

***Delaware Riverkeeper Network ~ Clean Air Council ~ PennFuture
Environment New Jersey ~ River Network
Bartram's Garden ~ PennEnvironment***

June 25, 2020

Steve Tambini, Executive Director
Commissioners
Delaware River Basin Commission
PO Box 7360
West Trenton, NJ 08628

Dear DRBC Commissioners and Mr. Tambini,

Thank you for your timely response to the submission of our Safe and Healthy Delaware River petition. As an initial matter, while we understand that there may not be a formal petition process in the DRBC's Rules of Practice and Procedure, this vehicle for communication seemed the best way to comprehensively share our concerns, our evidence, and our request for needed, and legally mandated, change. The petition tool is an effective pathway for the people to speak directly with the Commissioners and DRBC leadership staff; we are sorry that it was not received in the spirit it is intended.

While we appreciate that the DRBC values the goals of the Clean Water Act for a swimmable and fishable Delaware, even in Zones 3 and throughout Zone 4, any visit to these River zones on a warm spring, summer or fall day shows us that the River is already being enjoyed by people of all ages and backgrounds for primary contact recreation. As a result, the law is very clear that these existing uses must be protected by the states. (*See* 40 CFR 131.10(i).) Given that the watershed states have committed to working together to address legal obligations, goals and needs for the mainstem River, and to the extent that some of our states defer to the DRBC regarding mainstem regulatory controls, it seems most beneficial for the DRBC to take the steps necessary to recognize and protect this existing primary contact recreation for Zones 3 and upper Zone 4. Of course, if DRBC chooses not to undertake that responsibility, the states are still legally obliged to do so and could themselves become the subject of an enforcement action.

To suggest that the DRBC and dischargers are collecting and will continue to collect data does not respond to the legal obligation to protect the primary contact recreation in which communities are engaged. It also fails to recognize the reality that the Delaware River belongs to the people; not the dischargers, not the regulators, not the ports. The people are already using this River for primary contact recreation and it is the obligation of the regulators to recognize and protect this use by setting standards, putting in programs, and making investments that will ensure the water quality necessary to support primary contact recreation for these reaches of the River.

Primary Contact recreation recognition and protection in Zones 3 and throughout Zone 4 is a priority that must be achieved in order to protect the health and the safety of all the people to whom this River belongs – the public and the people of our region. It is a priority that the law dictates be achieved.

We are pleased to be invited to present our petition at the next Water Quality Advisory Committee meeting and engaging in dialogue with WQAC members and attendees. We look forward to presenting our petition and supporting evidence. We were disappointed that while the petition was raised during the last WQAC meeting, we were not given advance notice of that discussion nor offered the opportunity to present our petition request and findings. But we are hopeful this can be remedied at the next meeting in July. We are also reaching out separately to Mr. Tambini to follow up on our initial request in the petition to meet in order to discuss our petition.

With regards,

Maya K. van Rossum, the Delaware Riverkeeper, Delaware Riverkeeper Network

Joseph Minott, Executive Director, Clean Air Council

Jacquelyn Bonomo, President & CEO, PennFuture

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