

**DELAWARE  
RIVERKEEPER  
NETWORK**

**2020**







**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](#) | [Awareness](#) | [Restoration](#) | [Legal Action](#) | [River Tech](#) | [Water Watch](#)

**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

**Restoration** – Advancing the principle of ecological restoration wherein on-the-ground actions are driven by, and measured against, benefits to the health of the Delaware Basin’s streams and rivers

**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

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**the Delaware Riverkeeper**

## FINANCIAL INFORMATION

Find our financial information online at [Charity Navigator](#) or [GuideStar](#).

## STAFF

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## PHOTO CREDITS

Front Cover, *J. Brunner* | Page 1: *M. Atz* | Page 2-3: January, *E. Rogers*; April, *original artwork by Virtual Canoe Race student*; July, *E. Rodgers* | Page 4: September, *E. Rogers*; October, *M. McCann* | Page 5: (l-r). *E. Silldorff, P. Tran, F. Stine* | Back Cover, *C. White*



### *2020 was a difficult year ...*

We began 2020 by calling on the Federal Energy Regulatory Commission (FERC) to reject a baseless request, submitted by the PennEast Pipeline Company in the final hours of 2019, to extend the project completion date. Despite the PennEast Pipeline being proven to be a failure - in the eyes of the public, with a growing number of agencies (that are saying “no” or asking, yet again, for more information), and with the courts - FERC granted the extension anyway. We worked all year seeking the Delaware River Basin Commission's (DRBC's) rejection of a liquefied natural gas (LNG) export facility on the Delaware River in Gibbstown, NJ. Despite broad opposition, the DRBC approved the project in December. In between, came the coronavirus pandemic and a legal action against the Delaware Riverkeeper Network and me personally for our work on a pollution project. The case was ultimately rejected by the court, but if successful it would have been devastating for our organization and a major loss for the environments and communities that rely on us, and it would have meant financial ruin for me and my family.\*

I also want you to know that we achieved important successes in 2020. A [sludge drying facility](#) that we had been fighting for three years was withdrawn. This facility, which threatened High Quality streams, is no longer being pursued. A [hazardous waste treatment facility](#), slated for the banks of the Delaware River, and against which we had been mobilizing since 2015? Withdrawn. A [quarry that we had been opposing since 2008](#)? Also withdrawn. This quarry threatened a trout stream and Exceptional Value wetlands. Read more about our work in 2020 on the following pages.

Despite the pandemic, new developments were still proposed in 2020. Public comment periods were opened on projects, but with limited public access to information. New municipal and agency comment portals online presented challenges, even barriers, to public comment. But we never stopped fighting for the Delaware River, its tributaries, and communities. We continued to fight for upgraded regulatory protections and write comments to protect our streams. Our attorneys prepared briefs. Our scientists monitored our waters. We kept our members informed and mobilized action with the latest River news.

But 2020 was not a "business as usual" kind of year. The events of 2020 posed challenges and demanded reflection. We - and the rest of the world - had to adapt our activities and outreach to put the health and safety of our communities first. We found new ways to support our members and make our programming safely accessible (offering a free version of our Virtual Canoe Race for young paddlers, converting the annual Watershed Congress into an multi-day online conference, adding even more engaging and information packed webinars). We also continued and expanded our work with our Watershed's environmental justice communities where people of color and lower incomes are exploited with the unjust burdens of inescapable pollution and health harms.

We were deeply gratified by the support of our members in 2020. We know that our members are the backbone of our organization, providing the strength and resolve that make our accomplishments possible. So we were not surprised that our members were with us every step of 2020, and I am so thankful. When our voices join together on behalf of our River and communities, we are able to make amazing strides to protect and defend our beautiful Delaware River Watershed.

Remember the River,

Maya K. van Rossum  
the Delaware Riverkeeper

\* Read the story in full of this case [at the link](#).

# HIGHLIGHTS FROM 2020

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After 3 years of Delaware Riverkeeper Network advocacy in opposition, Synagro and Waste Management, Inc., submitted a letter to Plainfield Township (Northampton Co., PA) officially notifying the Township that these companies would no longer pursue development of the Slate Belt Heat Recovery Center, a proposed sludge drying facility that threatened antidegradation waters and their riparian buffers. Community and local government opposition made this success possible. In addition to securing input from experts, we organized and worked with residents, grassroots groups, and local municipalities, participated in municipal meetings and agency hearings, and spoke at public comment sessions, and organized public rallies, and workshops.



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The Delaware Riverkeeper Network submitted an [expert report](#) to the Federal Energy Regulatory Commission in March estimating climate change damages from the “New PennEast Project” which includes the PennEast Pipeline proposal and the Adelpia Gateway proposal. According to the report, if the newly proposed PennEast/Adelpia pipeline is built, the number of unconventional gas wells drilled and operated in Pennsylvania will increase by between 1,913 and 3,061. The report estimates that the cost in climate damages, from the upstream gas development to the combustion of the gas delivered, would be up to \$6 billion in the United States over a 40-year projected lifespan. Using the social cost of carbon, the report estimates the cost of damages from the wells induced by these projects could range from \$13 million in the United States. This report clearly demonstrated the devastating impacts these pipeline projects would have on communities in our Watershed.

The Delaware Riverkeeper Maya van Rossum [testified](#) in February at a hearing titled “Modernizing the Natural Gas Act to Ensure it Works for Everyone,” held by the Subcommittee on Energy of the Committee on Energy and Commerce. In her testimony, van Rossum called for reforms to the Natural Gas Act, written over 80 years ago, which has been used to proliferate natural gas pipelines and enable the Federal Energy Regulatory Commission’s abuses, such as the use of tolling orders that place people in legal limbo and unable to meaningfully challenge a pipeline decision in court.

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In March, the Delaware Riverkeeper Network joined a coalition of organizations and submitted a [petition](#) to the Delaware River Basin Commission (DRBC) to upgrade the regulatory status and protections for the Philadelphia/Camden reach of the Delaware River. The initiative seeks to ensure that water quality standards governing the River provide protections to those that come into direct contact with the water during recreational activities. According to the petition, the identified River reaches are heavily used in ways that bring people into direct contact with the water. The petitioners noted that, as a result, the DRBC and the states should modify the existing legally designated uses to reflect the actual existing uses of the river. This action is needed in order to ensure that those recreating on the River receive the proper level of protection from pollution now and into the future.

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With educators, parents, and guardians adjusting to distanced or modified learning structures, the Delaware Riverkeeper Network and Green Amendments For the Generations offered an abridged version of our annual [Virtual Canoe Race](#) at no cost. The race was open to all aged 14 and under interested in learning about science, history, and environmental studies through a watershed lens. Over 150 students took part.





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Maya van Rossum, the Delaware Riverkeeper and leader of the Delaware Riverkeeper Network, was selected by River Network as a [2020 River Hero](#). The River Hero Award was created to recognize and celebrate individuals whose efforts to protect and restore their local rivers and waters have been extraordinary in scope, scale, impact, and heart.

In May, we presented expert testimony and evidence in an eight-day administrative hearing challenging the Delaware River Basin Commission's approval of the liquefied natural gas (LNG) export facility proposed for [Gibbstown Logistics Center's Dock 2 Project](#). *Update: The DRBC affirmed its approval and, in January 2021, we filed suit in federal court challenging the DRBC's decision.*

Also in May, we appealed the New Jersey Department of Environmental Protection's (NJDEP's) decision to issue a Waterfront Development Permit for the Dock 2 Project on the basis that NJDEP failed to apply relevant coastal zone management regulations in its review. *Update: The court affirmed NJDEP's decision and in July 2021, the Delaware Riverkeeper Network filed a petition for certification in the New Jersey Supreme Court.*

In the month before, we filed suit in federal court based on the U.S. Army Corps of Engineers' inadequate environmental review of Dock 2. *Update: Our challenge has been paused pending determination as to whether the Federal Energy Regulatory Commission has jurisdiction over this Project.*

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In June, the Delaware Riverkeeper Network argued before the Commonwealth Court that the Environmental Hearing Board's (EHB's) 2019 opinion in favor of the Delaware Riverkeeper Network regarding the [Bishop Tube site](#) should be upheld. The EHB had ruled that the Pennsylvania Department of Environment Protection (PADEP) violated a provision of the Hazardous Sites Cleanup Act by failing to publish prospective purchaser agreements between the PADEP and a site developer. The Bishop Tube site, 13.7-acres located in East Whiteland Township (Chester Co., PA), is contaminated with high levels of trichloroethylene (TCE). The source contamination was never removed by responsible parties or the PADEP. *Update: In March 2021, the court agreed with us and affirmed the earlier decision made by the EHB.*

In July, we filed a lawsuit in the District Court for the Eastern District of Pennsylvania, challenging rollbacks to Section 401 of the Clean Water Act, referred to as the Environmental Protection Agency's (EPA's) new 401 Certification Rule. The new rule constrains the authority of states and certain tribes to regulate the water quality impacts of large federal infrastructure projects such as fracked gas pipelines. Until the rollbacks, a federal agency could not authorize a project such as a fracked gas pipeline until the state issued a 401 certification or waived their right to do so. The new rules seek to temper this authority in significant and illegal ways. The Delaware Riverkeeper Network's challenge asserts that "the Certification Rule is arbitrary, capricious, and not in accordance with law for several reasons," and states that it ignores Supreme Court precedent. *Update: In December, DRN defeated the EPA's motion to dismiss.*

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In July, Geryville Materials withdrew its application to open a [quarry in Lower Milford Township](#) (Lehigh Co., PA). This permit application was the third iteration of the quarry proposal, and had reduced the quarry acreage from over 600 acres to 128 acres, but still threatened trout waters and Exceptional Value wetlands. We have been opposing this quarry since it was first proposed in 2008 as part of our efforts to secure stronger protections for the Hosensack Creek.

In a major victory, Elcon withdrew its permit applications for a [hazardous waste storage and treatment facility](#) in Falls Township (Bucks Co., PA). Since 2015, we have worked with Protect Our Water and Air, the Clean Air Council, other organizations, and hundreds of individuals on both sides of the River to advocate against the proposed facility which would have been built within 1/2 mile of the Delaware River.



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In August, the Marple Township Planning Commission (Delaware Co., PA) voted 4-2 to deny approval of a residential development plan that would destroy the 95-acre Don Guanella forest. We have been working with the community for years to protect this forest, which is also known as Marple Woods, and is the last large patch of woods in the second most densely populated county in Pennsylvania. This victory was affirmed in December when the Marple Township Board of Commissioners voted 7-0 to reject the proposed development. *Update: In 2021, the Delaware County Council began the process of permanently protecting this unique habitat and forested headwater stream area.*

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The Delaware Riverkeeper Network was joined by the Mohawk Canoe Club and a small group of members for a paddle on the Foul Rift reach of the Delaware. The purpose of this paddle was to bring attention to development pressures in the area. Foul Rift is in the Special Protection Waters reach of the Delaware River, a designation with legal requirements to protect water quality. Development projects in the area, including a proposed warehouse complex, would result in polluted runoff flowing into the River and degrading the water quality.

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Seeking information related to potential impacts on endangered sturgeon populations caused by the Delaware City Refinery, the Delaware Riverkeeper Network submitted a Freedom of Information Act request to the Delaware Department of Natural Resources and Environmental Control in April 2020. When our request was improperly denied, we appealed to the Delaware Department of Justice, noting that this denial restricted the rights of our members in the state of Delaware. In October, we received word that – while the outcome of our appeal was not officially decided – the vital documents needed to protect our endangered sturgeon population would be provided immediately because of documentation submitted with our initial appeal. The Delaware City Refinery needlessly kills 30 to 45 million fish a year, and the Delaware Riverkeeper Network has been working for over a decade to address this harmful issue and save our precious fish population.

In October, we worked in Hamilton Township, NJ, to reduce the footprint and impact of a proposed solar array in a flood prone area. The project proposed the clearing of 12 acres including 820 large diameter trees. We worked with the local community to ensure the municipal officials heard the community's concerns about flooding. *Update: In early 2021, Synnergy Solar, the developer, proposed a smaller project that will protect almost 5.5 acres and prevent the clearing of 532 large trees.*

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In November, the Pennsylvania Department of Environmental Protection (PADEP) proposed to re-designate as High Quality water a segment of the Beaver Creek (Delaware Co., PA). This action was in response to the Beaver Creek Conservancy's upgrade petition. We helped the Conservancy request more time to review and comment on the PADEP draft report to ensure that all of the relevant data was included and updated as appropriate. With preserved lands nearby, portions of the stream may be eligible for Exceptional Value designation. The Delaware Riverkeeper Network helped the Conservancy make that argument.

In cooperation with the New Jersey Division of Fish and Wildlife, the Delaware Riverkeeper Network began a survey for [mud salamanders](#) in a section of the New Jersey Pinelands. The Pinelands offer excellent habitat for these salamanders. A small population is believed to be present, but these amphibians have not been seen in the area in over 50 years. With this study, we hope to confirm their presence, and provide more accurate data. The study ran through November and began again in spring 2021.



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On December 8th, the Delaware Riverkeeper Network submitted a [petition](#) to the New Jersey Department of Environmental Protection requesting that they immediately address pollution of the Delaware River from the discharge of highly toxic polychlorinated biphenyls (PCBs). PCB-laden stormwater discharges from the Gibbstown Logistics Center have the potential to violate water quality standards due to the construction and operation of the deepwater port on the Delaware River in Gibbstown (Gloucester Co., NJ).



# 2020 BY THE NUMBERS

**560 pounds of trash and over 150 pounds of recycling were removed** by 64 volunteers during our 2020 Martin Luther King, Jr., Day of Service program in the Edison Woods (Camden Co., NJ).

**16,225 square feet of freshwater wetlands and transition area were permanently preserved** in the Assunpink Creek watershed (Mercer Co., NJ) after we brought a wetland encroachment to the attention of the New Jersey Department of Environmental Protection (NJDEP).

**6 livestreams from the field were shared** with our members during stay-at-home orders.

**171 students and 19 educators participated** in our spring 2020 Virtual Canoe Race.

**5-day extension was secured** for the comment period on the herbiciding of Mohican Lake (Sullivan Co., NY) allowing 15 more people to comment to oppose the chemical treatment.

**60 hours were logged** by 9 community science volunteers on 3 survey dates to help document the presence of over 1,500 mussels in the Paulins Kill (Warren County, NJ).

**1 Notice of Intent to Sue letter was sent** to the Hercules/Buzichem quarry/cement plant that is impacting the Bushkill Creek and causing fish kills (Northampton Co., PA).

**5 educational and action-oriented webinars were presented** in our "Summer Series" on Dock 2, the proposed LNG export terminal at Gibbstown, NJ.

**45 students paddled** the Cooper River and the Delaware River, including the newly constructed channel that leads to Camden's Kroc Center. Support from the Delaware Riverkeeper Network made this paddle possible.

**29 community members and environmental leaders from 10 states testified** at the virtual People's Hearing on the Federal Energy Regulatory Commission's abuses. The hearing, which was organized by the Delaware Riverkeeper Network and our partners in the VOICES coalition, drew over 5,700 views.

**218 people registered** for the 2020 Watershed Congress.

**100,000 petition signatures were collected**, by the Delaware Riverkeeper Network and our partners, from people opposed to Dock 2, the LNG export facility at Gibbstown, NJ, and submitted to the Delaware River Basin Commission.

**31 Freedom of Information Act (FOIA) requests were submitted** to the Federal Highway Administration in 2020 to monitor the fate of the Headquarters Road Bridge (Bucks Co. PA).



## AND BY OUR MEMBERS

**1,459 new members joined the Delaware Riverkeeper Network in 2020** bringing our total membership to over 25,000.

**36 members signed up** for our Recurring Donor Club.

**Karen from New Jersey, Jerry from Pennsylvania, Gail from Delaware, Susan from New York, and many others across the Watershed donated** in 2020 to support our efforts to fight the LNG export facility proposed for Gibbstown, NJ.

**22 members joined** our Month of River Rides challenge.

**Coralie from Delaware, Phyllis from New Jersey, Susan from Pennsylvania, Elena from New York, and many others across the Watershed donated** in 2020 to support our efforts to secure a complete ban on fracking in our Watershed.

**151 members donated** to our #GivingTuesday campaign, helping to kick off our End of Year giving campaign.

**Rosemary from Pennsylvania, James from New Jersey, Judith from New York, William from Delaware, and many others across our Watershed donated** in 2020 in support of our work to stop the PennEast Pipeline.





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