Looking back, planning ahead

A letter from the Delaware Riverkeeper

2005 was a challenging year for us, marked by a number of dramatic assaults upon our Delaware River watershed. The estuary had to contend with the aftermath of a major oil spill, the middle portion of the River was inundated by one of the largest floods in the River’s history, and the upper portions were despoiled by a slurry spill which spewed dangerous coal fly ash into the River from PP&L’s Martins Creek Power Plant. There were some who took advantage of these catastrophes to push forward other dangerous agendas. For example, supporters of the Delaware Deepening claimed that if we had had a deeper channel the oil spill would not have occurred - a claim so false that even the Army Corps denied it.

Every year brings with it new challenges for our River, our streams, our environment and our communities. And every year we must continue to tackle the threats and harms of the past. 2006 will be no different. We will continue to fight for legislation to better protect our River from future oil spills at the same time that we continue to battle back the Army’s efforts to dump VX nerve agent waste into our River.

On the positive side, I am pleased to announce that after 7 years of actively advocating for the removal of Felix Dam we will finally see the remains of this structure removed from the Schuylkill River in 2006, the first main stem Schuylkill dam removal in 50 years. This is an exciting prospect by any measure, but we must continue to be vigilant as, even now, suggestions for new dams continue to be put forward.

We will also have to take on new challenges that present themselves. They say it takes a community to raise a healthy child. It also takes a community to protect and restore a healthy River. In 2006, we will come to you often asking you to write letters, attend public meetings, make phone calls and stand up for protection of our River and region’s ecology. We will also come to you asking for your financial support for the organization so we can protect, defend and restore our River, our environment and our communities. None of these requests are made lightly, and all are crucial to the future of our children and our region.

I know that in 2006 you will continue to stand with us, and to bring your friends into the fold so we can both defend and enjoy the Delaware River and our watershed home.

Maya K. van Rossum
the Delaware Riverkeeper
2005: The Year In Review

Over 33 years ago, the nation declared its goal to eliminate the discharge of pollutants into its navigable waters—in direct response to industries that failed to consider the environmental, ecological, health and safety impacts of water pollution to humans and wildlife. Unfortunately, in 2005, the business ethics of several industries continue to disrespect our waters and display a reckless disregard for the health and vitality of the Delaware River. Evidence of failed business ethics was clear in several pollution events that assaulted the River, reminding us that we must remain vigilant in our efforts to protect the River Resource.

The River Resources Law Clinic (RRLC) began the year investigating the Athos I oil spill and ended 2005 investigating the blow-out of surface impoundments holding coal fly ash, a black sludge-like waste product generated by PP&L from its coal fired power plants. Previous issues of River Rapids explained how the Athos I spilled over 265,000 gallons of crude oil into the Lower Delaware River and how PP&L caused over 100,000 gallons of fly ash and other waste materials to spill into the Middle Delaware River (Action Alerts about these events can be found at www.delawareriverkeeper.org). The RRLC is closely tracking the activities of the agencies and the responsible parties in their clean-up efforts.

The RRLC 2005 docket also ranged from objecting to the gating of public waterways for private use to commenting on the transport of diluted chemical weapons into the Delaware River watershed for treatment and discharge. Our successes include filing a 30 day “notice to sue letter” under the New Jersey Environmental Rights Act against Garden State Growers (GS), a factory plant production facility located in Hunterdon County, which resulted in the NJ DEP filing an administrative enforcement order with stiff fines against GSG for its violations of New Jersey’s Freshwater Wetlands Act and other environmental laws. The Federal Energy Regulatory Commission denied the privatization of public access to waterways adjacent to the Delaware River stemming from a lawsuit pursued by DRN. The Delaware River Basin Commission is reviewing potential policy changes related to its reviews of sewage facilities in Pennsylvania. And we are negotiating a settlement with Mercer County regarding violations of New Jersey’s water allocation rules and Water Pollution Control Act.

Several of our projects will continue into 2006, including the ambitious Stormwater Pollution Elimination and Enforcement Detection (SPEED) program, our review of potential Endangered Species Act claims related to development plans at Petty Island in Pennsauken, New Jersey, and our efforts to defeat the deepening of the Delaware River and a proposal to dam Rock Run Creek. We will also continue our review of a state’s failure to meet minimum water quality requirements for wildlife protection and our investigation of several pollution issues along the Schuylkill River and associated development of brownfield sites containing contaminated soils that may be polluting the Delaware River.

As you can see from the events of 2005, the River is subjected to a wide variety of environmental assaults that demand attention and immediate action. As members, you are the lynchpins to our work—we need your assistance in keeping track of the pollution events that affect your section of the River through journaling what you see and taking photographs whenever possible. Thank you for helping us protect the River.

The RRLC Docket in 2005

The docket at the RRLC during 2005 included, among other things:

- Filing an Endangered Species Act petition to protect the Red Knot,
- Preparing to legally challenge construction of a new dam by the state of Pennsylvania,
- Pre-trial arguments in a case against a wastewater treatment discharger,
- Initiating a watershed-wide stormwater enforcement project,
- Investigating contaminated brownfield sites and potential pollutant discharges,
- Reviewing the management of solid waste at a coal fired power plant located along the banks of the Delaware River,
- Reviewing Discharge Pollution Reports for a number of facilities brought to our attention by our members,
- Preparing amicus filings in support of important legal arguments raised by our brother and sister environmental organizations,
- Investigating Endangered Species Act violations in New Jersey, and
- Preparing to legally challenge the U.S. Army Corps of Engineers’ plans for deepening the Delaware River.

The RRLC, established with support from the George & Miriam Martin Foundation and the Fund for New Jersey, works with law students from Temple University’s Beasley School of Law to protect water resources throughout the Delaware River watershed. The RRLC pursues violations of environmental protection laws when State or Federal agencies responsible for environmental protection either cannot or will not enforce the law. Thanks go to Randy Hsia, Megan Mohrey, Deborah Stern and Matthew Sullivan, our Fall ‘05 student interns. We couldn’t do it without you!
Funds awarded to remove Felix Dam

Chari Towne, Director, Schuylkill Programs

Flooding associated with 1999’s Tropical Storm Floyd tore a 75-foot hole in Felix Dam, which was constructed for the Schuylkill Navigation Company in 1855. The flooding seriously damaged an already ailing structure. The breach presented an opportunity to restore free flowing conditions to this reach of the Schuylkill, an action for which DRN has strongly advocated.

In 2000, an engineer from Gannett Fleming, Inc., determined that the dam was beyond repair, but its removal languished in the U.S. Army Corps’ permitting process for 4 years. When the permit to remove the breached dam was granted to Pennsylvania Department of Environmental Protection in 2003, the funds earmarked for the removal were no longer available.

In November 2005, DEP’s Division of Project Development was awarded $500,000 in Growing Greener funds to remove the remains of Felix Dam and restore the Schuylkill River channel in Bern Township, PA. This removal constitutes the first big main stem Schuylkill dam removal in 50 years. The DEP will soon be finalizing the plans and specs and putting the work out to bid. The DEP also plans to install seven informational signs to highlight the history of the River, including its use by industry as a means of transportation. These information stations will be placed along a trail that borders the Schuylkill River in Muhlenberg Township.

PA DEP renews proposal to dam Rock Run Creek

Maya K. van Rossum, the Delaware Riverkeeper

The Rock Run Dam project is being revived by the Pennsylvania Department of Environmental Protection. In a letter to Lower Makefield Township, dated November 1, 2005, the DEP restated its intent to construct a dam on Rock Run Creek if the Township still supports the project.

Damming Rock Run will harm not only the creek, woodlands, wetlands and ecosystems, but also upstream communities and it will not provide the permanent protection that downstream citizens need from flooding.

The Delaware Riverkeeper Network and regulatory agencies involved have urged DEP to look at other protective options for the community, but the DEP has failed to look at these strategies. The DEP limited its study of alternatives almost entirely to various strategies and locations for construction of the dam, giving little time, attention or thought to any other approach.

Other regulatory agencies involved in the process to date, the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers U.S. Fish and Wildlife Service, even DEP’s own permitting arm, have expressed strong reservations about this project and its ability to receive the necessary permits to move forward. And in our review of the law, this project simply can’t pass muster; there are tremendous flaws in the review and analysis put forth by DEP.

Better alternatives are available for addressing flooding. Using the standard fall back – building a dam – is no longer an acceptable or responsible choice.

If you are interested in being involved in this issue please send an email to keeper@delawareriverkeeper.org. We’ll be happy to keep you up to date and involved in helping to prevent this catastrophe from moving forward.

Are you a modeler? If so, we need your help to save horseshoe crabs and shorebirds. Please call our Washington Crossing office, 215-369-1188, and let us know you want to help.

Help Prevent the Delaware Deepening

Urge NJ, DE Governors to remain firm in their resolve against this dangerous project

Pennsylvania Politicians, led by Governor Rendell, have been trying to bully and pressure NJ and DE to abandon their objections to the project. It is critical we not let this happen. Please write NJ Governor-Elect Corzine and DE Governor Minner and ask them to take a clear stance against the Delaware River Deepening and Pennsylvania's bullying tactics.

The Deepening project is not a panacea or boom for our River, our ports or our region. For years it has merely been a political pork barrel project that Pennsylvania politicians have used to obtain press coverage.

Politicians, citizens and organizations, including businesses, from around the region, all of whom share this River resource and all it provides, have objected to the Delaware Deepening because it is not economically viable and is a major threat to the health and welfare of our River and region.

For help writing your letter, log on to www.delawareriverkeeper.org.

Send letters to:

Governor-Elect Jon Corzine
The State House
P. O. Box 001
Trenton, NJ 08625

Governor Ruth Ann Minner
Tatnall Building
William Penn St., 2nd Floor
Dover, DE 19901
Army, DuPont continue to push VX waste dumping proposal

Tracy Carluccio, Director, Special Projects

The Army is still working to bring VX waste from its Indiana facility, where the nerve agent is stored, to DuPont’s Chambers Works plant in Deepwater, NJ, for disposal in the Delaware River. Even though the VX waste, known as VX hydrolysate, is proving to be more flammable and corrosive than anticipated, DuPont has posted new studies claiming they are able to safely treat the hydrolysate (The Centers for Disease Control is studying the new claims and will report on them in early 2006). The hydrolysate would be hauled over 1,000 miles across four states on public highways, the last leg of which would be through Pennsylvania then down the New Jersey Turnpike. Alternate transport would be by rail across Pennsylvania, off-loading to trucks at Morrisville.

In September, the Delaware Riverkeeper Network joined with other groups to advocate for the destruction of VX on-site in Indiana through a proven technology called Super Critical Water Oxidation, or SCWO, that results in no hazardous residue and does not require any discharge to a waterway. SCWO is the safest and most environmentally responsible manner of destroying VX, the deadliest chemical weapon ever manufactured.

Opposition to disposal plan grows

• Acting Governor Codey has stated that the NJ Turnpike Authority will not accept the transport of VX waste.
• NJ Governor-Elect Corzine is opposed to the DuPont proposal.
• Congressional representatives have taken action to try to stop the transport; NJ Representative Andrews has been especially active on this front.
• The NJ Department of Environmental Protection expressly prohibited the treatment of VX hydrolysate when it recently re-issued the Chambers Works plant’s discharge permit.
• The Chemical Weapons Working Group, Plumbers and Steamfitters Local 157 (Indiana), and citizens groups in Indiana, Ohio, Pennsylvania, Delaware and New Jersey joined together with DRN in a September press conference calling for the abandonment of the highly dangerous DuPont proposal.

Please consider sending a letter to your elected representatives, particularly the Governors of Pennsylvania, New Jersey and Delaware. Also, towns are passing resolutions against the plan. A sample letter and sample resolution can be found on our website at www.delawareriverkeeper.org.

EPA grants DRN Petition; Fly ash clean-up continues slowly

Tracy Carluccio, Director, Special Projects

The outpouring of letters from citizens, municipalities and elected representatives in New Jersey and Pennsylvania as well as requests from the Delaware & Raritan Canal Commission and the New Jersey Department of Environmental Protection were successful; The U.S. Environmental Protection Agency has accepted the Delaware Riverkeeper Network’s petition, under Superfund, for a preliminary assessment of the coal fly ash basin failure at PP&L’s Martins Creek Power Plant in Lower Mount Bethel, PA. The EPA investigation is ongoing and will result in a report and, we hope, further action.

Although PP&L has cleaned up the polluted sludge from the Martins Creek site and the outfall, the utility moved slowly in its River clean-up efforts, allowing the fly ash slurry to move further downstream and disperse over a large area.

In the current phase of cleanup, which is expected to take several weeks, PP&L divers are vacuuming up the slurry that remains between the power plant site and Easton/Philipsburg and the ash that still coats the riverbanks there. The next phase will focus on attempting to remove sludge south of this area, perhaps as far south as Trenton/Morrisville where elevated arsenic levels caused by the fly ash pollution were found during storm flows in October.

In November, the Pennsylvania Department of Environmental Protection filed a lawsuit in Commonwealth Court seeking damages and restoration from PP&L for the pollution from the basin failure. The Natural Resource Damage Assessment process, led by PA DEP, is moving forward with participation by several water resource and fish and wildlife agencies.

DRN continues to advocate for more effective and expert clean up and restoration and for restitution by PP&L for the irreversible damages that the River resources have suffered. We are closely tracking the clean up process and hope to affect meaningful changes in management and operation of the PP&L facility.

To learn more about unresolved pollution issues at PP&L’s Martins Creek facility, log on to www.delawareriverkeeper.org.

In addition, a sample letter is available on our website to provide guidance for those citizens wishing to contact PA DEP about PP&L clean up efforts, engage in the NRDA process, and help shut down the Martins Creek’s coal fired units permanently.
Consortium for Scientific Assistance to Watersheds continues into 2006

Through the Consortium for Scientific Assistance to Watersheds (C-SAW), DRN and other service providers have been able to assist Pennsylvania watershed groups in capacity building, monitoring study design, and stream restoration. The C-SAW program has received additional funding for 2006. If you are a Pennsylvania watershed group, conservation district, local municipality or other conservation entity and would like to learn more about this free technical assistance, visit http://pa.water.usgs.gov/csaw/.

Athos I oil spill monitoring goes statewide

Faith Zerbe, Monitoring Coordinator

When the Athos I began spilling oil into the Delaware River last Thanksgiving, the Delaware Riverkeeper Network scrambled to develop appropriate protocols to effectively organize and mobilize over 100 volunteer monitors who assessed the efficacy of the clean-up and the impact of the spill. As a result, the U.S. Coast Guard was able to fix malfunctioning booms, pick up oiled debris lodged in remote areas, and New Jersey officials had information to assist with the Natural Resource Damage Assessment for the River.

As a result, the NJ DEP’s Division of Watershed Management approached DRN to assist in the adaptation of the protocols we developed for use by volunteer monitoring groups in other watersheds throughout the region in the event of a catastrophe like an oil spill.

“New Jersey has many oil refineries within its ports boundaries, the Newark Bay, NY/NJ Harbor, and the Delaware Bay. A crisis like this could happen in any of these areas, and the tools that DRN created are invaluable,” said Danielle Donkersloot, NJ DEP Citizens’ Volunteer Monitoring Coordinator. “By sharing protocols with other monitoring groups, we hope to become more pro-active by having an emergency protocol in place with volunteers recruited and trained for such a response. We would like to get the volunteers out there safely, in a timely manner and collecting useful information.”

Zerbe and Donkersloot will present “Using Citizen Volunteers When Emergencies Happen: The Athos I Oil Spill” at the Schuylkill Watershed Congress on Saturday, March 4th, at the Montgomery County Community College in Pottstown, PA.

Wildlife reap benefits of small-scale meadow restoration

Dan Salas, Restoration Manager

Winter made an early and noticeable arrival with seven inches of snow in mid-December. This year’s early snowfall has allowed for some unique sightings in our meadow. I say “our” meadow because, without my housemates and I, it would not exist. Three years ago, we successfully convinced our landowner to stop mowing a 1/4-acre patch of lawn.

That summer, the grasses were allowed to grow to their full potential. By July, the three inches of turf had sprouted up to three feet in height. An area that had previously served no recreational or aesthetic purpose was now providing food and shelter for a variety of birds, dragonflies, mice, and voles. Over the past few growing seasons I have watched changes in the number and abundance of the different species growing in this small corner of land. Now in its third year of existence, our meadow has developed a healthy mix of native and naturalized grasses and flowers (along with a few pesky invasives we keep at bay).

But it was during our December snowfall that the benefits of our meadow became most apparent. Dark-eyed juncos, chipping sparrows, and chickadees fluttered throughout the thick grasses picking at seeds. To my surprise, the juncos and sparrows actually preferred feeding on the grass seeds rather than at our feeder. Trails and tunnels, like mouse super-highways, crisscrossed throughout. All this activity caught the attention of a local sharp-shinned hawk, which spent a morning perched along the adjacent tree line.

Observing this in my own backyard brought to light the power of restoration. For years, this small corner of land was maintained by habit as lawn. Even without any planting or enhancement, aside from occasional invasive species control, a diverse assemblage of plants has become established and now perform numerous ecological functions. Sometimes, people question the value of “small-scale” restorations. But after watching the juncos flutter away from me and into a wind-bent clump of grasses, I can testify to the value these projects hold.
Alexauken Creek draws vigilant monitors
Faith Zerbe, Monitoring Coordinator

Thanks go out to our members and volunteer monitors who have offered to help walk the Alexauken Creek watershed this winter and early spring. We have about 20 volunteers recruited so far who will be collecting data to help better characterize and protect Alexauken Creek, a C1 watershed in Hunterdon County, NJ, that empties into the Delaware River at Lambertville.

Volunteers will receive free training in early 2006 and will be asked to dedicate at least eight hours to monitoring assigned stream segments. After being trained in a visual assessment protocol, volunteers will be assigned a stream segment to walk for a one-time survey. Monitors will assess riparian buffer width, document areas of significant erosion and pollution inputs, take photos and GPS coordinates, assess stream substrate composition, and identify unmapped headwater tributaries.

This project is part of the Alexauken Creek Watershed Protection Plan. If you are interested in getting involved with this monitoring project, contact Faith Zerbe, Monitoring Coordinator, at faith@delawareriverkeeper.org or by calling 610-291-1403.

PA’s Stormwater BMP Manual:
Will it move us into the future or hold us back in the past?
Maya K. van Rossum, the Delaware Riverkeeper

For over two years the Pennsylvania Department of Environmental Protection has been working with an oversight committee to create a more protective, comprehensive and sensible approach to protecting our communities from the growing stormwater problems associated with existing and new development – flooding, polluted waterways, destroyed wetlands, exacerbated droughts, and a declining environment and quality of life.

Experts, citizens, municipal officials, environmental advocates, planners and engineers from across the state praised the progressive and effective approach of the DEP’s draft manual, but in the 11th hour the DEP changed key sections of the manual undermining key provisions.

The re-write was based on a model ordinance DEP intends to use across the State to, they claim, secure the manual’s implementation. But the model ordinance is almost totally divorced from the manual, does not mention its existence, and fails totally to implement the sound strategies and practices embodied in the manual.

If the model ordinance and manual are released as they existed in December 2005, it will be a step backwards for the Commonwealth. Flooding, pollution, drought and quality of life degradation, brought to our watershed by bad development practices, will only worsen with each passing day.

Help save Mill Creek at Doe Hollow
Tracy Carluccio, Director, Special Projects

The Delaware Riverkeeper Network is working with citizens in Upper Mount Bethel Township, PA, to oppose a plan to channelize a creek and develop in the floodplain of the Wild and Scenic Delaware River. As a result of flooding from Hurricane Ivan, Northampton County has received a FEMA grant to fill and channelize Mill Creek and pave a passively used parkland in order to build a 22,500 square foot parking lot with motorboat access in the floodplain of the River.

DRN, the Lehigh Valley Chapter of Sierra Club, watershed organizations, canoe groups and local residents do want the creek to stay where it is, and don’t want a parking lot in the floodplain, a boat launch, or a motorized boat access (an established boat launch with parking is located just 1 mile downstream at Belvidere). We want the County to recognize the existing value of this natural spot for eco-tourism and walk-in fishing. The mouth of Mill Creek at Doe Hollow will be ruined by the proposed project and is a poor location for powerboats, jet skis, and other motorized craft.

Please contact the decision-makers and support the effort to save Doe Hollow. A sample letter with addresses for the County and Township officials is on our website at www.delawareriverkeeper.org. Please write today and copy DRN.
iGive, you give, the River gets

Do you know about iGive.com? iGive allows you to support the Delaware Riverkeeper Network or other worthy cause with a percentage of your online shopping. The vision of iGive is that, in the near future, all consumer transactions will contain a percentage that benefits local charities. To accomplish this, iGive has negotiated agreements with retailers like Barnes and Noble, Gardener’s Supply Company, Land’s End and iTunes to direct a percentage of your purchase to the charity of your choice when you shop through iGive.

Your online shopping can be worth hundreds of dollars a year to the charity of your choice. iGive automatically sends a check each quarter. So if you haven’t already, check out iGive, sign up, buy online, and designate the Delaware Riverkeeper Network as your charity of choice.

Meet our new Development Director

Amanda Larson has joined the Delaware Riverkeeper Network as our new Development Director. She will be directly responsible for continuing and expanding the financial growth of our organization and finding new and exciting ways to raise money for our essential programs.

Amanda is a native of the Delaware River watershed, having grown up in Florence, New Jersey. After a career in development consulting that spanned 16 years and took her to Washington, D.C., San Francisco, and New York City, she moved to Bucks County, PA, in 2004. Amanda has spent her entire professional life working on programs that make a difference in human lives, whether in the areas of the environment, education, social justice, or animal welfare. She holds a BA in liberal arts from Vermont College in Montpelier and an MA in theology and the history of religion from The General Theological Seminary (Episcopal) in New York City.

Schuylkill Office Closing

Ten years ago, the Delaware Riverkeeper Network established an office in the Schuylkill River watershed to enhance our connections to the local streams and communities of the Delaware’s largest tributary. With mixed emotions we now announce the closing of the office space we have leased for the past few years. We may miss the unique character of the Carriage House, but this action represents a step toward the consolidation of our organizational resources in a central location and will also represent a cost savings for DRN.

Our commitment to the Schuylkill River remains constant and we will be taking advantage of old friendships and new technologies to maintain our presence in the watershed. And we look forward to the day when we can invite you to the new and improved DRN office. In the meantime, mail sent to P.O. Box 459 in Saint Peters, PA 19470 will continue to reach us and you will still be able to call 610-469-6005 to speak with us about our work for the Schuylkill. Should you have any questions about this announcement, email chari@delawareriverkeeper.org.

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Chari Towne, Director, Schuylkill Programs
Tim White, Director, Special Events
Dave Williams, Restoration Specialist
Faith Zerbe, Monitoring Coordinator
Don’t miss . . .

The Schuylkill Watershed Congress
Saturday, March 4th, 2006
Montgomery County Community College
Pottstown, Pennsylvania

with Watershed Tours on Sunday, March 5th, 2006

The Schuylkill Watershed Congress promotes effective environmental problem solving and fosters hands-on involvement in the protection, restoration and enhancement of our waterways. Although focused on the Schuylkill River watershed, the Congress draws participants and presenters from throughout Pennsylvania as well Delaware, Maryland, and New Jersey. Join us as a representative of your local stream.

The 2006 Congress features a keynote address by Douglas Austen, Ph.D., Executive Director of the Pennsylvania Fish and Boat Commission, as well as concurrent and poster sessions covering a broad range of topics, displays, door prizes, and a networking reception. On Sunday, March 5th, Watershed Tours are being offered at various locations around the Schuylkill River Watershed from Amity to Harleysville to Chestnut Hill.

Who should attend the Congress? Stream monitoring and restoration volunteers, municipal officials, conservation professionals, educators, college students, landowners, and concerned citizens.

Register by Friday, February 17th, 2006, to qualify for the $40 Early Registration Fee. After February 17th, the Registration Fee increases to $50 per person. Scholarships are available from the League of Women Voters of PA WREN Project.

Registration materials can be downloaded from our website, www.delawareriverkeeper.org. Please note: We are unable to accept online registrations. For more information, contact our Schuylkill Program at 610-469-6005 or email chari@delawareriverkeeper.org.

What are people saying about the Schuylkill Watershed Congress?
“Once again, wonderful conference . . . I enjoyed the grassroots feel and focus of the participants and organizations represented . . . I found last weekend’s conference to be well done, very impressive and professional. The speakers and people in the audiences that I saw were all high quality . . . It was a pleasure to attend this year’s Watershed Congress. They are always well organized and provide a wealth of information, which spurs renewed interests and fosters greater understanding of our challenges. Thank you for helping to present this important annual event.”