



*2013 Annual Report*

**DELAWARE  
RIVERKEEPER  
NETWORK**

# 2013 Annual Report

Every so often, you reach a milestone that deserves taking a moment. 2013 marked such a milestone for the Delaware Riverkeeper Network, our 25th year. Our first 25 years were marked by challenges, successes and a rapidly changing watershed landscape, both literally and figuratively. We looked back at some of our successes in our report, *Marking 25 Years as the Voice of the Delaware River*, available online at [bit.ly/DRN-First25Years](http://bit.ly/DRN-First25Years).

I hope you will look over our report on our first 25 years to learn about the changes in policies and regulations that have resulted from our efforts, how our monitoring data has tracked trends and influenced watershed management, and how we have restored the ecological functions and values of numerous local streams.

We also sharing our annual report focusing on the highlights of our work in 2013, which saw the landmark decision in our Act 13 challenge that breathed new life into Pennsylvania's Environmental Rights Amendment (*read more below right*). Whether you look over our accomplishments over 25 years or just in last year, I think you will see that no one works harder for the Delaware River, its streams and communities. We are working every day to ensure that future generations will be able to enjoy the priceless gift of clean air, pure water and a healthy environment.

Throughout our first 25 years our members have provided the strength, resolve and financial support that allow us to be the strong advocacy organization the River needs. Thanks to you, our members, for making possible 25 vital years of river advocacy.



Maya K. van Rossum, the Delaware Riverkeeper



**Drinking water contamination was exposed** - The Delaware Riverkeeper Network brought to light extremely high levels of perfluorinated chemicals (PFCs) in groundwater in New Jersey. As a result of our diligence, more testing of drinking water supplies is being conducted and a clean-up process has begun. Solvay Solexis, the owner of the facility where PFCs were produced, is now responding to reports of groundwater contamination by providing bottled water to residents in Paulsboro and West Deptford while water supplies are being remediated. We also successfully petitioned the federal Agency for Toxic Substances Disease Registry to undertake, along with the New Jersey Department of Health, a human health effects investigation around Paulsboro. Yielding to public pressure, New Jersey may set an interim safe drinking water standard for PFCs.

**We provided technical assistance, prepared ecological management plans, and restored habitat** — The Delaware Riverkeeper Network planned and designed the Peters Creek bioretention area and riparian restoration in collaboration with the Borough of Audubon Park and partners, and then led the installation in fall 2013. We also prepared an ecological master plan for Haddon Township; removed invasive plants and widened a riparian buffer no-mow zone along Tinicum Creek; and provided technical assistance for the West Wayne Preserve stormwater improvement project. As part of efforts to improve the water quality in the Newton Creek watershed, we provided outreach, membership development and technical support to re-establish the volunteer Newton Creek Watershed Association.

**The 15th Watershed Congress was held** — The Delaware Riverkeeper Network, in collaboration with many partner organizations, organized the 15th annual Watershed Congress in 2013. Held in March at the Montgomery County Community College in Pottstown, Pennsylvania, the event featured a keynote panel discussion, 26 concurrent and nine poster sessions on a broad range of watershed topics. Registration totaled 243 with participants and presenters drawn from throughout Pennsylvania and from as far away as Ringoes, New Jersey; Saint Michaels, Maryland; and Shepherdstown, West Virginia.



**Our DO petition was advanced** — The Delaware Riverkeeper Network pressed forward its petition to the Delaware River Basin Commission (DRBC) asking that Estuary oxygen levels are set, met, and protected at a level that supports not just fish living there, but fish reproducing and growing in all its waters. The petition was placed on the DRBC's Water Quality Advisory Committee's September 2013 meeting agenda, where the committee formally considered and debated the petition. At this meeting the following resolution was crafted and passed:

The WQAC recommends that within one year the DRBC staff will prepare for the Committee a description of the existing aquatic life uses of the Delaware Estuary with citation to source materials which will be used to craft a formal Finding of Existing Uses that will be presented by the Committee to the Commissioners.

**Our videos raised awareness of important issues** — During the year, we aired 21 installments in our *Shale Truth* interview series featuring Arthur Berman, Leslie Sauer, Dr. Anthony Ingraffea, and Dr. Elizabeth Stanton. Some of these videos received national play through *EcoWatch* postings. Delaware Riverkeeper Maya van Rossum's interview with Dr. Ingraffea was among "7 Inspiring Interviews of 2013" by *EcoNews* alongside interviews that appeared on *Moyers & Company*, the *Late Show with David Letterman*, the *Daily Show*, and the *Colbert Report*.



**We successfully intervened and redirected the outcome of the Goose Creek TMDL** — Goose Creek rises near West Chester and flows southeast until it meets the East Branch Chester Creek just north of Cheyney, PA. Unfortunately, the creek's water quality suffers as a result of discharges from two large sewage treatment plants as well as other pollution inputs. The U.S. EPA has established a pollution limit, called a Total Maximum Daily Load (TMDL) for the amount of phosphorus that can be discharged to the creek. The TMDL should require the sewage treatment plants to clean up their effluent, but the West Goshen Sewer Authority has asked a court to throw out the regulation.

The EPA had planned to simply put the TMDL in suspended animation, which would have left the public with no pathway for advancing the TMDL or the stream protection and cleanup measures it requires. As a result of our litigation, the EPA did not advance their plan. With our intervention, that strategy was scrapped and a settlement was reached which is now resulting in critical data collection to inform advancement of the Goose Creek TMDL and the protections it will bring.

**Threatened status was proposed for red knots** — The Delaware Riverkeeper Network led the creation and submission of a petition to the U.S. Fish and Wildlife Service (USFWS) in 2005 to list the red knot (*Caladris canutus rufa*) as an endangered species. In August, the USFWS announced it was proposing to list the red knot as "threatened." We commented to urge adoption of an even stronger level of protection, but we are pleased that the USFWS has formally (and finally!) recognized the dire situation these birds face and that the agency will be taking greater action to protect them and support their recovery.



**Our legal action strengthened NJ stormwater regulations** — In September, the New Jersey Appellate Division agreed with arguments made by the Delaware Riverkeeper Network and Residents for Enforcement of Existing Land Use Code, and struck down the New Jersey Department of Environmental Protection (NJDEP) approvals for the Care One development. We had challenged the issuance of freshwater wetlands and stormwater permit approvals for Care One. Our legal action resulted in a significant strengthening of stormwater regulations in New Jersey. The New Jersey Appellate Division found the point system used by NJDEP had never been properly vetted through the rulemaking process and struck down the point system's use. In the absence of the point system, developers will now have to more articulately state how measures incorporated into a particular development will reduce flooding, runoff and water quality impacts.



**Our Act 13 challenge resulted in a landmark decision** — In December, the Pennsylvania Supreme Court released its decision in *Robinson Township, Delaware Riverkeeper Network, et al. v. Pa. Public Utility Commission*, our Act 13 case. The Court found the provisions preempting local zoning to be unconstitutional. Act 13, passed in 2012, changed how oil and gas drilling in Pennsylvania were regulated, and would have forced every municipality in the state to allow gas drilling and related industrial operations in every zoning district. In 2012, DRN and seven municipalities challenged Act 13 in Commonwealth Court which declared the state-wide zoning provisions unconstitutional, null, void and unenforceable. This decision was appealed to the Pennsylvania Supreme Court which ruled that Act 13 violated the Environmental Rights Amendment to the Pennsylvania Constitution. The Court's decision upheld the ability of local governments to protect their local communities and natural resources through zoning.

As important, the decision breathed new life into Pennsylvania's Environmental Rights Amendment—declaring that it promises all generations of Pennsylvanians that they will benefit from pure water, clean air and a healthy environment, and it gives them the ability to defend that right in the courts. The environmental community has long looked to Pennsylvania's Constitution and the promise of the Environmental Rights Amendment, but that promise was not fulfilled by our legislature or the courts—until this decision pursued by the Delaware Riverkeeper Network and the seven municipalities.

# the Delaware Riverkeeper

Giving a voice to the Delaware River, its tributaries  
and all the communities that appreciate and depend upon them.

## The Delaware Riverkeeper Network

Championing the rights of our communities to a Delaware River and tributary streams  
that are clean, healthy, free-flowing, and abundant with life.

### ADVOCACY

Securing stronger regulations to protect the Delaware River and tributary streams and defeating bad projects that would harm our waters.

### LEGAL ACTION

Building strong cases that protect the River, enforce the law, and set precedent for its future protection.

### Our Programs

#### AWARENESS

Providing tools and training to help private citizens take action on behalf of their local streams.

#### RIVER TECH

Sharing technical expertise with watershed groups, other conservation groups, agencies, and municipalities.

#### HABITAT RESTORATION

Restoring native plant communities, increasing wildlife habitat value, improving stream function and transport, and encouraging infiltration of stormwater.

#### WATER WATCH

Mobilizing a network of trained citizens who serve as on-the-ground investigators for the Delaware River and its tributary streams.



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