



2018

**DELAWARE RIVERKEEPER NETWORK**



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**the Delaware Riverkeeper** – The person charged with giving a voice to the Delaware River, its tributaries and all the communities that appreciate and depend upon them.

**Delaware Riverkeeper Network** – The organization that champions the rights of our communities to a Delaware River and tributary streams that are clean, healthy, free-flowing, and abundant with a diversity of life.

**About the Delaware Riverkeeper Network** – The Delaware Riverkeeper Network (DRN) works throughout the four states of the Delaware River watershed, as well as at the federal level when issues that impact the health of the Delaware River watershed play out on a national stage.

## Our Programs

**Advocacy** – Securing stronger protections for the Delaware River and tributary streams, and defeating bad projects that would harm our waters

**Awareness** – Providing tools and training to help people and communities take action on behalf of their local streams

**Habitat Restoration** – Restoring native plant communities, increasing wildlife habitat value, improving stream function and transport, and encouraging infiltration of stormwater

**Legal Action** – Building strong cases that protect the River, enforce the law, and set precedent for the future protection of the River, and for all generations across time.

**River Tech** – Sharing technical expertise with watershed groups, conservation groups, agencies, and municipalities

**Water Watch** – Mobilizing a network of trained volunteers who serve as on-the-ground investigators for the Delaware River and its tributary streams

*Find our financial information on Guidestar, [www.guidestar.org](http://www.guidestar.org).*



Above left: Maya van Rossum, the Delaware Riverkeeper, speaking at a rally in 2017; At right, van Rossum delivering a comment in 2000

# Marking 30 years of protecting our Watershed

## *A letter from the Delaware Riverkeeper*

I want to begin this Annual Report by saying thank you to all members of the Delaware Riverkeeper Network. For 30 years, we have been fighting to protect and defend the Delaware River. Through the years, the commitment and support of members like you have made it possible for us to be the strong advocacy organization that the Delaware River and its tributaries needs. With our members' support, we know we can make a difference because we have a strong track record of doing just that.

In February 2018, when the U.S. Army Corps of Engineers proposed dumping fill in a deep hole in the Delaware Bay that provides critical habitat for our endangered Atlantic sturgeon, we sent out an action alert. The strong response from our members prompted USACE to withdraw its application. In April, volunteer pipeline monitors worked with our monitoring team to report bad welds along the Atlantic Sunrise pipeline. In May and June, volunteers joined us in the middle of the night to count horseshoe crabs on Moores Beach, New Jersey. When we put out a call to action, our members answer. Knowing we have a growing community of members standing with us inspires us every day.

But in our work to protect the River, success may come only after years of fighting the good fight. We saw that in 2018 when, after years of Delaware Riverkeeper Network advocacy on the threat from perfluorinated chemicals, New Jersey adopted the nation's first mandatory safe drinking water standard for PFNA, a toxin increasingly found in drinking water in our region.

Some 2018 work laid the foundation for successes in 2019. Since the comment period on the Delaware River Basin Commission's draft gas regulations closed on March 31, 2018, DRN and our Frack Ban Coalition partners have worked together to use the pending regulations to advance our goal of transforming DRBC's temporary moratorium on drilling and fracking into a complete and permanent ban, a goal that could finally be at hand in 2019.

But with the threats now facing our River, there is no time to rest. In our work, we are always looking to set precedent that benefits rivers everywhere. In 2018, we developed a new legal strategy that could set precedent for oil and gas facilities across the country (*To learn more, be sure to follow our social media where we break River news*).

The Delaware Riverkeeper Network was organized 31 years ago to provide our River with a vocal advocate eager to speak and act on its behalf. Since 1988, our organization has achieved so much – securing Special Protection Waters status for the Lower Delaware River, defeating the construction of the Dark Hollow Dam, securing a *de facto* moratorium on fracking in the Basin, and breathing new life into Pennsylvania's Green Amendment. But there is still more to do.

Thank you to those members who have been with us since the beginning, to those who joined over the years, and to the members who only joined recently. You are all part to our growing community, and - with your support - we are already looking forward to the next 30 years.

Remember the River,

Maya K. van Rossum  
the Delaware Riverkeeper



# 2018 Annual Report

DRN filed a rehearing request asking the Federal Energy Regulatory Commission to reconsider its decision to issue a Certificate of Public Convenience and Necessity for the highly controversial PennEast Pipeline Project.

DRN also petitioned the Delaware River Basin Commission, urging the agency to implement its full authority and act to stop premature tree felling along the route of the not yet docketed PennEast Pipeline.



DRN staff worked with officials in Springfield Township (Montgomery County, PA) to **increase awareness of stormwater runoff and opportunities to retrofit stormwater management structures** in the Township. DRN's work included a community presentation that the Township later requested be posted to the Springfield Township website to help educate the public.

## January

DRN and its Frack Ban Coalition partners stood with New Jersey Governor Phil Murphy this month when he announced his commitment to ban fracking throughout the Delaware River Watershed.

In November 2017, the Delaware River Basin Commission (DRBC) proposed regulations that would ban fracking, but would allow toxic wastewater produced by fracking to be imported, stored, processed, and discharged in our Watershed as well the export of water for fracking elsewhere. During January, February and March, DRN and partners used webinars (attended by hundreds) and other information-rich comment platforms to spur substantive public comments. When the comment period closed at the end of March 2018, our Frack Ban Coalition had **spurred the submission of 40,000 comments to the DRBC in support of a complete ban on fracking** and its activities.

## February

## March



Maya van Rossum, the Delaware Riverkeeper and author of *The Green Amendment*, continued to **inspire interest in constitutional environmental rights**. Her work has inspired environmental rights proposals (Green Amendments) in Maryland, New Jersey, New York, and West Virginia.

This month, van Rossum testified before the Maryland Senate Committee on Education, Health, and Environmental Affairs on that state's proposed Green Amendment.

# 2018 by the NUMBERS

104,000  
signatures to  
ban fracking

21<sup>st</sup> Annual  
Watershed  
Congress

# Watershed Highlights Timeline

DRN partnered with UrbanPromise, Cooper's Ferry Partnership, and the New Jersey Tree Foundation to **plant trees along the Circuit Trail at Coopers Poynt Waterfront Park in Camden**. This project, called *Camden Groves to the Estuary*, included community outreach and hands-on experiential learning to raise awareness about the value of trees, and the ecological restoration of tidal streams and the Estuary. Over the summer of 2018, DRN and our project partners also coordinated two urban paddling events, one on Newton Creek in Gloucester City, and a second along the tidal Cooper River, including the section for which the New Jersey Department of Environmental Protection has proposed higher water quality standards to protect a population of the eastern pondmussel, and its habitat. The eastern pondmussel, *Ligumia nasuta*, is a New Jersey Threatened species.

DRN held a **press conference and informational meeting focused on preserving the Headquarters Road Bridge** in Tincum Township (Bucks County, PA). For this event, DRN brought in experts to discuss alternatives to replacing the bridge, including erecting a temporary bridge over the Tincum Creek; the need for full National Environmental Policy Act review; and impacts of bridge replacement on the Exceptional Value designated Tincum Creek.

DRN hosted its first **World Fish Migration Community Paddle** to honor World Fish Migration Day and highlight connections among rivers, fish, and the community. Over a dozen paddlers, including business owners, educators, and activists, joined DRN staff to paddle the mainstem Delaware River from Palmyra Cove, New Jersey, to Philadelphia. Paddlers enjoyed a fun experience on the water and also learned about the various ways our community relies on and impacts fish populations in the Delaware River.

April

May

June

In early 2018, DRN **deployed a DIY Mayfly Sensor in Chester Creek (Delaware County, PA) to monitor turbidity, temperature, and flow**. The sensor location was selected to watchdog pipeline construction along Sunoco Logistics' Mariner East 2 pipeline cut. DRN used data from this sensor and field inspections to document the lack of adequate construction best management practices and to alert regulators to construction issues. As a result of DRN's efforts, several Notices of Violation (NOVs) were issued to Sunoco by the Delaware County Conservation District. These NOVs will be important for litigation and follow up fines to hold the operator accountable.



8366  
rescued  
horseshoe  
crabs

7th Annual  
MLK Day  
river cleanup

20 legal actions  
for watershed  
protection

# More 2018 NUMBERS

309  
Virtual Canoe  
Race paddlers

13 states visited for Green  
Amendment talks

The Commonwealth Court of Pennsylvania overruled preliminary objections made by the Pennsylvania Department of Environmental Protection (PADEP) to a petition for review filed by DRN with regards to the Bishop Tube site in East Whiteland Township (Chester County, PA). DRN is seeking to compel PADEP to take meaningful action to **clean up the contaminated Bishop Tube site**, arguing that the agency has violated the Clean Streams Law, the Hazardous Sites Cleanup Act, and Pennsylvania's Environmental Rights Amendment. DRN's Petition for Review was filed in November 2017 when PADEP continued to fail and refused to undertake or order responsible parties to perform interim and final cleanup of the site and impacted off-site areas, including an exceptional value stream. The site has been contaminated with known high levels of TCE for decades.

For over a decade, DRN has been working to raise awareness of per- and poly-fluorinated alkyl substances (PFAS), toxic chemicals increasingly being found in drinking water in our region and throughout the nation. This month, DRN's advocacy achieved an important success when New Jersey became the **first state in the country to set a mandatory safe drinking water standard for a perfluorinated compound** by approving a maximum contaminant level (MCL) of 13 parts per trillion for PFNA, a highly toxic compound that had been unregulated despite known adverse health effects, especially when ingested in drinking water.

DRN also worked to advance proposals for safe drinking water standards for PFOA and PFOS in New Jersey. And throughout 2018, DRN advocated for Pennsylvania to take action on DRN's 2017 petition for that state to set an MCL for PFOA.

July

August

September



The Pennsylvania Superior Court struck down the SLAPP suit (strategic lawsuit against public participation) filed against DRN by Developer Brian O'Neill, along with his corporate counter parts, O'Neill Developers and Constitution Drive Partners. The court **affirmed our right to speak up and to speak the truth when it comes to challenging bad projects and protecting our communities and environment**. This was a victory not only for our organization and the community challenging the development of the Bishop Tube site, a major environmental and community threat, but it also helped advance strong precedent that will help other communities seeking to speak up and defend their communities and environment.

This month, DRN **filed a challenge in the U.S. Court of Appeals for the D.C. Circuit against FERC's certification of the PennEast Pipeline Project** on the grounds that the certification violated the Natural Gas Act and the National Environmental Policy Act (NEPA). The legal action challenge's FERC's analysis of the climate change impact of the project because the agency failed to review upstream and downstream impacts, including the project's induced gas development and fracking, greenhouse gas emissions, and climate change impacts as required by NEPA. PennEast appears to be the only pipeline in the country where specific detail has been provided on the fracked gas wells to be drilled/supported if a pipeline is approved, positioning it to set precedent on these issues if the project advances.

**121**  
advocacy videos  
produced

**76 comments**  
submitted in **24 hours**  
to save our sturgeon

**365** days protecting  
the watershed

DRN served as a steering committee member and collaborator for the organization of *Clean Streams, the Poconos, and You: A Panel Discussion about Exceptional Value Streams in the Poconos*. This forum was a project of the *Our Poconos Waters* campaign which launched in August. DRN is a partner in this campaign that works to **shed light on the importance of protecting Exceptional Value streams in the Poconos**, focusing on the ways that economic development and clean streams intertwine and coexist. During the *Clean Streams, the Poconos, and You* forum, DRN facilitated a panel discussion, and a DRN attorney attended to meet the community.



Working with our Frack Ban campaign partners, we continued our activism throughout the year, including circulating a petition targeting the Delaware River Basin Commission (DRBC) draft regulations. Our campaign **secured 104,000 petition signatures in support of a complete frack ban** throughout the Delaware River Basin, including a ban on frack wastewater and water withdrawals for fracking. Submitted this month, this was the largest petition ever received by the DRBC Commission on any subject.

**October**

**November**

**December**



DRN worked with Morrisville Borough and the Borough's Environmental Advisory Council to **plant 100 native trees** in Riverfront Preserve. This project is part of an effort to restore the preserve's eight acre forest to its natural state to improve air, water, land, and habitat quality, as well as provide improved floodplain function and flood protection.

In October, a bipartisan supermajority of the New Jersey Senate Environment Committee passed a proposal to amend the state constitution's Declaration of Rights to include environmental rights (i.e., to add a New Jersey Green Amendment). This month, DRN's New Jersey Green Amendment leadership team started a **municipal resolution effort** to help communities show support for the legislation (SCR134). This month, Essex County became the first municipality to pass such a resolution.

SCR134, proposed by Senator Linda Greenstein (D-14) as prime and Senator Kip Bateman (R-16) as co-prime, would amend Article 1 of the state constitution to recognize that "Every person has a right to a clean and healthy environment ...", that the State has a duty to serve as trustee of New Jersey's natural resources, and must conserve and maintain them for the benefit of all people.

**DELAWARE RIVERKEEPER NETWORK**

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