor John Baldacci and state environmental agency

staff to persuade the administration to drop the exemption. They explained that while advanced wastewater treatment systems remove bacteria and suspended solids, they do little to address nutrients in wastewater. Nutrient pollution is already a problem in Portland Harbor, where nutrient levels have been documented at 8 to 20 times above healthy limits. Governor Baldacci heard the message and acted. Not only did he reverse the state position on the exemption, he held a press conference to announce broader protections for Casco Bay, declaring "Casco Bay is an environmental treasure that deserves our best effort to preserve and protect it."

Word from EPA Region I in Boston is that the designation of Casco Bay as a No Discharge Area will be in place before the Maine boating season begins around mid-June, when the water temperature warms up to an invigorating 55°F. Maine will become the first state in the nation to ban the discharge of sewage, gray water and treated oily bilge water from cruise ships. Hopefully, others will follow suit. **WK**

Nutrients

By Bill Gerlach, Waterkeeper Alliance

The Chesapeake Bay is very sick – literally gasping for oxygen. In recent summers, nutrient pollution has turned 40 percent of bay waters anoxic and lifeless. In the Gulf of Mexico a dead zone the size of New Jersey forms each summer from nutrient pollution.

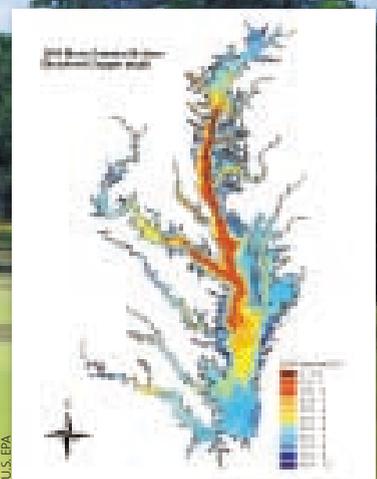
Nitrogen and phosphorous are vital nutrients for plants and animals. But too much can overwhelm the natural system causing massive algal growth that smothers aquatic life and, when it dies, depletes dissolved oxygen in the water. Without oxygen fish and shellfish must flee or die. After agricultural runoff, inadequately treated sewage is the largest source of nutrient pollution.

Sewage treatment plants clean up wastewater and dump treated water back into our waterways. Common treatment technologies remove solids and kill pathogens, but most of the nutrients remain. But

affordable technologies can remove much of these nutrients. EPA estimates that the cost of installing these technologies range from \$1.82 to \$10.95 per ratepayer per year – far below the 'sky is falling' estimates of sewage plant operators.

We must reduce all sources of nutrient pollution, but taking sewage treatment seriously is an obvious first step. Eliminating these dead zones will require strong leadership and political will, but the solution is no secret:

- Enforce federal requirements on the amount of nutrients that can be discharged by sewage plants;
- Enforce federal requirements that prohibit new sources of nutrient pollution into polluted waters; and
- Fund the installation and operation of state-of-the-art nutrient reduction technology at sewage plants. **WK**



U.S. EPA

RICK DOVE



Construction Manager Ron Davis walks along a segment of new sewer construction, part of Atlanta's \$3 billion sewer upgrade and expansion process.

JOHN SPINK/ATLANTA JOURNAL-CONSTITUTION

The Way Forward



Maintenance is key to keeping sewage system running correctly and keeping sewage out of our basements and waterways.

Waterkeepers are working hard to fix the dilapidated infrastructure of our aging sewer systems and smart public officials are beginning to see the light. Public dollars spent maintaining and improving sewer systems are a powerful instrument for economic growth. A recent economic study published by MIT Press estimates that money spent on sewage and water supply infrastructure generates a 9.7 percent rate of return – an excellent financial investment by Wall Street standards.

In addition, many businesses and municipalities are finding better ways to handle their wastewater at the end of the line. Those at the forefront are recycling wastewater to meet increasing demand without drawing more from drinking water supplies.



A crew installs new pipes in a residential neighborhood.

Designing Water

Recycled water is used to irrigate fields at the baseball stadium at California State University, Dominguez Hills. In most places, recycled water isn't yet available to individual households (for things like watering lawns), but municipal and commercial users are finding innovative uses for this water. The wide variety of potential uses include landscape irrigation, industrial cooling towers and boilers, oil refineries, concrete mixing, toilet and urinal flushing in commercial buildings and street sweeping.

One of the best examples of wastewater recycling can be found at the West Basin Municipal Water District in Carson, California, where more than 210 customers reuse in excess of eight billion gallons of recycled waste water annually.

Six Types of Designer Water

1

TERTIARY WATER

Secondary treated wastewater that has been filtered and disinfected for a wide variety of industrial and irrigation uses.

2

AMENDED TERTIARY WATER

Specifically for sports turf, the water is conditioned to allow it to penetrate the soil more effectively.

3

NITRIFIED WATER

Tertiary water that has been nitrified to remove ammonia for industrial cooling towers.

4

SOFTENED REVERSE OSMOSIS WATER

Secondary treated wastewater pretreated by either lime clarification or microfiltration, followed by reverse osmosis and disinfection for groundwater recharge, which is superior to state and federal drinking water standards.

5

PURE REVERSE OSMOSIS WATER

Secondary treated wastewater that has undergone microfiltration, reverse osmosis and disinfection. This is used for the local Chevron oil refinery's low-pressure boiler feed water.

6

ULTRA-PURE REVERSE OSMOSIS WATER

Secondary treated water that has undergone microfiltration, reverse osmosis, disinfection and second-pass reverse osmosis for Chevron oil refinery's high-pressure boiler feed water.

Advanced treatment technologies go far beyond the ordinary treatment steps, yielding recycled wastewater that meets the specific demands of industrial and other users:

Source: West Basin Municipal Water District.



SEWAGE TIPS

Wastewater treatment plants and septic tanks are designed to treat human waste – not hazardous waste and trash that get dumped down the drain. Chemicals, foreign objects and excess water cause sewage leaks and overflows.

Oil & Grease

Pour cool grease and oil into the trash. Fats, oil and grease stick to the inside of sewer and septic tank pipes, clogging the system.

Trap & Release

Food scraps may clog pipes and take up valuable real estate in your septic tank. Avoid using garbage disposal for waste that belongs in the trash or compost pile.

Hazardous Chemicals

Dispose of paints, solvents, pesticides, fertilizers and automotive fluids at your local hazardous waste collection day. Toxic chemicals can kill the microorganisms in a sewage treatment plant.

Trash

Make sure only toilet paper and waste gets flushed down the toilet. Feminine hygiene products, even those considered “flushable,” can wreak havoc with wastewater treatment systems.

Drug Treatment

Don't flush unused pharmaceuticals – they pass through most treatment plants and may be toxic to aquatic organisms and contaminate

Septic Au Natural

Septic tank additives are little more than snake oil – the best bacteria to do the dirty job of breaking down waste are the ones that are naturally present in the system. Regular septic tank maintenance and pump outs are essential to keeping a septic system running correctly.



WEST BASIN MUNICIPAL WATER DISTRICT

Wastewater from a different treatment plant enters the West Basin facility for further treatment using advanced technologies.

A bird's eye view of the West Basin wastewater reclamation facility in Carson, CA. The golf course in the upper left is irrigated with treated wastewater from the facility.



WEST BASIN MUNICIPAL WATER DISTRICT

Reverse osmosis equipment filters pollutants. While we advise against drinking this recycled wastewater, some of it is as clean, if not cleaner than, municipal drinking water.



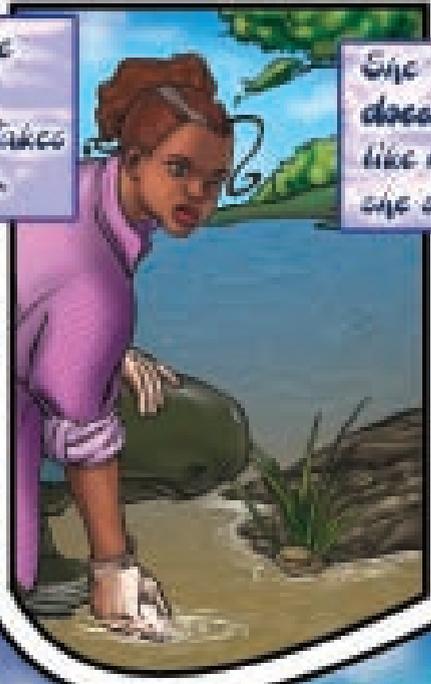
WEST BASIN MUNICIPAL WATER DISTRICT



"Liquid Justice"
 by Jeff Gimes
 art: Sarah Vicupé
 color: Eddie Seeger
 lettering: Starlight
 Runner Entertainment

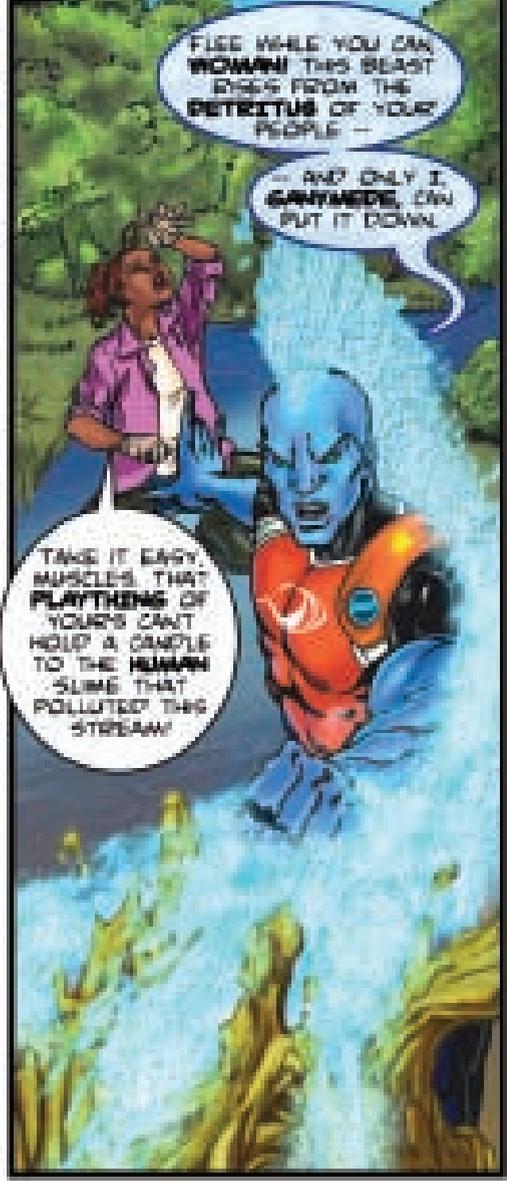
On an otherwise quiet stream, Celeste Swan takes a water sample.

She doesn't like what she sees.



SMASH

A BLUE MAN DID NOT JUST FLY THROUGH THAT MUCK.



FLY WHILE YOU CAN, WOMAN! THIS BEAST ESCAPED FROM THE DETECTIVE OF YOUR PEOPLE —

... AND ONLY I, GARYNDE, CAN PUT IT DOWN.

TAKE IT EASY, MUSCLES. THAT PLAYTHING OF YOURS CAN'T HOLD A CANDLE TO THE HUMAN SLIME THAT POLLUTED THIS STREAM!



HUMAN WASTE, STUFF I CAN'T EVEN IDENTIFY.

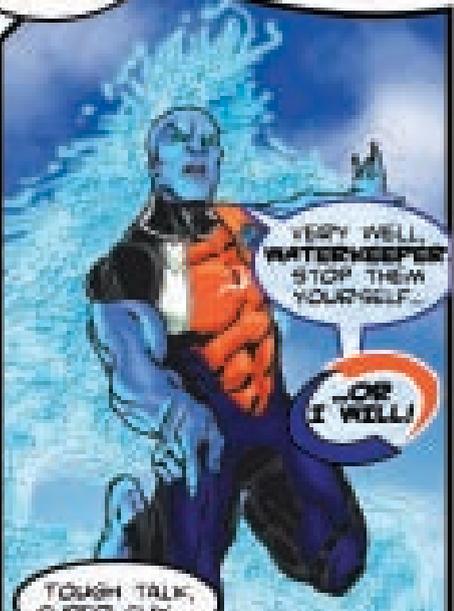
LOOKS LIKE I'VE FOUND MYSELF AN ILLEGAL SEWAGE DISCHARGE!



YEAH, WELL, IT WAS ONLY A MATTER OF TIME BEFORE THE LEGS OF YOU SHOWED UP.



THE FOOLS DON'T UNDERSTAND — THEY ARE UNLEASHING A PLAGUE UPON THIS WORLD.

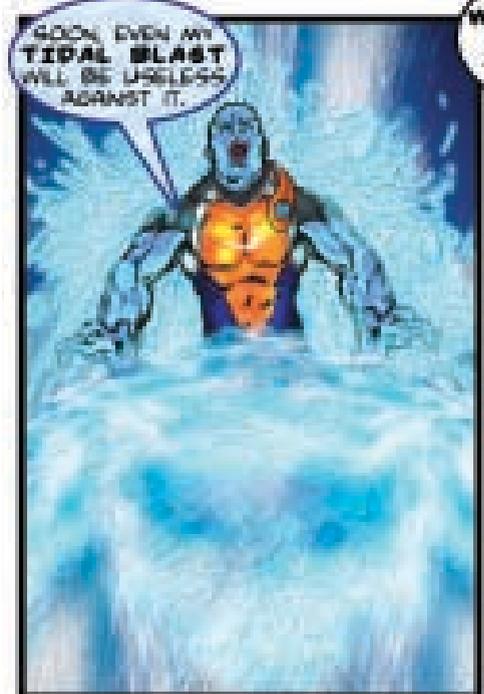


VERY WELL, WATERKEEPER STOP THEM YOURSELF...

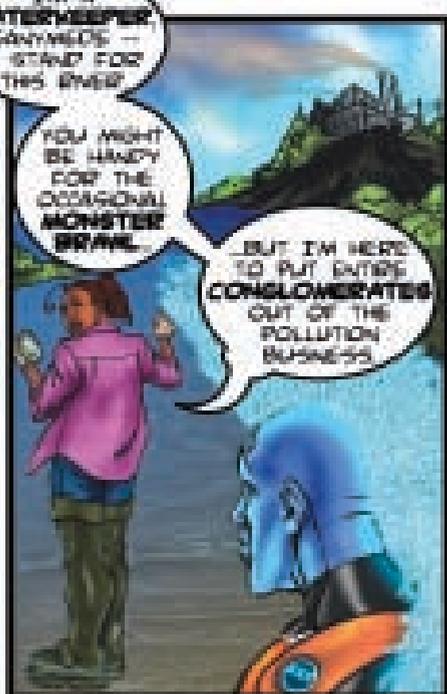
...OR I WILL!

TOUGH TALK, SUPER GUY —

— BUT WE NEED TO CUT THIS MESS AT THE SOURCE!



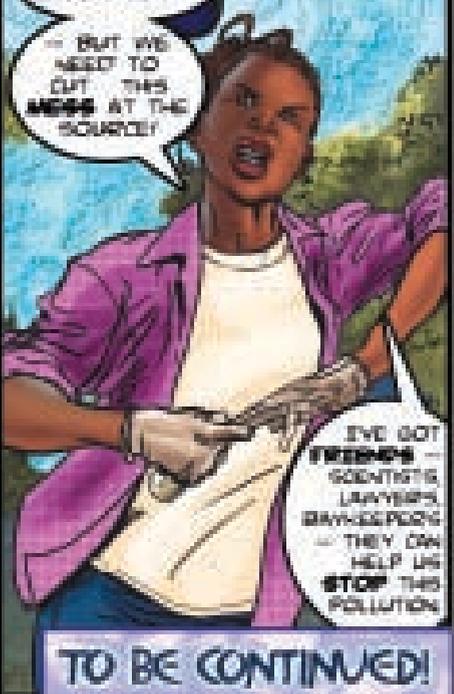
GOOD, EVEN MY TIDAL BLAST WILL BE USELESS AGAINST IT.



I'M A WATERKEEPER GUYNESS — I STAND FOR THIS RIVER!

YOU MIGHT BE HANDY FOR THE OCCASIONAL MONSTER BRAWL.

BUT I'M HERE TO PUT ENTIRE CONGLOMERATES OUT OF THE POLLUTION BUSINESS!



I'VE GOT FRIENDS — SCIENTISTS, LAWYERS, BAYNESSONS — THEY CAN HELP US STOP THIS POLLUTION!

TO BE CONTINUED!

WATERKEEPER YEARBOOK 2006



Alamosa Riverkeeper
CINDY MEDINA
Capulin, CO



Apalachicola Riverkeeper
DAN TONSMIERE
Apalachicola, FL



Black Warrior Riverkeeper
NELSON BROOKE
Birmingham, AL



Canadian Detroit Riverkeeper
KEN CLOUTIER
Windsor, ON, Canada



Catawba Riverkeeper
DONNA LISEBY
Charlotte, NC



Altamaha Riverkeeper
JAMES HOLLAND
Darien, GA



Assateague Coastkeeper
JAY CHARLAND
Berlin, MD



Blackwater/Nottoway Riverkeeper
JEFF TURNER
Sedley, VA



Cape Fear Coastkeeper
MIKE GILES
Wilmington, NC



Chattahoochee Riverkeeper
GEORGE WILLIAMS
Columbus, GA



Mary Beth Postman
ASSISTANT TO THE
PRESIDENT



Sharon Khan
STAFF ENVIRONMENTAL
ECONOMIST



Bow Riverkeeper
DANIELLE DROITSCH
Banff, AB, Canada



Cape Hatteras Coastkeeper
JAN DEBLIEU
Monteo, NC



Chester Riverkeeper
TONY PROCHASKA
Chestertown, MD



Steve Fleischli
EXECUTIVE DIRECTOR



Eddie Scher
COMMUNICATIONS
DIRECTOR



Buffalo Niagara Riverkeeper
JULIE O'NEILL
Buffalo, NY



Cape Lookout Coastkeeper
FRANK TURSI
Newport, NC



Choctawhatchee Riverkeeper
MICHAEL MULLEN
Troy, AL



Anacostia Riverkeeper
BRIAN VAN WYE
Washington, DC



Atchafalaya Basinkeeper
DEAN WILSON
Baton Rouge, LA



Buzzards Baykeeper
MARK RASMUSSEN
New Bedford, MA



Cartagena Baykeeper
MAURICIO GIRALDO RIOS
Cartagena de India, Colombia



Choqueyapu Riverkeeper
DANITZA DEFILLIPPIS
La Paz, Bolivia



Animas Riverkeeper
AARON KIMPLE
Durango, CO



Black Mesa Riverkeeper
VERNON MASAYESVA
Flagstaff, AZ



California Coastkeeper Alliance
LINDA SHEEHAN
Fremont, CA



Casco Baykeeper
JOE PAYNE
South Portland, ME



Colorado Riverkeeper
JOHN WEISHEIT
Moab, UT



Columbia Riverkeeper
BRENT FOSTER
Bingen, WA



Cook Inletkeeper
BOB SHAVELSON
Homer, AK



Delaware Riverkeeper
MAYA VAN ROSSUM
Washington Crossing, PA



Detroit Riverkeeper
ROBERT BURNS
Melvindale, MI



Erie Canalkeeper
SHAWN LESSORD
Brookport, NY



Fraser Riverkeeper
DOUG CHAPMAN
Vancouver, BC, Canada



French Broad Riverkeeper
HARTWELL CARSON
Asheville, NC



Fundy Baykeeper
DAVID THOMPSON
St. Andrews, NB, Canada



Galveston Baykeeper
CHARLOTTE CHERRY
Seabrook, TX



Georgian Baykeeper
MARY MUTER
Toronto, ON, Canada



Grand Riverkeeper
EARL HATLEY
Vinita, OK



Grand Riverkeeper
ROBERT BENEFIEL
Labrador, NFL, Canada



Grand Traverse Baykeeper
JOHN NELSON
Traverse City, MI



Great Salt Lakekeeper
JEFF SALT
Salt Lake City, UT



Hackensack Riverkeeper
CAPTAIN BILL SHEEHAN
Hackensack, NJ



Hann Baykeeper
MBACKE SECK
Hann Village, Senegal



Housatonic Riverkeeper
TIM GRAY
Lenoxdale, MA



Hudson Riverkeeper
ALEX MATTHIESSEN
Tarrytown, NY



Humboldt Baykeeper
PETE NICHOLS
Eureka, CA



Hurricane Creekkeeper
JOHN WATHEN
Tuscaloosa, AL

Bandana Malik
COMMUNICATIONS
ASSOCIATE



Jeff Odefey
STAFF ATTORNEY



Janelle Robbins
STAFF SCIENTIST



Lauren Brown
STAFF ATTORNEY



Indian Riverkeeper
KEVIN STINNETTE
Ft. Pierce, FL



Inland Empire Waterkeeper
MANDY REVELL
Riverside, CA



James Riverkeeper
CHARLES FREDERICKSON
Mechanicsville, VA



Kansas Riverkeeper
LAURA CALWELL
Lawrence, KS

WATERKEEPER ALLIANCE STAFF AND BOARD AT 2005 conference in East Stroudsburg, PA



Staff (standing, left to right): Sharon Khan, Janelle Robbins, Erin Fitzsimmons, Lauren Brown, Scott Edwards, Steve Fleischli, Jeff Odefey, Mary Beth Postman, Eddie Scher, Karen Lainer (Trustee), Thom Byrne (missing are Anne Morgan, Bana Malik, Cate White, Marc Yaggi, Bill Gerlach and Sue Sanderson.)

Board of Directors (seated, left to right): Bruce Reznik, Maya van Rossum, Bob Shavelson, Andy Willner, Casi Callaway, Terry Backer, Karl Coplan, Alex Matthiessen, Robert F. Kennedy, Jr., Leo O'Brien, Mark Mattson, Daniel LeBlanc, Joe Payne, Donna Lisenby (missing are Anne Brasie, Fernando Rey and honorary members Rick Dove and Murray Fisher.)

WATERKEEPER YEARBOOK



Kentucky Riverkeeper
ALAN BANKS
Richmond, KY



Louisiana Bayoukeeper
TRACY KUHN
Barataria, LA



Milwaukee Riverkeeper
CHERYL NENN
Milwaukee, WI



North Sound Baykeeper
WENDY STEFFENSEN
Bellingham, WA



Peconic Baykeeper
KEVIN MCALLISTER
Riverhead, NY



Lake Champlain Lakekeeper
TIM BURKE
Montpelier, VT



Lower Mississippi Riverkeeper
PAUL ORR
Baton Rouge, LA



Mobile Baykeeper
CASI CALLAWAY
Mobile, AL



Ogeechee Canoochee Riverkeeper
CHANDRA BROWN
Swainsboro, GA



Petitcodiac Riverkeeper
DANIEL LEBLANC
Moncton, NB, Canada



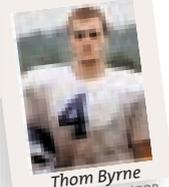
Scott Edwards
LEGAL DIRECTOR



Cate White
OPERATIONS MANAGER



Marc Yaggi
DIRECTOR OF WATERKEEPER SUPPORT



Thom Byrne
FIELD COORDINATOR



Morava Riverkeeper
HELENA KRALOVA
Brno, Czech Republic



Orange County Coastkeeper
GARRY BROWN
Newport Beach, CA



Prince William Soundkeeper
SHARRY MILLER
Valdez, AK



Nantucket Soundkeeper
SUE NICKERSON
Hyannis, MA



Ottawa Riverkeeper
MEREDITH BROWN
Ottawa, ON, Canada



Puerto Rico Coastkeeper
RICARDO DE SOTO
San Juan, Puerto Rico



Lake George Waterkeeper
CHRIS NAVITSKY
Bolton Landing, NY



Lower Neuse Riverkeeper
LARRY BALDWIN
New Bern, NC



Narragansett Baykeeper
JOHN TORGAN
Providence, RI



Pamlico-Tar Riverkeeper
HEATHER JACOBS
Washington, NC



Puget Soundkeeper
SUE JOERGER
Seattle, WA



Lake Ontario Waterkeeper
MARK MATTSON
Toronto, ON, Canada



Lower Susquehanna Riverkeeper
MICHEL HELFRICH
York, PA



New Riverkeeper
MIKE SANDERFORD
Jacksonville, NC



Potomac Riverkeeper
ED MERRIFIELD
Washington, DC



Punta Abrejos Coastkeeper
JAVIER VILLAVICENCIO
Punta Abrejos, Baja California, Mexico



Long Island Soundkeeper
TERRY BACKER
East Norwalk, CT



Magdalena Baykeeper
JULIO SOLIS
San Carlos, Baja California, Mexico



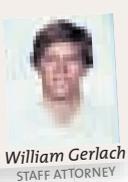
New York/New Jersey Baykeeper
ANDREW WILLNER
Keyport, NJ



Patuxent Riverkeeper
FRED TUTMAN
Upper Marlboro, MD



Raritan Riverkeeper
BILL SCHULTZ
Keasbey, NJ



William Gerlach
STAFF ATTORNEY



Sue Sanderson
DEVELOPMENT
DIRECTOR



Anne Morgan
GRANTS MANAGER



Erin Fitzsimmons
CHESAPEAKE REGIONAL
COORDINATOR



St. John's Riverkeeper
NEIL ARMINGEON
Jacksonville, FL



Upper Susquehanna Riverkeeper
PAUL OTRUBA
Mansfield, PA



West Virginia Headwaters Waterkeeper
CINDY RANK
Rock Cave, WV



Russian Riverkeeper
DON MCENHILL
Healdsburg, CA



Santa Monica Baykeeper
TRACY EGOSCUÉ
Marina del Rey, CA



Thames Riverkeeper
THEO THOMAS
London, England



Ventura Coastkeeper
MATI WAIYA
Oxnard, CA



West/Rhode Riverkeeper
BOB GALLAGHER
Shady Side, MD



Sacramento-San Joaquin Deltakeeper
CARRIE MCNEIL
Stockton, CA



Satilla Riverkeeper
GORDON ROGERS
Waynesville, GA



Tualatin Riverkeepers
SUE MARSHALL
Tigard, OR



Virginia Eastern Shorekeeper
RICHARD AYERS
Eastville, VA



Western Lake Erie Waterkeeper
SANDY BIHN
Oregon, OH



San Diego Coastkeeper
BRUCE REZNIK
San Diego, CA



Savannah Riverkeeper
FRANK CARL
Augusta, GA



Upper Chattahoochee Riverkeeper
SALLY BETHEA
Atlanta, GA



Wabash Riverkeeper
RAE SCHNAPP
Indianapolis, IN



Willamette Riverkeeper
TRAVIS WILLIAMS
Portland, OR



San Francisco Baykeeper
SEJAL CHOKSI
San Francisco, CA



Severn Riverkeeper
FRED KELLY
Annapolis, MD



Upper Coosa Riverkeeper
JOE COOK
Rome, GA



Waccamaw Riverkeeper
HAMPTON SHUPING
Conway, SC



Yough Riverkeeper
BEVERLY BRAVERMAN
Melcroft, PA



San Luis Obispo Coastkeeper
GORDON HENSLEY
San Luis Obispo, CA



South Riverkeeper
DREW KOSLOW
Annapolis, MD



Upper Neuse Riverkeeper
DEAN NAUJOKS
Raleigh, NC



Waterkeepers Australia
GREG HUNT
Carlton, Victoria, Australia



Who is missing?

**Emerald Coastkeeper
CHIPS KIRSCHENFELD**
Pensacola, FL

**Klamath Riverkeeper
PETEY BRUCKER**
Orleans, CA

**Thunder Baykeeper
CHRISTY RADBOURNE**
Thunder Bay, ON, Canada

**Wakulla/Aucilla Waterkeeper
JERRY KARNAS**
Crawfordville, FL

**Turkey Creekkeeper
HOWARD PAGE**
Gulfport, MS

**Colombian Amazonia Waterkeeper
HENRY ALONSO PEDRAZA
GARCON**
Bogota, COLOMBIA

**Rio Hondo Riverkeeper
MARIA LUISA VILLARREAL
SONORA**
Chetumal, Quintana Roo, Mexico



Santa Barbara Channelkeeper
KIRA SCHMIDT
Santa Barbara, CA



St. Clair Channelkeeper
DOUG MARTZ
Harrison TWP, MI



Upper St. Lawrence Riverkeeper
JENNIFER CADDICK
Clayton, NY



Waterkeepers India
VANDANA SHIVA
New Delhi, India

Films Afloat

PART 1

By John Farr

Over the generations, the ocean voyage has provided countless fascinating transitions in our landlocked lives. Not surprisingly, the curious phenomenon of human beings afloat and in transit has also inspired many a great film. This piece focuses on classic dramas, comedies and romances set on the water, with foreign, war and adventure films slated for future installments.

"Captains Courageous" (1937), based on a Kipling story, concerns young Harvey Cheyne (Freddie Bartholomew), pampered son of a wealthy widower and tycoon (Melvyn Douglas), who falls overboard on a posh cruise to Europe with his father and gets rescued by a boatful of fishermen, including kind-hearted, Manuel (Spencer Tracy). As Harvey's official rescuer, Manuel undertakes to teach the obnoxious brat about real life and the ways of humble men who work the seas. This heartwarming saga follows Harvey's transformation into a decent young man under the tutelage of Tracy's gentle Portuguese fisherman. Bartholomew is a natural playing a child of privilege, and really clicks with Tracy, who won his first Best Actor Oscar for his portrayal of Manuel (though he hated doing the Iberian accent). Absorbing for viewers of any age, "Captains" is a rousing tale whose bittersweet climax will not leave a dry eye on deck.

In Preston Sturges's uproarious comedy "The Lady Eve" (1941), a chic ocean liner brings together one of the more unlikely love matches. Colonel Harrington (Charles Coburn) and daughter Jean (a stunning Barbara Stanwyck) are skilled card sharks who ply their lucrative trade on board, while fellow passenger Charles Pike (Fonda) is the shy, naive heir to a brewery fortune. Charles is the perfect mark, of course, but soon enough, the normally impervious Jean starts to fall for him. Infectiously entertaining complications ensue, as Sturges' crazy comic genius jumps right off the screen, reflecting an off-the-wall sensibility well ahead of his time. Stanwyck is at the peak of her appeal here, and Coburn is incongruously cuddly as her wily father. Fonda is also a hoot in a rare comedic turn, along with gruff William Demarest (from TV's "My Three Sons") as Charles' protective but hapless valet.

Perhaps the quintessential on-board screen romance, Irving Rapper's "Now, Voyager" (1942) concerns a perpetually stifled young woman who finally comes out of her shell when she meets a man on a cruise. Bette Davis plays Charlotte Vale, a young spinster, who finally discovers happiness when she's able to break away from her controlling mother (Gladys Cooper), and blossom under the spell of an on-board romance with the dashing Jerry Durrance (Paul Henreid, whose very next role was Victor Laszlo in "Casablanca"). But can Charlotte maintain her confident new persona once back in her mother's orbit? Sentimental, often to the point of soapiness, this film still tugs at your heartstrings. Given the full-blown Warner Brothers treatment, with both Henreid and Claude Rains supporting Miss Davis, how can you lose? Also, Cooper's icy turn



BILL ABRAMOWICZ

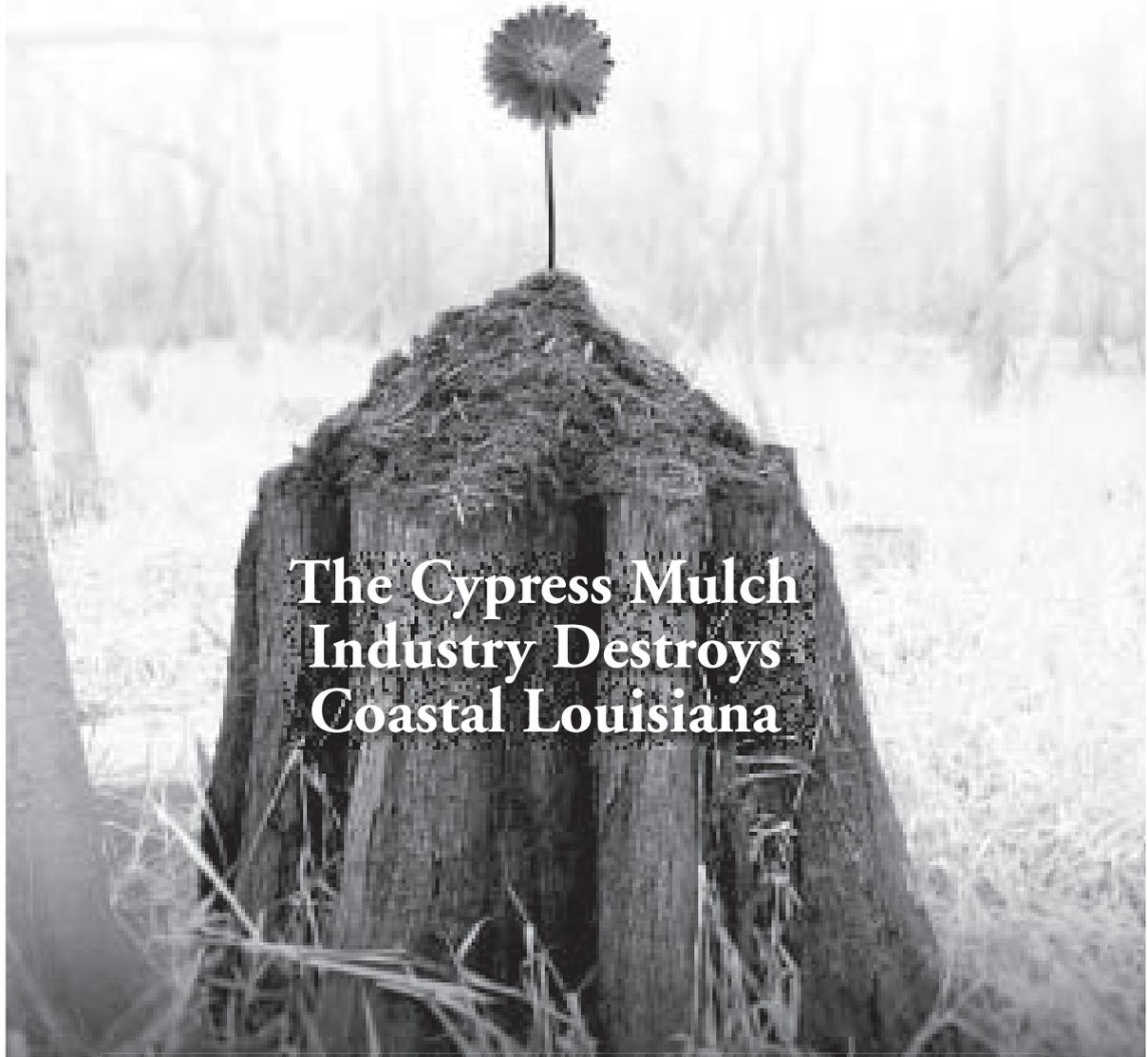
as a mother from hell is one for the ages, and Henreid's cigarette-lighting routine is also a classic, along with that incredible wind-up. Bring the Kleenex!

In John Huston's biting "Key Largo" (1948), real-life sailor Humphrey Bogart gets to show his sea legs. Just ahead of a violent tropical storm, WWII vet Frank McCloud (Bogart) arrives at a run-down hotel in the titular island town to pay his respects to Nora (Lauren Bacall), the widow of a deceased war buddy. Run by Nora's father James (Lionel Barrymore), the hotel is playing unwilling host to infamous mobster Johnny Rocco (Edward G. Robinson) and his gang, who've slinked back into the country by boat and seized control of the place. Though Frank must humble himself to Rocco on land, with the waning of the typhoon he draws the gangster out to sea, and there turns the tables on him. "Largo" is a classic 1940s noir, with taut direction and indelible performances from both Bogart and Robinson as the menacing Rocco.

By far the best movie made about the Titanic tragedy, Roy Ward Baker's riveting "A Night To Remember" (1958) brings us closer to knowing what the journey must have been like than any version before or since. Told from the point of view of heroic second officer Herbert Lightoller (Kenneth More), this ultra-realistic film re-enacts the fatal maiden voyage of the "crown jewel of the industrial age." In this superb British production, we follow diverse groups of passengers and crewmen, including the ill-starred Captain Smith (Laurence Naismith) and American heiress Molly Brown (Tucker McGuire), many of whom never saw shore again. Unlike other takes on the story, director Baker sticks to real-life details, crafting an intelligent, suspenseful re-enactment of the fateful night, while glimpsing many human stories behind the disaster. Featuring lavish costumes and exquisite production design, as well as a cast of more than 200 actors, "Night" is a high-seas outing you'll always remember.

Set in 1933, a tragic turning point in Germany's history, the peerless "Ship Of Fools" (1965) trails a disparate group of passengers sailing from Vera Cruz right into the heart of Fascism. The ship's a kind of purgatory, holding a washed-up baseball player (Lee Marvin), a faded beauty (Vivien Leigh, in her last film), two combative young lovers (George Segal and Elizabeth Ashley), and assorted other motley characters. Based on Katherine Anne Porter's acclaimed novel, producer/director Stanley Kramer creates a mesmerizing, emotionally gripping film with a conscience. "Ship" stays afloat thanks to Abby Mann's sharp screenplay and memorable ensemble playing, including Simone Signoret as a Spanish activist and Oskar Werner as the on-board doctor. And Marvin was never better. **WK**

Why Kill A Tree To Grow A Flower?



The Cypress Mulch Industry Destroys Coastal Louisiana

Hurricane Protection Lost

At a time when the nation must invest BILLIONS to restore Louisiana's cypress wetlands for flood protection, shady operators grind whole cypress forests into mulch.

Once cut, 70 to 80% of southern Louisiana cypress will NEVER grow back.

Superior Mulch? It's a Myth

Mulch from young cypress trees is NOT rot or termite resistant. Pine bark mulch is a better choice that

will help stop the destruction of Louisiana's irreplaceable cypress wetlands.



WATERKEEPER® ALLIANCE

Say NO to Cypress Mulch

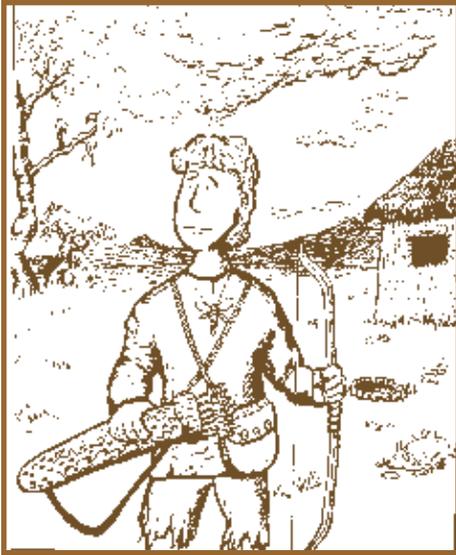
www.WATERKEEPER.org

PHOTO: JEFFREY M. HARRIS

CHAPTER THREE

The Journey Begins

By Rebecca Northan



Kai stood defiantly with his hands on his hips looking into the faces of his family and the other members of his village. The Great River was in trouble, something was turning her waters black, and if helping the river meant finding the Waterkeeper then Kai would be the one to do it! He addressed his father, “Papa, someone needs to find the Waterkeeper. I understand that there may not be time for my manhood ceremony now that you have to relocate the village, but I can still make up my mind like any of the other men of the village.” His voice softened, “Please Papa, let me go. I want to do something to help.”

Before Kai’s father had a chance to protest, Noni, Kai’s grandmother, spoke up. “That’s an excellent idea Kai, good thinking. I’ll help you get ready for your journey.”

“Noni!” Kai’s father exclaimed. “What are you saying? We don’t know what’s poisoning the river, or what happened to the Waterkeeper. It could be dangerous! One of the other men should go.”

Kai stepped forward, a serious look on his face. “Father, you’re going to need everyone’s help relocating the village, that’s the priority, but I’m fast and can make my way through the forest as well as anyone. You taught me that. I know how to spot the signs of danger and avoid them. I promise you that I will do nothing but find the Waterkeeper, deliver our message and then return to you.

Noni leaned into Kai’s father and whispered something that Kai couldn’t hear.

Kai looked hopefully into his father’s eyes, silently pleading for his blessing. After what seemed like an eternity, Kai’s father nodded his head and the whole village breathed a sigh of relief and awe. Noni smiled to herself as Cousin Thom stepped forward, “I will escort Kai up the river for a few days. I need to return to the vil-

lage of Apsu to collect some belongings before I meet the rest of you on the shores of the Great Lake. My horse shouldn’t have any trouble carrying both of us,” he offered. “We should leave right away though, while we still have daylight on our side.”

Twenty minutes later Kai stood with his father and Noni in front of their hut, a small leather satchel over one shoulder and a water skin over the other, ready to set off in search of the Waterkeeper. Never having left his family before, Kai was surprised to find a lump in his throat and the threat of tears stinging his eyes. He tried to sound brave, “I’m sure it will only take me a few days to find the Waterkeeper. I’ll be joining you before you know it.”

“Be careful my son,” said Kai’s father, “And be sure to ration your water. If you run out, trek inland from the river and look for a spring. And take this,” he said handing him a bulky package wrapped in a simple cloth. “It was meant to be for your manhood ceremony but you’d best take it now.”

Kai solemnly unwrapped the gift revealing a hand carved bow and quiver with several fine arrows. He recognized his father’s craftsmanship immediately. Not knowing what to say Kai threw his arms around his father’s waist and whispered, “Thank you,” into his chest.

“And remember,” Noni said, wrapping Kai in another embrace, “You are never alone.” And she gently tapped the stone-carved dragonfly that Kai wore on a piece of leather around his neck – the gift Noni had given him for his birthday that very morning. He may have imagined it, but Kai thought he felt the dragonfly tingle against the skin of his chest as it had when he put it on for the first time. He cupped his hand over it for a moment and rubbed it unconsciously with his thumb. Noni smiled.

“Time to go little man,” said Cousin Thom as he reached down and hoisted Kai up onto his horse’s back in one, smooth motion. Thom nudged the horse with his heel and they set off, waving goodbye to the village until they could no longer see them through the dense green of the forest. They rode in silence, Kai’s mind teaming with thoughts:

‘What was poisoning the river? How long would this journey take? Was it really possible that he might encounter dangers along the way? How would he face them? And above all else, WHERE was the Waterkeeper?!’ **WK**

This is the third installment of Waterkeeper’s Wake, author and actress Rebecca Northan’s continuing saga about young Kai, his fishing village and a dark plume spreading in the sacred river. Visit the winter & spring 2006 issues for chapter 1: THE BIG DAY and chapter 2: KAI STANDS HIS GROUND.

WATERKEEPER **KIDS**

WHAT'S SEWAGE?

Sewage is liquid waste. It's the stuff that goes into pipes...like water from the washing machine, runoff from rain, dish washing water, and poop.



WHAT CAN YOU DO? We can all be more careful about what goes down the drain. Chemicals and oils should not be flushed. Check with your town or city to see if there is a hazardous waste clean up day if you need to dispose of those kinds of things.

Chris Gray and Lawrence Gray 2006
cgray@waterkeeper.org

On The Water

Giles Ashford

Photographer Giles Ashford finds great beauty in water, even in an industrial environment. “There’s room for industry, nature and beauty – there’s room for everybody – but we need to clean up our mess,” says Ashford. This shot is from Newtown Creek in Brooklyn, NY, near the sewage spill described on page 22.





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

Bilking the Bank

Bush administration scheme allows developers to undermine national no-net-loss wetlands policy

The Bush administration has proposed a new federal rule that allows developers to buy credits from mitigation banking companies to compensate for wetlands and streams they destroy. This policy encourages the trading of waterways where nature put them, for wetlands or streams wherever the banker is selling.

Under long-standing federal law, developers may not destroy wetlands or streams unless they replace or enhance them. Banking was originally set up to help implement the long-standing national policy of no-net-loss of wetlands – meaning no wetlands will be destroyed without an equal amount created or restored. Wetlands mitigation banking allows developers to outsource watershed protection, buying into a reserve to offset the wetlands they have destroyed.

The administration's scheme expands the controversial use of mitigation banking to include streams. Evidence shows that mitigation banks do not replace wetland values and functions where they are most needed. Banking redistributes healthy wetlands and streams from urban areas to rural ones, leaving city dwellers with diminished water filtration, erosion protection, wildlife habitat and flood control.



ERIK (WWW.RIKOUTDOORS.COM)

The administration is now accepting public comments through June 30. Waterkeeper Alliance and our partners will submit detailed comments, which we expect EPA and the Corps of Engineers to strongly consider before they issue the final regulation. **WKA**



Join Waterkeeper Alliance Get **WATERKEEPER**

Join Waterkeeper Alliance and get *WATERKEEPER* for one year. Everyone has the right to clean water. It is the action of supporting members like you that ensures our future and our fight for clean water and strong communities.

Go to www.WATERKEEPER.org and click on Donate Now to join

Waterkeeper Alliance as a supporting member.

You can also join Waterkeeper Alliance by mail. Send your check, payable to Waterkeeper Alliance, to:

WATERKEEPER membership, 50 S. Buckhout St., Ste 302, Irvington, NY 10533 or contact us at info@waterkeeper.org.

Waterkeeper Alliance is a 501(c)(3) non-profit organization. Your \$50 contribution or more entitles you to receive a one year subscription to *WATERKEEPER* magazine, which has an annual subscription value of \$12. The balance of your contribution is tax deductible to the extent allowed by law.

AD INDEX

AbTec Industries Inside Front Cover
 StormCon Page 3
 Paul Mitchell Page 7
 Donna Karan Page 9

Organic Valley Page 13
 Keeper Springs Page 16
 EcoMedia Inside Back Cover
 Fiji Water Back Cover

Don't miss the fall issue of *Waterkeeper* when we'll look at nuclear power in the watershed.





AIR



GREEN SPACE



WATER



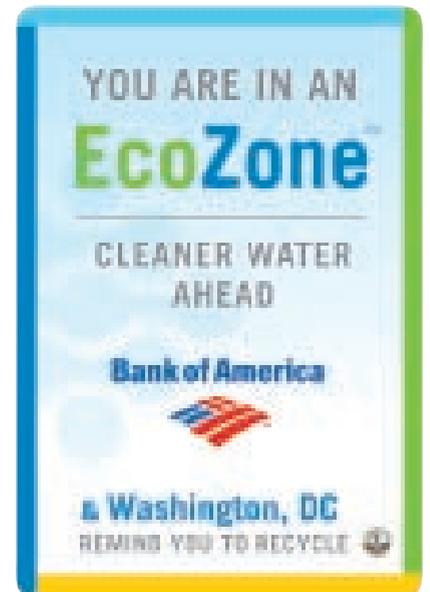
ENERGY

CLEANER WATER AHEAD...

EcoMedia offers businesses a unique partnership solution to meet their marketing and communication goals in an environmentally sustainable way.

The momentum generated by our innovative pilot program, **Adopt-A-Waterway**, is expanding to bring public-private support to all aspects of the environment: water, air, parks & greenspace, and energy. This new, broader program, called **EcoZone**, continues to consist of a fully integrated set of marketing platforms that deliver branded environmental education along with high-visibility promotional opportunities to promote a cleaner, healthier environment with governmental and corporate involvement.

Please visit us at www.ecozone.us to learn more.



television



education



event



outdoor



outreach

EcoMedia



a new environment for media®

Untouched by man. Until you unscrew the cap.

“Please do not touch the water.” It’s our number one rule. In fact, the only thing that touches FIJI Water is exactly what gives it a unique and refreshing taste—one of the world’s last virgin ecosystems.

FIJI Water can only be found in one of the most remote places on the planet, thousands of miles from the nearest industrialized continent, at the very edge of a primitive rainforest.

Our water begins as rain, purified by equatorial trade winds after traveling thousands of miles across the Pacific Ocean. Once it arrives in Fiji,

The nature of water.



it falls and filters through ancient volcanic rock over hundreds of years. During this process, FIJI Water collects life-essential minerals, like silica, and finally gathers in a natural artesian

aquifer, where it is preserved and protected from external elements.

Bottled at the source, natural artesian pressure forces the water through a hermetically sealed delivery system free of human contact.

No additives. No preservatives. And, most importantly, no fingerprints. It’s water the way nature intended. Untouched.

N A T U R A L A R T E S I A N W A T E R