

**DELAWARE
RIVERKEEPER
NETWORK**

2021





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FINANCIAL INFORMATION

Find our financial information online at [Charity Navigator](#) or [Guidestar](#) (which is now part of Candid).



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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 (DRN) – 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. 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:

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

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

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

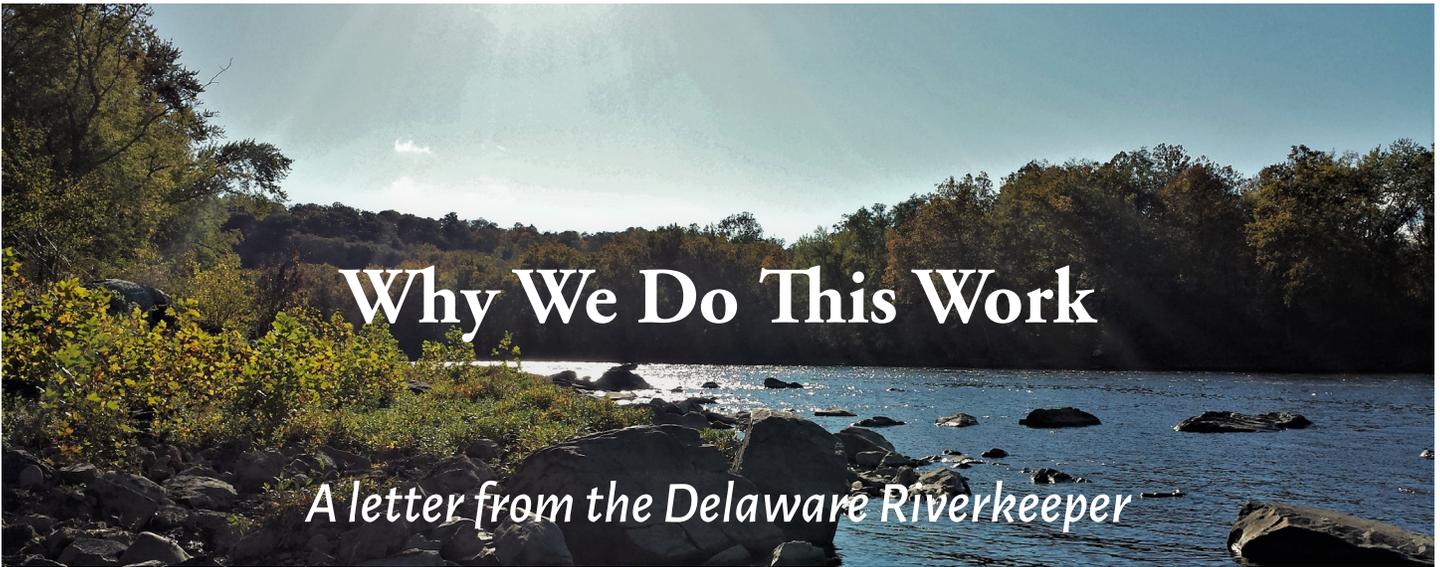
Legal Action – Building strong cases that protect the River, enforce the law, and set precedent for the future protection of the River, and for all generations across time

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

PHOTO CREDITS

Front Cover, C. White | Inside Front Cover, A. Frederickson | Page 1, T. Carluccio | Page 2, E. Rogers | Page 3, F. Stine | Inside Back Cover (t - b), M. Atz, J. Kauffman, F. Zerbe, C. Towne, A. Frederickson | Back Cover, C. White



Site where the PennEast pipeline was proposed to cut under the Delaware River

In September 2014, the PennEast Pipeline Company announced plans to construct a pipeline from Luzerne County, PA, to Mercer County, NJ. Approximately 87% of this new pipeline project would have been within the boundaries of our beautiful Delaware River Watershed. The pipeline would have crossed the Susquehanna, Lehigh, and Delaware Rivers. Threatened and endangered species were in this pipeline's path. Forests and other lands, both public and private, were targeted. Much of the route was sensitive green fields that had not previously been disturbed.

For eight Septembers, PennEast, a joint project of other energy companies, threatened to scar the landscape of our Watershed. In September 2021, the companies advancing the PennEast pipeline announced in a simple statement that the project had been canceled. That cancellation meant that 1,613.5 acres of land — which included 633 acres of forest and 91 acres of wetlands — would no longer be irreparably harmed by pipeline facilities, access roads, pipe and contractor ware yards, and other above ground facilities. With the cancellation, 255 waterbodies (159 perennial, 45 intermittent, 40 ephemeral, 11 open waters) were saved from devastating construction disturbance. Again, the vast majority of these resources were within the Delaware River basin.

As soon as the project was announced, "People Against the Pipeline" community groups popped up all along the pipeline route. We all coordinated and worked together against this threat. We advocated, litigated, and conducted critical scientific groundtruthing. We were clear throughout the battle that we would accept nothing short of cancellation; we knew that, together, we would eventually defeat the PennEast pipeline.

Economic analysis found that the PennEast pipeline was unnecessary, and would only increase costs and emissions. A study commissioned by DRN found that the one-time costs (lost property value plus the value of ecosystem services lost during construction) would total between \$166 and \$199.4 million. Annual costs would range from \$5.3 to \$12.8 million. The annual social cost of carbon, which would vary yearly, would range between \$291.9 million and \$2.3 billion per year.

The day that the cancellation was announced, we celebrated. The next day, we turned back to our work to end the fracking that spawned PennEast well as the other LNG, pipeline, and compressor projects that are part and parcel of the devastating and dangerous industry that is advancing the climate crisis, and putting the health and safety of our planet and future generations at such consequential risk.

The PennEast fight is an example of why this work is important, and why we do what we do. The days may be long, the work may be hard, the deck is often stacked against the environment, and a resolution may take years to achieve, but when the River and its communities are at risk, we cannot sit on the sidelines. And sometimes, you win.

Through independent advocacy, and the use of accurate facts, science and the law, DRN is working right now to ensure the rich and healthy future that can only exist with a clean, healthy and free flowing river system. We are able to do this important work because of the strength, resolve, and essential financial support provided by our members toward all of our efforts and accomplishments, including defeating PennEast.

I am pleased to share the highlights from our efforts in 2021 in this report.

Remember the River,

Maya K. van Rossum
the Delaware Riverkeeper.

Highlights from 2021

January

In early January, the Pennsylvania Department of Environmental Protection (PADEP) announced it would hold a hearing on the PennEast pipeline project on January 13. In response, **DRN, joined by nearly 40 organizational partners and 475 individuals, sent a letter to the agency that, after nearly seven years of public outcry and documentation on the record, PADEP had all of the evidence it needed to deny the project needed permitting and to revoke the 401 Certification.** We attended that hearing and subsequently submitted written testimony calling for PADEP, in its role as a trustee of the public natural resources, to prevent unnecessary environmental harm and consider the impact of resource-related decisions on the future generations who would have to bear the brunt of an ill-considered permit approval for obsolete natural gas infrastructure. **Update: Success!** *In September, the PennEast Pipeline Company announced that it had discontinued all further development of the pipeline project that would have transported fracked gas from Luzerne County, PA, to Mercer County, NJ.*

February

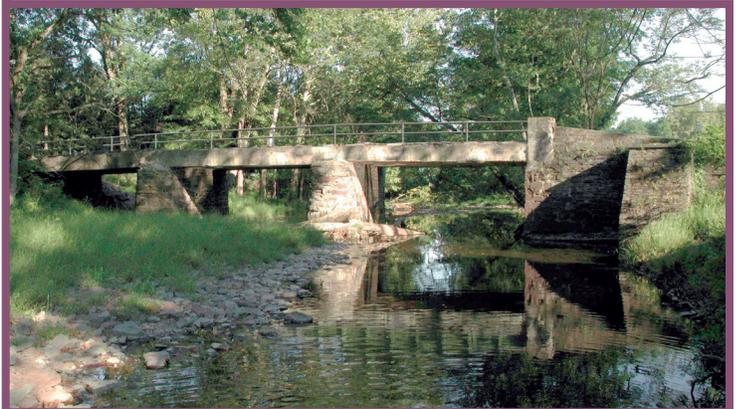
On February 25, over 400 people attending an online meeting of the Delaware River Basin Commission (DRBC) witnessed the Commissioners pass regulations **banning fracking within the Delaware River Watershed.** Every governor from the four Watershed states - including New York, New Jersey, Pennsylvania, and Delaware - voted for the ban, while the federal representative from the Army Corps abstained. **This momentous success comes after eleven years of advocacy by the Delaware Riverkeeper Network (DRN), the Delaware River Frack Ban Coalition, and other resident and community groups,** and was celebrated as *an essential first step* in stopping the dangerous effects of fracking in the Watershed. Frack Ban Coalition organizations and over 100,000 members of the public campaigned for fracking to be completely banned since the draft rules were released in 2010.

In March, we released a new report titled, "Economic Value of Dissolved Oxygen Restoration in the Delaware River Estuary" that presented the enormous economic benefits that could result from cleaner water and improvements in dissolved oxygen (DO) levels in the Delaware River Estuary. The report, a collaboration between DRN and Key-Log Economics, used an ecosystem services framework to estimate key societal benefits, with a particular focus on the communities of Camden, Philadelphia, Chester, and Wilmington. The new report showed that even a moderate restoration scenario for eliminating depressed DO levels could have benefits of \$44 - \$62 million annually and total benefits as high as \$835 million, including increases in property values, commercial fishing activities, and recreation. The report also discussed how this restoration would have important benefits for Environmental Justice communities.

March

April

In April, DRN launched a legal challenge on failure by the U.S. Department of Interior, through the National Park Service (NPS), to protect historic and natural resources in the Lower Delaware Wild and Scenic River District. The challenge specifically notes the failure to protect the historic Headquarters Road Bridge and the Tincum Creek in Tincum Township, Bucks County, PA. The challenge arose after NPS issued a determination that Pennsylvania Department of Transportation's (PennDOT's) replacement of the historic crossing "would not have a direct and adverse effect on the Lower Delaware Wild and Scenic River's free-flowing condition, water quality, or outstandingly remarkable values." Tincum Creek, a Delaware River tributary, is listed as both a Federal Wild and Scenic waterway and an Exceptional Value stream in Pennsylvania requiring the most stringent protections.



May

DRN was joined in May by over a dozen students from Chichester High School to plant more than 400 native trees, shrubs, and flowers that were donated by Octoraro Native Plant Nursery. The planting took place along the Marcus Hook Creek near the school. Students were able to supplement their studies with a hands-on experience about the benefits of riparian buffers and their impact on water quality.



June

On June 15, the Pennsylvania Environmental Quality Board (EQB) considered the rulemaking petition, submitted by DRN in May 2017, to establish a safe drinking water standard (also called a maximum contaminant level or MCL) for PFOA (perfluorooctanoic acid). This is a highly toxic compound in a family of chemicals known as per- and poly-fluoroalkyl substances (PFAS). Currently banned from manufacture by major manufacturers within the U.S., PFAS have been discharged into groundwater and surface water, contaminating water supplies and polluting our natural resources. Known as “forever chemicals,” PFAS do not naturally break down so once in the environment, they stay. The EQB voted 18-1 in favor of moving ahead with a rulemaking to establish an MCL for PFOA. PADEP stated that this is the first time they have acted under the State’s Safe Drinking Water Act to establish a state level regulation to require the removal of a contaminant from public drinking water.

DRN continued to lead a Delaware River Watershed coalition of groups working together to oppose the Gibbstown LNG export terminal and all its related parts. **In 2021, this campaign produced a letter, composed by DRN with partners, that called for an immediate end to the export of LNG from the U.S.** The letter, submitted to the Biden Administration on June 2, was signed by 243 organizations from across the country, representing communities in 27 states and Puerto Rico, as well as Ireland, France, and one international organization.

July

In July, DRN joined its partner organizations in EmpowerNJ to file a formal petition with the NJDEP demanding the agency meet legal and moral obligations and the scientific necessity to combat the climate crisis.

EmpowerNJ is a coalition of more than 100 environmental, community, faith and grassroots groups located in New Jersey, and scores of individual supporters throughout the state. DRN and our partners in EmpowerNJ are asking for NJDEP to adopt rules that require greenhouse gas emissions be reduced 50% by 2030 and implement how that reduction is to be achieved, and to deny the issuance of permits for new fossil fuel facilities.

Also in July, DRN and our partners in the Delaware River Frack Ban Coalition, along with tens of thousands of members of the public, called on the DRBC to ban fracking wastewater storage, processing, discharge and/or disposal within the watershed. On July 21, DRN and the Coalition hosted a webinar with Dusty Horwitt, author of the report “Fracking with Forever Chemicals” on July 21. During calendar year 2021, DRN and our partners hosted eight webinars to educate participants about the threats posed by fracking.

August

In August 2021, DRN argued before Judge Baylson in the District Court for the Eastern District of Pennsylvania that the U.S. EPA’s Clean Water Act Section 401 Certification Rule should not only be remanded to EPA for new rulemaking, but also vacated. State and industry intervenors attempted to strike our request to vacate, but they were thwarted by the court. **Update:** Judge Baylson ultimately also denied our request that the Certification Rule be vacated, but also ordered that EPA “expedite the resolution” of the rulemaking process “so that any new rule will become effective as soon as possible” for the “benefit of all who rely on the Delaware River for business, recreation, and public health.”

September

Also in September, the EQB accepted a petition drafted by DRN and Angelica Creek Watershed Association to redesignate the Angelica Creek as an Exceptional Value (EV) stream. A tributary to the Schuylkill River in Berks County, the Angelica supports a diverse community of aquatic invertebrates and trout. The Angelica is currently designated as a Cold Water Fishery. EV status would secure stronger protections for this creek.

On September 24, DRN and West Rockhill Township presented oral arguments to the U.S. Circuit Court of Appeals for the D.C. Circuit challenging the Federal Energy Regulatory Commission's (FERC) authorization of Adelphia Gateway LLC. FERC granted Adelphia Gateway a Notice to Proceed with phase two of their pipeline conversion in June 2021. The project aims to convert 50 miles of oil pipeline running through southeastern Pennsylvania to natural gas pipeline. DRN is challenging FERC's authorization of the project as well as the failure to adequately establish the Adelphia pipeline's benefit to the public. We are still awaiting the D.C. Circuit's decision.

October

In October, after developing information about possible sources of PFAS contamination, DRN presented our research about Delaware's serious PFAS problem at a meeting with the staff of Sen. Tom Carper. Our presentation included information about the major sites that have already been identified as "hot spots" by federal and state agencies, and added new information of other possible sources.

November

On November 2, the people of New York went to the polls and voted in overwhelming support of Proposal 2, New York's Green Amendment. **DRN and our colleague organization, Green Amendment For the Generations, have been working for over five years to bring this constitutional change to the state of New York.** We worked alongside a committed group of environmental organizations and climate activists to achieve this success. New York is the first state in the 21st century to amend their state's Bill of Rights to include the right to clean air, clean water, and a healthful environment.

On November 9, **Maya van Rossum, the Delaware Riverkeeper, was the first speaker to testify at a public hearing regarding the proposed remedial response action to address toxic contamination of soil, groundwater, surface water, and residential drinking water supply at and around the Bishop Tube site (East Whiteland, PA).** The hearing was part of a public comment process organized by PADEP after more than 30 years of inaction. After PADEP announced the public comment process in September, DRN challenged the agency as showing callous disregard for the community. We urged a respectful process that would support full, fair, and meaningful public comment and engagement. Members of the community joined our call to overhaul the public comment process. Together, we secured significant changes, such as an extended comment period, allowance for longer testimony (five minutes instead of three), and the release of a video describing the proposed remediation. DRN also submitted written comment on the proposed remedial response action.

December

On December 16, FERC vacated all approvals given to the PennEast Pipeline and dismissed the application to construct the project in two phases. **A November court filing by DRN alerted FERC to conflicting statements** made by the PennEast Pipeline Company. Despite a statement made by the company in September that it had discontinued all further development of the pipeline, subsequent statements made the status of the pipeline unclear. FERC wrote PennEast, requiring the company to explain the status of the pipeline project within seven days. On November 30, the company responded and confirmed our success, stating that it has "ceased all further development of the Project." DRN had then urged FERC to vacate approvals given to PennEast to ensure the project could not be revived. Appeals in the D.C. Circuit were subsequently dismissed also.

2021 In Numbers

Pursued **6 LEGAL ACTIONS** in state and federal courts related to the LNG export facility proposed for Gibbstown, NJ, and its spider web of interconnected facilities

Investigated **16 POLLUTION REPORTS** related to poor erosion and sediment control at development sites, oil spills, chemical spills, sewage discharges, and fish kills

Held learn-to-fish programs at French Creek State Park, the John Heinz National Wildlife Refuge at Tinicum, and FDR Park in South Philadelphia that reached **OVER 150 TOTAL PARTICIPANTS**

With the assistance of **40 VOLUNTEERS**, tagged **300 HORSESHOE CRABS** with U.S. Fish & Wildlife Service tags over **5 TAGGING NIGHTS** (during spawning surveys) at Moores Beach, NJ, and **RESCUED 9,176 HORSESHOE CRABS** during **21 "RETURN THE FAVOR" SURVEYS**

With 3 partners and 13 supporting organizations, finalized and submitted a supplement to our 2013 petition to DRBC asking that aquatic life propagation be added as a designated uses for the **38 MILES** of the Delaware River between Philadelphia and Wilmington

Conducted rigorous bacteria sampling at **6 MONITORING STATIONS** in the Tookany/Tacony-Frankford watershed from the tidal Frankford to near the Philadelphia city limits

Presented the Biden Administration with **3,674 PETITIONS**, and **9 RESOLUTIONS** adopted by NJ municipalities, and **9 MORE** adopted by community groups, all calling for the cancellation of a Special Permit issued for LNG-by-rail from Wyalusing, PA, to Gibbstown, NJ

Led a litter cleanup of Pettys Island attended by **35 VOLUNTEERS**

Produced a **16 MINUTE VIDEO** featuring Maya van Rossum, the Delaware Riverkeeper, and pro angler Neaven "Boom" Reevey discussing the value of getting outdoors, as well as **48 RIVERWATCH VIDEOS** to share information about threats to the Watershed

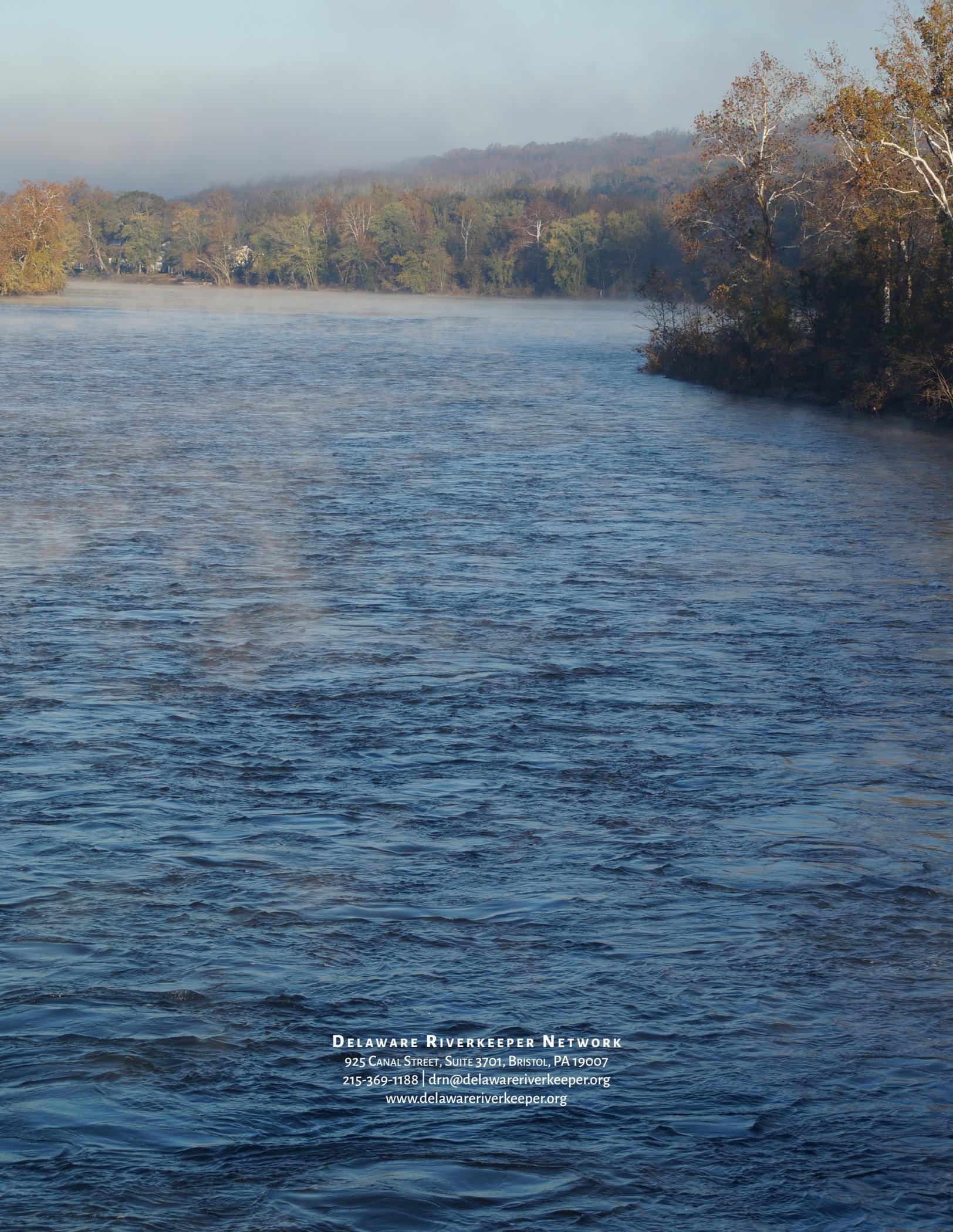
Organized, with the VOICES coalition, a virtual Congressional briefing calling for meaningful FERC reforms that drew representatives from **13 CONGRESSIONAL OFFICES**, and **OVER 70 MEMBERS OF THE PUBLIC**

Hired **4 EXPERTS** in toxics, health, stormwater, and water quality to help prepare comments and talking points to help the community weigh in on PADEP's proposed cleanup plan of the contaminated Bishop Tube site, and secured **30 MORE DAYS** for public comment period

Filed a total of **47 RECORDS REQUESTS** for all issues



Photos (top to bottom): Maya van Rossum, the Delaware Riverkeeper, celebrates Earth Day 2021 in Delaware; Maya van Rossum (at the podium) speaks at a rally in Trenton to oppose the PennEast pipeline; Staff Scientist Erik Silldorff (right) shares fishing tips and information with a young program participant at the Heinz Refuge; Senior Attorney Kacy Manahan (in orange) prepares to lead DRN's member bike ride; A view of the Delaware River at Frenchtown, NJ.



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