



Quarterly Newsletter of the Delaware RIVERKEEPER® Network

Upcoming Events . . . Upcoming Events . . . Upcoming Events . . .



**October 27**  
**November 3, 8, 10, 15 & 17**  
 DRN's Phone-a-thon  
 Washington Crossing, PA

**December 3 & 4**  
 DRN's Craft Show  
 Prallsville Mill  
 Stockton, NJ

For more news about Delaware Riverkeeper Network events, call 215-369-1188 or click on [Calendar](#) at [www.delawareriverkeeper.org](http://www.delawareriverkeeper.org)

## Raising our voices for the River

*A letter from the Delaware Riverkeeper*

Last issue, I wrote to you about some devastating events that affected the Delaware River and its ecosystems in the past year – the worst oil spill since 1995, two major floods, the decline of horseshoe crabs and the imminent extinction of the red knot. I wish that in this issue I had some good news to report, however I must inform you of yet another dangerous spill that threatens the health of the Delaware River and both the human and animal communities that depend on it.

As all eyes have been turned to the gulf coast region in the wake of Hurricane Katrina, an environmental disaster has been unfolding in our own backyards. From August 23rd to August 27th, PPL's Martins Creek power plant, located on the Delaware up river from Easton, PA, spilled an estimated 100 million gallons of coal fly ash slurry into our Delaware River (see pages 4-5 for more on this breaking story). The slurry contains dangerous toxins, known carcinogens, heavy metals and other pollutants. The bottom of the River and all the sensitive ecosystems that thrive there were buried and/or smothered in a thick, heavy, contaminated gunk. Anglers have already reported a decline in fish in the impacted sections of the River.

The response from our state regulatory agencies? Wholly inadequate. DRN immediately called for the shut down of this power plant. Instead the PA Department of Environmental Protection allowed PPL to store fly ash slurry in an older, unlined basin that failed to meet either current day construction or environmental standards. Only after this back-up facility also began to leak on September 8th did PPL temporarily shut down its coal-fired units at Martins Creek.

It is not uncommon that such polluters get away with a slap on the wrist or are allowed to get after-the-fact permits for activities that are otherwise illegal. Either way, our River suffers. Today, only a public outcry secures effective protection for our River and environment. The lesson is clear. When we join our forces and our voices we are effective; we do make a difference.

You have already joined your voice with ours, but the more members we have, the louder we speak as an organization. So, please encourage your friends, your relatives and your colleagues to join DRN so we can continue to magnify the call for clean water, thriving ecosystems, and a healthy present and future for us all.

*Maya K. van Rossum*  
**The Delaware Riverkeeper**

RIVERRAPIDS

is published for members of the Delaware Riverkeeper Network

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# RRLC launches stormwater program

Manmade interference with a river's natural flow combined with a failure to respect the functions and values of wetlands and vegetated streambank buffers is the way of uninformed land use planning and development. We were sadly reminded of the catastrophic impact poor land use planning has on our communities, especially those communities of the poor and underprivileged, when the levees at Lake Pontchartrain failed and flooded New Orleans -- a city built below sea level in the flood zone of the Mississippi River. The impacts of the flooding on water quality in and around the Mississippi River and the Gulf of Mexico are years from being understood, but the damage from the pollution was plainly evident as pictures of the brown sludge-like water and stories of toxic soup were broadcast nationally.

Stormwater management has long been recognized as a leading cause of impairment to our nation's waters. Through the passage of the Water Quality Act of 1987, Congress officially recognized that when stormwater is left uncontrolled pollutants are carried to water bodies via stormwater runoff, threatening public health and safety. As a result the Federal Clean Water Act was amended to add Section 402(p)—the stormwater requirements.

Section 402(p) of the Clean Water Act mandates that the U.S. Environmental Protection Agency (or the States implementing EPA-approved National Pollution Discharge Elimination System, or NPDES, permitting programs) establish a two-phase water quality program that targets non-agricultural storm water discharges. Phase I, implemented 1990 – 1992, requires NPDES permits for the discharge of stormwater associated with industrial activities; discharge from construction sites that disturb 5 or more acres of land; and discharge from large and medium municipal separate storm sewer system, or MS4s, serving a population of 100,000 people or more. Phase II, implemented 1999 - 2003, requires NPDES permits for the discharge of stormwater from small municipal storm sewer systems serving a population of less than 100,000 people in an urbanized area; and discharge from construction sites that disturb 1 to 5 acres of land.

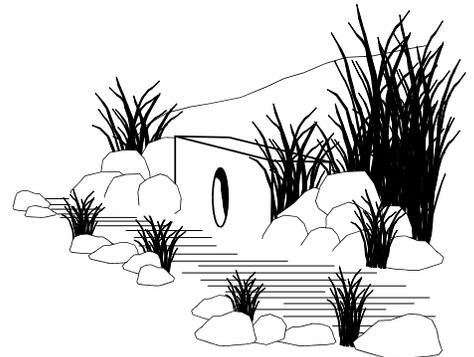
All stormwater discharges that require NPDES permits are required to implement a stormwater pollution prevention plan (SWPPP) or a stormwater management program. These programs require the use of best management practices for reducing and eliminating pollution and reducing stormwater runoff.

*Carole Hendrick, Senior Attorney*  
Unfortunately, however, not all stormwater NPDES permittees are following the rules.

The River Resources Law Clinic (RRLC) has established a pilot program to accelerate the achievement of water quality standards from stormwater runoff under the Clean Water Act. Our Stormwater Pollution Elimination and Enforcement Detection (SPEED) program will establish protocols for investigating and enforcing the stormwater requirements of the law. Our goal is to reduce the discharge of pollution via stormwater into our stream and river ecosystems.

The RRLC is working to make sure the stormwater management obligations under the Clean Water Act are not ignored and instead are embraced as an important path for protecting our natural waterways and communities.

For more information about SPEED or RRLC, contact our main office in Washington Crossing at 215-369-1188.



## Can we afford clean water?

Can we afford clean water? Can we afford rivers and lakes and streams and oceans which continue to make possible life on this planet? Can we afford life itself? Those questions were never asked as we destroyed the waters of our nation, and they deserve no answers as we finally move to restore and renew them. These questions answer themselves . . . Our planet is beset with a cancer which threatens our very existence and which will not respond to the kind of treatment that has been prescribed in the past. The cancer of water pollution was engendered by our abuse of our lakes, streams, rivers, and oceans; it has thrived on our half-hearted attempts to control it; and like any other disease, it can kill us.

We have ignored this cancer for so long that the romance of environmental concern is already fading in the shadow of the grim realities of lakes, rivers and bays where all forms of life have been smothered by untreated wastes, and oceans which no longer provide us with food.”

-- Edmund Muskie, 1914 - 1996, *U.S. Senator, Maine*, arguing for passage of the Clean Water Act in 1972

## Time for DRN's Fall Phone-a-thon

Our 2005 fall Phone-a-thon will soon be underway and we need you. Your financial support is crucial in the wake of the environmental insults the River has suffered in this past year.

The Delaware Riverkeeper Network is the voice for the River and tributary streams. We spoke on its behalf after the Athos I oil spill and we are speaking for it now during the PPL ash spill. We are working to ensure polluters won't get away with a slap on the wrist. We're restoring streams and celebrating our watershed's natural balance where it still exists. But we need your support.

Consider increasing your contribution by 20% to 30%. If you gave \$35 last year, an increase of 25% is only \$8.75. If you gave \$100, please consider increasing your contribution by \$20 to \$30. This is just a few dollars more -- less than the cost of a night at the movies, a new DVD, or going out to dinner -- but it would represent essential support for our River Resources Law Clinic, our volunteers monitoring water quality and restoring stream ecosystems, and our ongoing initiatives that benefit river ecosystems.

Please, this year, instead of one night on the town, choose to increase your support for our work on behalf of the River. Your contributions and your visible support do make a difference!

We're looking forward to speaking with you soon. And remember, the Phone-a-thon is a great time to make sure your contact information is up to date.

*Beth Wilkinson*

Delaware Riverkeeper Network Advisory Board

## Become a Phone-a-thon Volunteer

Help make calls for the Phone-a-thon! You care about the River. You support the Delaware Riverkeeper Network. You know how vital the need is so please consider helping out. You will only be calling other DRN members, people who share your love for the River and its tributary streams. Volunteer today!

### When Volunteers are needed:

*October 27  
November 3, 8, 10, 15 & 17*

**Times:** 6:00 pm to 9:00 pm

**Where:** Washington Crossing

Contact Development Director Tim White by phone, 215-369-1188, or email, [tim@delawareriverkeeper.org](mailto:tim@delawareriverkeeper.org), to volunteer.

## Fight to preserve Petty's Island continues

*Fred Stine, Citizen Action Coordinator*

Cherokee and Pennsauken Township continue to focus on Petty's Island's current contamination and the historic lack of public access to justify their redevelopment plan, which includes 1,000 residential units, a private golf course and a hotel/conference center. The Delaware Riverkeeper Network and the other members of the Save Petty's Island Coalition support responsible redevelopment of the Pennsauken and Camden waterfronts, redevelopment that benefits our communities and environment. This includes protecting the island in its entirety. We will continue to fight to preserve Petty's Island and our flood plain areas, challenging every permit and public subsidy the developers apply for.

### Why we need to save Petty's Island and stop proposed development plans

- Cherokee's proposed development will destroy a heron rookery. The intensive use of the island will destroy eagle habitat and foraging areas, driving Camden County's only nesting pair from the region.
- Cherokee's plan calls for dredge spoils to build the island up above the 25-year flood plain. If Cherokee repeats its North Jersey development model, it will charge the Army Corps of Engineers to dump the spoils on the island, costing taxpayer dollars.
- Cherokee will need low to no interest loans and years of local sales and property tax breaks.
- We have a once-in-a-lifetime opportunity to create a 400-acre oasis in the densely populated Philadelphia/Camden area with public access for everyone, regardless of age, wealth, and social mobility.
- The Cherokee plan only provides the general public with access to a narrow waterfront trail.
- No low or moderate-income homes will be built on the island.
- Citgo, the island's current owner, will provide a \$2 million management fund to accompany the \$20 million donation of the island. What's more, Citgo would retain all environmental liabilities, obligations and costs for remedial activities and provide indemnity protection to all conservation easement grantees.
- As open space, the island will provide economic stability and jobs. State-funded studies have shown that NJ's 39 parks and 11 forests provide economic benefits amounting to 14,000 jobs and at least \$1.2 billion per year, or \$30 billion over a 25 year-period.

To learn more about the Save Petty's Island Coalition, email Fred Stine, [fred@delawareriverkeeper.org](mailto:fred@delawareriverkeeper.org),

# PPL coal ash basin blows out into Delaware River

On August 23rd, 2005, a leak began in a coal fly ash storage basin at PPL's Martins Creek power plant in Northampton County, PA. By the next day, the leak became a flood over roads and fields adjacent to the basin and then an eruption of coal fly ash slurry that lasted for several days, finally slowing down by August 27th. In the end, at least 100 million gallons (company estimate) of coal fly ash effluent gushed into Oughoughton Creek and the Delaware River. The 16-year old storage basin holds coal fly ash produced by Martins Creek's two coal-fired units and may be used for disposal of other industrial waste on the site. Normally, the water-filled waste impoundment is used to settle out fly ash sediment before the effluent is piped to the River, alongside the Oughoughton Creek, in the vicinity of Foul Rift. PPL reported that a gate in the basin broke apart, causing the uncontrolled discharge of effluent and sludge.

The River was dark gray with a slick of light gray for more than a week. Today, a toxin-laden slurry lines the river bottom for several miles downstream. Gray sludge is visible in between rocks in the River as far south as Bulls Island. Easton, located about 10 miles downstream from Martins Creek, had to shut down its water intakes for several days. PA Department of Environmental Protection water tests showed arsenic spiked on August 26th, from less than 4 parts per

billion (ppb) upstream to 592 ppb at the power plant's outfall. At the Easton water intake, PPL data showed elevated arsenic for several days, spiking at 43.4 ppb on August 26th. Although currently set at 50 ppb, the Safe Drinking Water Standard for arsenic will be 10 ppb nationally and 5 ppb in NJ, effective January 2006. According to PA DEP, mercury, barium, thallium, chromium, cadmium, lead, antimony, and selenium spiked as well.

Dried fly ash is stuck to the riverbanks for at least 8 miles downstream. As the ash dries, it can become wind-born, adding a significant air pollution component to the spill. Known components of the fly ash include: silica, crystalline silica, arsenic, mercury, and the same heavy metals found in the sludge that spilled into the River. Crystalline silica is a known health hazard; it can exacerbate respiratory conditions, cause pulmonary disease and has been classified as a probable human carcinogen.

DRN advocated for a Natural Resources Damage Assessment team to be formed. This has been done, but the team is only meeting behind closed doors and their work is being kept a secret. Clean up efforts, overseen by PA DEP, are slow and have been riddled with mishaps. For example, DRN opposed the use of an old, unlined basin at the power plant to store waste from spill clean up. We called for the shut down of the coal-fired units while the basin was

*Tracy Carluccio, Director, Special Projects*

disabled. PPL was allowed to use the unlined basin, with PA DEP approval, until this basin sprung a leak on September 9th, polluting groundwater-monitoring wells with selenium. Finally, PPL shut down the coal plant, which remains closed as of this printing. However, the basin that blew out originally has been patched up and, as of September 16th, is being used for the storage of waste from spill clean up efforts. Local residents are outraged and are contemplating legal action.

Decisions made at the plant during spill clean up have caused even more pollution. The part of the River on which the Martins Creek plant is located was designated by Congress as the Lower Delaware Wild and Scenic River in 2000. The River's exceptional water quality, natural resources, fish and aquatic life, birds and wildlife, living ecosystems, and recreational, economic, and aesthetic values are being significantly harmed by this pollution event. The Lower Delaware Wild and Scenic River serves as water supply for 2.9 million downstream water users in NJ, PA and DE. DRN has filed a Petition under the Comprehensive Environmental Recovery, Compensation and Liability Act, or CERCLA, with the U.S. Environmental Protection Agency to begin a takeover of the Martins Creek plant clean up efforts. The damage to the Delaware River is extensive and requires federal attention.

## Action Alert

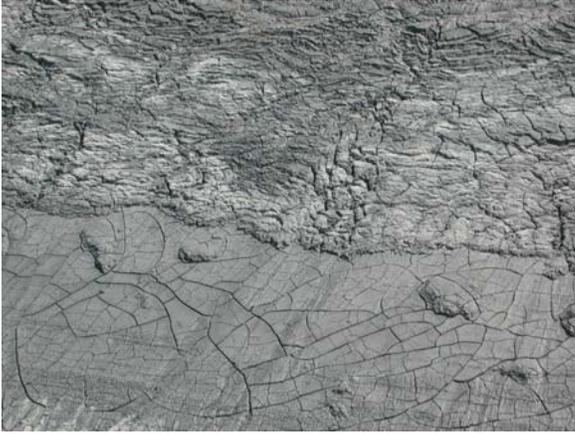
Submit a letter today to the EPA supporting our request for federal oversight. A sample letter can be found at <http://www.delawariverkeeper.org/sampleletterASH.pdf>. Also, please copy your state's department of environmental protection and copy your letter to DRN at [tracy@delawariverkeeper.org](mailto:tracy@delawariverkeeper.org).

Mr. James McCreary  
U.S. Environmental Protection Agency  
Region III, 3HS23  
1650 Arch Street  
Philadelphia, PA 19103

Commissioner Bradley Campbell  
NJ Dept. of Environmental Protection  
401 East State Street,  
P.O. Box 402  
Trenton, NJ 08625

Secretary Kathleen A. McGinty  
PA Dept. of Environmental Protection  
Rachel Carson State Office Building  
P.O. Box 2063  
Harrisburg, PA 17105

## Images from the ash spill



Coal fly ash at failed basin at PPL's Martins Creek Power Plant. Photo: M. van Rossum.



The Martins Creek plant outfall where coal fly ash spilled into the Delaware River. Photo: M. van Rossum.



Martins Creek's Basin #1 where spill material cleaned from river bottom was dumped. Photo: T. Carluccio.

## Volunteer monitors needed for Alexauken Creek assessment

*Faith Zerbe, Monitoring Coordinator*

The Delaware Riverkeeper Network is now recruiting committed citizen volunteers to help collect data critical to the long-term protection of the Alexauken Creek.

In July 2004, the petition efforts of DRN, Hunterdon Land Trust Alliance, Regional Planning Partnership, and Sourland Planning Council bore fruit when the Alexauken Creek was reclassified as a C1 stream. Despite the designation, the Alexauken Creek watershed remains at a critical stage. While largely undeveloped with relatively good water quality and prime habitat for threatened and endangered species, the watershed faces tremendous growth pressure. Available data suggest that the Alexauken's water quality and ecological integrity may have begun to decline.

The Alexauken flows southwest from its headwaters in New Jersey's Delaware, East Amwell and West Amwell Townships, through the City of Lambertville, and crosses under the Delaware & Raritan Canal, before emptying into the Lower Delaware Wild and Scenic River reach. The creek drains nearly 10% of the largely forested Sourland Mountain region.

To ensure that this C1 stream is protected for the long-term, DRN is working with West Amwell Township, Princeton Hydro, LLC, and other local partners to develop a watershed protection plan for the creek. The plan will identify specific measures that will protect and maintain the water quality and ecological integrity of the streams within the watershed and reduce non-point source pollutant loading to restore the ecological community.

The first stage in the development of the watershed protection plan, a stream visual assessment of the entire basin, is now beginning and will be underway through April 2006. DRN needs committed citizen volunteers to help collect Alexauken Creek watershed data. After being trained in a visual assessment protocol by DRN staff, volunteers will be assigned a stream segment to walk for a one-time survey after leaf drop-off. Volunteers will measure 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.

Volunteers will receive free training and will be asked to dedicate at least 8 hours to monitoring assigned stream segments. If you are interested in getting involved with this important monitoring effort, contact Faith Zerbe, Monitoring Coordinator, at [faith@delawareriverkeeper.org](mailto:faith@delawareriverkeeper.org).

## Second edition of *Damming the Delaware* now available

In 1987, Penn State University Press published *Damming the Delaware: The Rise and Fall of the Tocks Island Dam* (written by our very own Dick Albert), the story of 200 years of water resources in the Delaware River Basin with the focus on the construction and then defeat of a proposed main stem dam. The second edition updates the story to 2005 including the recent flooding. *Damming the Delaware* is available through bookstores, wholesalers, or directly from Penn State University Press.

# Restoration Destination: Milford, Delaware

Dan Salas, Restoration Program Manager

Travel down Route 1 to Milford, DE, and you will find a quiet community with a character all its own. Shaped by its historic connections with the Delaware Bay, this semi-rural community holds much of the same “small town charm” that has existed here for centuries: tree-lined streets, Victorian architecture, and a vast expanse of agriculture and salt marsh along the Mispillion River. But modern problems are threatening to change the character of this community.

In 2004, the Delaware Riverkeeper Network became part of a task force of local and regional organizations focused on restoring health to the ecosystems in and around Milford. The top priority: porcelainberry, *Ampelopsis brevipedunculata*, an invasive vine native to Asia that was introduced along the East Coast as an ornamental. The DE Department of Natural Resource and Environmental Control has identified Milford as the “regional hub” of porcelainberry invasion for the rest of the state. By addressing porcelainberry in the early stage of its invasion, the task force hopes to prevent the spread of yet another invasive species.

Unfortunately, porcelainberry has been in Milford long enough that it has already degraded local riparian ecosystems and immediately threatens other



Porcelainberry invasion along Mullett Run, Milford, DE.

Photo: D. Salas.

nearby areas. In some areas, this plant covers 90% of the groundlayer vegetation and is now growing 60 feet up into canopy trees. Areas like this experience a severe loss of biodiversity and habitat value.

The task force has been busy identifying priority control sites and management options and is now working with the City of Milford, local businesses, and residents to begin controlling this vine. Control efforts will begin at two sites this fall. This large-scale porcelainberry control effort is one of the first examples of addressing an invasive species on a municipal scale.

Further downstream, DRN has been partnering with DNREC and local residents to begin monitoring erosion along a 4-mile stretch of the Mispillion River. In May, project partners installed a series of 40 monitoring points along the Mispillion River to begin annual monitoring. Historic aerial photo analysis completed by DRN staff points to as much as 80 feet of erosion in some areas since the mid-1920s. Many factors may be contributing to this erosion: sea level rise, boat wake, channel dredging, and more. DRN is working to better understand the causes, identify the future trend, and begin addressing the problem.

To learn more about the restoration activities in Milford, DE, contact Dan Salas, Restoration Program Manager at [dan@delawariverkeeper.org](mailto:dan@delawariverkeeper.org).

## Porcelainberry ID



Porcelainberry's vigorous vines out competes trees and shrubs by reducing the availability of light, water, nutrients and space.

**Description:** A deciduous, woody, perennial climbing vine; often with deeply lobed, grape-like leaves, which are sometimes variegated. Both the underside of the leaves and the young twigs are hairy to the touch. Tiny greenish-yellow blooms in mid-summer are followed by clusters of shiny, hard berries in various shades of white, yellow, lilac, or green that mature to a bright turquoise blue. Porcelainberry grows well in dry or moist areas, especially along forest edges, pond margins, stream banks and waste places, from full sunlight to partial shade. Porcelainberry appears to be less tolerant of heavily shaded areas and soils that are permanently wet. Porcelainberry closely resembles native grapes in the genus *Vitis*.

-- DE Department of Agriculture

## Restoration Reading

Look for the September/October issue of Erosion Control magazine, the Official Journal of the International Erosion Control Association, featuring [Bartram Park and Darby Creek Stream Restoration Project](#), written by DRN's Restoration Program staff. The article discusses the stream's problems, project design, project construction, pre and post project monitoring, and lessons learned. EC can also be read on line at [www.erosioncontrol.com/ec.html](http://www.erosioncontrol.com/ec.html).

# POSTCARDS FROM MEMBERS' DAY 2005



*This year's Members' Day, we had rain, we had sun; we had good food (delicious delights for vegetarians and non-vegetarians alike), good friends, the bay and, once again, those dolphins!*

*The Cape May to Lewes ferry provided us with chance to catch up with old friends and update new folks on the work we're doing for the River. Once at Cape Henlopen, we kicked back and enjoyed the day, rain and all.*

*Our thanks to Leslie Ficaglia for sharing these great photographs and bringing back such good memories. No matter what the weather, it's always a great day on the Delaware Bay. Don't miss next year's Members' Day!*

*Maya K. van Rossum*

**The Delaware Riverkeeper**



## DRN kicks off building campaign

The Delaware Riverkeeper Network has been located in our office in Washington Crossing since 1996. Since then, we expanded in the breadth and depth of work we do, and increased staff to support these efforts. With the guidance of our Advisory Board, we realize it is now time to raise the funds and seek the talents necessary to buy our own building. A new facility will not only ensure effective working conditions for our staff, but will also allow for a public education center and greater public access to the organization on a walk-in basis. We are creating a plan that will allow us to identify our new facility, raise the money necessary to secure it, and then to undertake the purchase and any necessary renovations. If you are interested in assisting us, we welcome your support. Please contact Maya at [keeper@delawariverkeeper.org](mailto:keeper@delawariverkeeper.org) or call 215-369-1188.

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## The Delaware Riverkeeper® Network

on the web at [www.delawariverkeeper.org](http://www.delawariverkeeper.org)

### Offices

#### *On the main stem*

P.O. Box 326  
Washington Crossing, PA 18977  
Phone: 215-369-1188  
Fax: 215-369-1181  
[drn@delawariverkeeper.org](mailto:drn@delawariverkeeper.org)

#### *In the Schuylkill Watershed*

P.O. Box 459  
Saint Peters, PA 19470  
Phone: 610-469-6005  
Fax: 610-469-6025  
[chari@delawariverkeeper.org](mailto:chari@delawariverkeeper.org)

### Staff

Maya K. van Rossum, *the Delaware Riverkeeper*

Dick Albert, *Scientist/Restoration Director*  
Ann Bidwell, *Executive Assistant*  
Claire Biehl, *Office Manager*  
Tracy Carluccio, *Director, Special Projects*  
Carole Glessner, *Office Assistant*  
Carole Hendrick, *Senior Attorney*  
Rich Myers, *Citizen Action Coordinator*  
Mary Ellen Noble, *Associate Director*  
Dan Salas, *Restoration Manager*  
Fred Stine, *Citizen Action Coordinator*  
Chari Towne, *Director, Schuylkill Office*  
Tim White, *Development Director*  
Dave Williams, *Restoration Specialist*  
Faith Zerbe, *Monitoring Coordinator*

## Delaware RIVERKEEPER® Network

The Voice of the River and its Tributary Streams

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## Mark your calendars

### Delaware Riverkeeper Network's Third Annual Holiday Craft Show



Saturday, December 3rd, 2005  
10:00 AM to 5:00 PM

Sunday December 4th, 2005  
10:00 AM to 4:00 PM,

Prallsville Mill, Stockton, NJ  
Suggested Donation: \$4.00

Join us for a great show and sale of handwork and crafts by over 35 local artisans offering a wide variety of work including ceramics, jewelry, glass, fiber/clothing, handmade wood furniture and boxes, paper, photography, cards, soap, and herbal products. Support local crafters and the Delaware Riverkeeper Network with fun holiday shopping!

*Prallsville Mill is located on the Delaware & Raritan Canal, within sight of the River, with easy access and lots of parking. Make a day of it. For more information, call our Washington Crossing office at 215-369-1188.*

## Call for Presenters

### Schuylkill Watershed Congress

Saturday, March 4th, 2006  
Montgomery County Community College  
Pottstown, PA

The Delaware Riverkeeper Network and its partners in the Schuylkill Watershed Congress invite you to share your knowledge of progressive watershed planning, model projects, and innovative watershed protection with a concurrent or poster session.

Presentations must include a question and answer component. Field trips and interactive presentations are encouraged. Congress registration fees are waived for presenters.

*More information about requested topics and submission procedures can be found at [www.delawareriverkeeper.org](http://www.delawareriverkeeper.org). Click on Schuylkill Watershed Congress.*

*Contact [chari@delawareriverkeeper.org](mailto:chari@delawareriverkeeper.org) with questions.*