

A scenic view of a river with a dense forest in the background under a cloudy sky. The river occupies the foreground, showing gentle ripples. The forest is composed of various trees, some with green foliage and others with hints of yellow, suggesting an autumn setting. The sky is filled with soft, white clouds.

2019

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.

2019 Year in Review & A Rare Personal Milestone

A letter from the Delaware Riverkeeper

In 2018, the Delaware Riverkeeper Network marked 30 years as an organization, 30 years fighting for the Delaware River, its tributaries, and communities. In 2019, I marked a personal milestone: my 25th year leading the Delaware Riverkeeper Network. In the hectic pace of my work for the River, the time has flown by.

Staying in one job for 25 years is increasingly uncommon in our world today. There are many reasons for this. People change careers because the job market is evolving. They relocate to another part of the country. They look for a job that is a better fit with their passion. Maybe they are chasing better benefits, or better pay, or simply looking for something different.

There is one very important reason I stay with the Delaware Riverkeeper Network. I love what I do, I love where I work, and I am as passionate today about my job as I was on my very first day.

I grew up playing in Ithan Creek, a tributary of Darby Creek, which is itself a tributary of my beloved Delaware River. From those childhood days playing in my local stream (and learning about it in a hands-on way), I developed a strong connection to the waters of this Watershed, a connection that grew into a passion to protect the Delaware River and all who rely upon it. I continue to draw upon that connection all these years later.

But my responsibilities as the Delaware Riverkeeper do not allow much time for reflection. When a threat is defeated or an issue is resolved, we at the Delaware Riverkeeper Network ask, “What’s next?” because there is always more work to do. Preparing our annual report gives me the opportunity to review the past year. When I do look back, I am always amazed at the commitment of our members, the hard work off our staff, and what we can accomplish together.

What did we do in 2019?

- We prepared 37 comments and letters. Comments on proposed projects and letters to decisionmakers can represent weeks of preparation. Before we begin writing, we may first conduct site visits, prepare Right-To-Know requests, review reams of documents, meet with members of affected communities, mobilize support, and secure co-signers.
- Delaware Riverkeeper Network staff gave at least one talk every single week last year. We spoke at conferences, in classrooms, and before community meetings, where we reached nearly 3,000 people.
- We released over 100 videos on social media last year – that’s about two videos produced by our staff every week – in which we presented first-hand information about threats to the River.

We have chosen some highlights from 2019 to share with you in the pages that follow, but this is just a glimpse of our work. Every day we are doing this work and so much more.

For 25 years, I have had the privilege of leading this unique organization comprised of staff, volunteers, and members who are committed to fighting for the rights of our communities to a River that is free-flowing, clean, healthy, and abundant with a diversity of life.

I can’t say that my work doesn’t keep me up at nights. I can’t say that I don’t have bad days. Stress is part of the job when you are leading an environmental advocacy organization in 2020. But I have seen the Delaware Riverkeeper Network grow into a leading environmental organization that works throughout the four states of the Delaware River Watershed and at the federal level when issues that impact the health of our River play out on a national stage. I could not be prouder of this organization.

Thank you for your support.



At left and below: Maya K. van Rossum, the Delaware Riverkeeper, at a 2019 protest highlighting that the Delaware River Basin Commission is living in a make believe world when it comes to pipelines.



Remember the River,
Maya K. van Rossum
Maya K. van Rossum
the Delaware Riverkeeper



2019 Annual Report

Watershed Highlights Timeline



To commemorate the passage of the [Environmental Rights Amendment](#) – Article I, § 27 of Pennsylvania's constitution – over a dozen children dressed as the Lorax delivered petitions to Governor Tom Wolf in Harrisburg, PA, at the end of January. The two day event, hosted by the Better Path Coalition and the Delaware Riverkeeper Network, also **included a talk by former Pennsylvania legislator Franklin Kury, who drafted Pennsylvania's Environmental Rights Amendment in 1969.**

In early 2019, [PennEast](#) proposed amending the route certificated by the Federal Energy Regulatory Commission (FERC) in 2018. DRN attorneys assisted in the preparation of the detailed comments submitted to FERC on the [proposed route changes](#), the [scoping process for the new route](#) and on [FERC's resulting Environmental Assessment](#). The [proposed route modifications pose significant impacts that are unacceptable and/or have not been properly considered or addressed – including impacts to 13 additional Wild Trout Waters, a widened Right-of-Way, and new implications for additional cumulative impacts](#). Our comments [position us to challenge FERC's anticipated approval of this illegally segmented portion of the project and its crossing of the Appalachian Trail](#).

January

Maya van Rossum, the Delaware Riverkeeper, continued to grow interest in constitutional environmental amendments when she was invited to speak to a series of classes at the University of Delaware about her 2017 book [The Green Amendment](#). van Rossum has been on the forefront of the movement and has **galvanized the pursuit of Green Amendment proposals in other states**, including New York, New Jersey, Maryland, West Virginia, and Vermont.

After much advocacy by DRN, New Jersey Governor Phil Murphy announced that he will cast his vote as the Chairman of the Delaware River Basin Commission (DRBC) **in support of a watershed-wide permanent ban on fracking and its associated activities**, including a **ban of wastewater storage, processing and discharges in the Basin**, and a ban on water exports from the watershed to fuel fracking elsewhere.

Over 100,000 petitions were submitted to DRBC in December 2018 in a great display of public involvement supporting a watershed wide frack ban.

February

March

DRN drafted a comment to the Pennsylvania Department of Environmental Protection (PA DEP) **supporting the March re-designation of an additional 42 stream segments to High Quality status**. Streams in the upgrade list, such as Berk's County's Sixpenny Creek (below) are located in the Lehigh and Schuylkill watersheds.



2019 by the NUMBERS

112 Virtual
Canoe Race
paddlers

25 people paddling with
us for our **2nd** World Fish
Migration Day celebration

A standing room only crowd cheered the Falls Township Board of Supervisors as they **voted unanimously** to deny the land development permit application for the **Elcon** chemical hazardous waste facility. The supervisors stated loud and clear – echoing the opinion of the community — that Falls Township is not the right location for Elcon's proposed facility.

Elcon Recycling Services, LLC had proposed to build a hazardous waste treatment facility, importing as much as 210,000 tons of toxic waste per year annually to a site in Bucks County that is less than ½ mile from the Delaware River. **The Delaware Riverkeeper Network and the community have long opposed this project.**

We reminded Township Supervisors that just a few decades ago the Delaware River was so polluted with chemical waste that migratory fish could not spawn and dock workers would pass out from the chemical fumes. The site where the proposed facility is located has several wetlands that are hydrologically connected to Biles Creek, a tributary of the Delaware.



In an effort to highlight the harms inflicted on communities and the environment by pipelines, the Delaware Riverkeeper Network joined a coalition of groups in erecting a sculpture on the National Mall in Washington, DC. The interactive installation that allowed viewers to **learn about the dangers of fracked gas pipelines** was put on by the Victory Over InFrackstructure, Clean Energy Instead (VOICES) coalition. The Delaware Riverkeeper Network is a founding member of VOICES. In addition to taking this project directly to the capital, **DRN and VOICES made a clear call for Congress** to investigate Federal Energy Regulatory Commission's (FERC's) oversight in fracked gas pipelines.

April

May

June

We achieved a legal victory when the Pennsylvania Environmental Hearing Board (EHB) ruled in a scathing opinion that the PA DEP's approval of amendments to a Prospective Purchaser Agreement that would allow development of the highly contaminated Bishop Tube site located in East Whiteland, PA, was **"arbitrary and capricious"** and **therefore the agreements are void.** The **Bishop Tube Site** has been contaminated with high levels of trichloroethylene (TCE) for decades without proper cleanup, and continues to damage the health of residents. The Delaware Riverkeeper Network is also challenging the PA DEP's failure to require responsible parties to clean up the site.

Throughout the summer, we worked with PowerCorps Camden cohorts to **improve the function of rain gardens in the city.** These upgrades made by the community will assist in enhancing stormwater management in Camden..

The Delaware Riverkeeper Network filed a Petition for Review in

Commonwealth Court demanding action by the PA DEP on the 2017 petition that we filed with the Pennsylvania Environmental Quality Board requesting that a maximum contaminant level (MCL) be set for perfluorooctanoic acid (PFOA). The agency intended to issue a report in June 2018, but failed to do so and refused to indicate when the report would be provided, prompting our challenge.

PFOA is a toxic compound, in a family of chemicals known as per- and poly-fluoroalkyl substances (PFAS), and is currently banned from manufacture within the U.S. **The Delaware Riverkeeper Network has been fighting to establish MCLs** throughout the Watershed to protect residents from contaminated water.

**22nd Annual
Watershed Congress**

500 horseshoe
crabs tagged

37 comments and
letters & researched,
drafted & submitted

More 2019 NUMBERS

101 advocacy
videos produced

75 talks presented

After FERC denied our Freedom of Information Act (FOIA) request seeking information about the proposed [Gibbstown Liquefied Natural Gas \(LNG\) Export facility](#), we [filed an appeal](#) to the FERC Office of General Counsel. Our appeal detailed the efforts we undertook in order to secure any documents in FERC's possession, and in the end were simply referred to the agency's website. **The Delaware Riverkeeper Network won this appeal.** In August, FERC was directed to provide a proper response to our FOIA request.

As a new semester got underway, the Delaware Riverkeeper Network once again began working with interns under our River Resources Law Clinic. The Clinic serves as an **excellent way for law students to receive academic credit while gaining experience working on active cases.**

The Delaware Riverkeeper Network is now taking steps to build a Law Clinic alumni contact list so that we can share information about environmental law, facilitate connections among current interns and alumni, and pass along opportunities that may interest Clinic alumni or their current colleagues.

We hosted our 3rd Annual Ride Along The Delaware River at Bull's Island Recreation Area near Stockton, NJ. Members from all over the Watershed **joined us for a fun day cycling along the Delaware River** on the canal towpath in both New Jersey and Pennsylvania. This event offered two different ride lengths with beautiful views of fall foliage. In addition to the cycling, members were also able to connect with Maya van Rossum, the Delaware Riverkeeper, and learn more about the advocacy being undertaken done by the Delaware Riverkeeper Network.



July

To protect [Halfway Brook](#), the Delaware Riverkeeper Network joined with residents in Sullivan County, NY, to [challenge a permit](#) issued by the New York State Department of Environmental Conservation (NYSDEC). Without holding a public hearing, NYSDEC permitted the daily discharge of 17,000 gallons of wastewater into the brook. We filed an Article 78 Petition with the Supreme Court of the State of New York in Sullivan County, seeking a judgment that NYSDEC acted in violation of lawful procedure by issuing the permit without first holding a public hearing, and that the court nullify the approved permit.

August

The Delaware Riverkeeper Network joined the Western Pennsylvania Conservancy, Academy of Natural Sciences of Drexel University, and U.S. Geologic Survey to **mark the release of over 1,000 American eels into Pickering Creek** near Historic Yellow Springs in Chester County, PA. Over the past few decades, American eel populations have decreased dramatically in the Schuylkill River watershed, including in Pickering Creek. This release is part of our restoration efforts to ensure the health of the streams in the Watershed ecosystem.



September

The DRBC unanimously granted our request that the agency revisit its June 2019 approval of a docket for the proposed [Gibbstown Logistics Center Dock 2](#) project.

If approved, the site would be the first LNG export terminal in the Delaware River Watershed and the first in New Jersey. It is also the first major facility in the nation to have LNG delivered by truck and railcar—with the hazardous, flammable, and potentially explosive gas being transported approximately 200 miles over public transportation routes and through hundreds of communities across Pennsylvania and New Jersey.

Update: The adjudicatory hearing was held online in May 2020. In late July, the Hearing Officer who oversaw the adjudicatory hearing issued his report and recommended that DRBC's approval stand. The report was responded to in legal filings by the Delaware Riverkeeper Network, the project developers, and DRBC staff. In the coming weeks, the DRBC Commissioners are expected to vote to accept or reject this recommendation.

10 hotline calls
investigated

2 member surveys;
Over 500 responses

365 days protecting
the watershed

The New Jersey Office of Administrative Law [granted the DRN's motion to compel the deposition of three NJDEP employees](#) regarding the [Salem Nuclear Generating Station's](#) New Jersey Pollution Discharge Elimination System (NJPDDES) permit and to secure access to emails that had so far been denied to the organization. The NJPDDES permit, as issued, would extend the Salem facility's use of once through cooling, a controversial technology that has been challenged as being outdated, unnecessary, and responsible for killing billions of fish annually, including the endangered Atlantic sturgeon. **The fish kills at the facility could be reduced by over 95% using existing technologies.**



While collecting data on dissolved oxygen, temperature, and conductivity for Frankford Creek near Philadelphia, our staff noted a sewage spill. We contacted regulators at the PA DEP and the Philadelphia Water Department (PWD) to ensure the problem was rectified.

The November spill was the second such spill we noted in 2019. We also saw a large plume of raw wastewater clouding the entire stream flow of the creek in September. That spill was caused by a discarded tire, that was keeping a valve open, allowing sewage to flow into the creek.

Although the November spill was not as large as the September spill, PWD had a harder time finding the cause than for the September spill, but PWD was able to rectify it after a few days.

October

November

December

The Delaware Riverkeeper Network worked with Environment New Jersey, Urban Promise, and other Camden area partners to organize a press event on the banks of the Cooper River to urge the New Jersey Department of Environmental Protection to **designate a portion of the Cooper as a Category One, or C1, waterway.** In New Jersey's stream classification system, streams that are recognized for their exceptional ecological, water supply, recreation, and/or fisheries values can earn C1 status, which provides greater protection from discharges. The State has confirmed that an **endangered species, the Eastern pondmussel has been found in a reach of the Cooper River.** The Cooper would be New Jersey's first urban waterway to be designated C1.

Wearing "No PennEast" headbands (pictured above), community members from throughout the Watershed joined the Delaware Riverkeeper Network to read a [community comment](#) at a DRBC meeting. We called on the Commissioners to **deny a docket for the PennEast Pipeline Project.** The community comment demonstrated the widespread disapproval there is for the PennEast project throughout the Watershed.

In November, oral argument was held for our lawsuit challenging the Pennsylvania Department of Transportation's (PennDOT's) decision to replace the historic [Headquarters Road Bridge](#). PennDOT's plan **violates both the National Environmental Policy Act and the National Historic Preservation Act.** PennDOT filed a motion for summary judgment which we opposed.

Removing the 200-year-old historic structure will cause ecological harm and negatively impact the quality of Tinicum Creek. The bridge replacement is not necessary to serve the traffic needs of the community.

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