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Your Riverkeeper, Your Victories

We're at a defining moment in the battle to protect the Hudson River and New York's drinking water.

From the halls of Congress to local village offices, a destructive logic has taken hold: *environmental protection costs jobs – it's a luxury we can't afford in times like these.* While a few thoughtful public officials still stand up for continued investment in clean water, their influence has plummeted. Why else would New York's environmental agency have suffered 28% staff cuts since 2008 – nearly four times more than the state average?

We can beat back the forces that would sell out our environment, because we have a better vision: *if you want a sustainable economic recovery, make the Hudson River fishable and swimmable again, reclaim our abandoned toxic sites and keep New York's drinking water the envy of cities all over the world.*

Riverkeeper has been New York's leading clean water advocate for 45 years. In the past year alone, we helped get General Electric and ExxonMobil, two of the world's biggest companies, locked into landmark hazardous waste cleanup agreements. The deadly toxics involved, PCBs in the upper Hudson and petroleum byproducts in Greenpoint, Brooklyn, have been there for over sixty years. When they're gone, fish in the Hudson will finally be safe to eat again and residents of Greenpoint will no longer be host to the largest oil spill in state history.

This is great news. Both cases received national coverage and Riverkeeper staff and supporters alike should be proud of what we've achieved in Brooklyn and the Upper Hudson. But, despite these victories, real dangers remain. New York officials may approve fracking operations by gas drillers later this year, even though there's new evidence that this ruinous practice taints drinking water supplies and spews toxics and radioactive wastes into our rivers and rural communities. Indian Point, the nation's most dangerous nuke plant, kills more than a billion fish and other aquatic life every year and cries out for closure. Contaminated "superfund" sites still endanger communities up and down the Hudson.

Riverkeeper must redouble its efforts to fight these and other clean water battles, whether in court, in the legislature or across the negotiating table. And, to be truly effective, we need to work more closely with all the local advocates striving to build cleaner communities. After all, they're the ones who started Riverkeeper and made us what we are today.

As you read this year's Riverkeeper Journal, think about how you can make a difference. Join Riverkeeper or renew your membership: give us the means to go after all the polluters government agencies can't – or won't – stop. Tell us about environmental problems in your community and we'll work side by side with you to solve them. Help us remind public officials and their constituents, alike: without a clean environment, there is no real recovery.

Remember, Riverkeeper is your organization, and New York's water is yours to save.



— Paul Gally, Executive Director & Hudson Riverkeeper

Riverkeeper is a member-supported, watchdog organization dedicated to defending the Hudson River and its tributaries and protecting the drinking water supply of nine million New York City and Hudson Valley residents.

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Sign up for your 12 month membership today by visiting Riverkeeper.org. Membership starts at \$20.

Monthly Installment Membership (Sustainers)

Become a sustaining member by using your credit card to spread your donation into monthly installments in the amount of your choice. Membership couldn't be easier or greener!

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Join Riverkeeper's most generous supporters who sustain our programs and advocacy work through very generous gifts of \$5,000 or more. You may even choose to designate your gift to a specific campaign.

Please consider giving a gift of stock. To do so, please call 800-752-7053.

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TAKE ACTION

Volunteer

Join Riverkeeper's Volunteer Team! At Riverkeeper, we appreciate and depend on the ongoing support of our volunteers. We believe in the necessity and the right of citizens to play a primary role in the protection of the environment. Visit our website for a list of our current volunteer positions. Fill out our online volunteer form to get continuous updates on ways to stay involved

with your local waterways and join our volunteer Facebook community at: <http://on.fb.me/fNm9j2>

Become an Ambassador

The Riverkeeper Ambassador Program is a community-oriented, grassroots, environmental program designed to raise awareness about the needs of the Hudson River and its tributaries, and the drinking water supply of New York City and the Hudson Valley. Ambassadors are considered informal representatives and advocates that advance Riverkeeper's mission by either raising funds, increasing membership, hosting events, volunteering or making presentations to community organizations or schools to educate students and citizens about local water issues and empower them to get involved. Become an Ambassador by visiting our website or contacting our Outreach and Volunteer Coordinator, at info@riverkeeper.org.

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Employee Campaigns

Start a new EarthShare campaign at your workplace or choose Riverkeeper as the recipient of your company's annual employee campaign. You can also designate Riverkeeper to receive United Way campaign contributions.

Take Action Online:

Join our vibrant Online Community today!

Riverkeeper.org



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For additional information, please:
Call: (914) 478-4501 ext. 226
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SOLUTION!



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The Hudson River Program team serves as investigator, scientist, lawyer, lobbyist and public relations agent for the Hudson River and its tributaries.

RABBLE-ROUSERS AND PIONEERS

An Interview with the Hudson River Water Quality Team

By Daniel Wolff

On a cold, windy day in February, the Hudson River Water Quality team sat down to discuss their project. John Lipscomb, Riverkeeper's patrol boat captain, oversees the effort. Tracy Brown works on communication and advocacy. The two scientists are Dr. Greg O'Mullan, an assistant professor at Queens College, and Dr. Andy Juhl, a research professor at the Lamont Doherty Earth Observatory of Columbia University. The study measures sewage contamination in the Hudson River Estuary.

How did this all begin?

JOHN: So, this all started as a response, really, to public interest. Out on the water, the question that the public is asking most is: 'How's the water? Can I go swimming?' If we're gonna try to get Hudson Valley residents engaged and working for the good of the river, we have to respond to the problems that are real to them. Early on, I started looking for a partner to help with this: a science partner.

GREG: I was very eager to get involved in a local environmental issue from a scientific perspective. I was really searching for that kind of connection, which came via Riverkeeper.

ANDY: I was down the hall. *[Laughter]* No, a lot of the work I've done over the years has been involved with water quality. I have to admit I was somewhat surprised when we first started: how little information there was. The fact that millions and millions of people live in the Hudson Valley and yet are so poorly served in terms of water quality. And it was an obvious opportunity where we could make a big difference.

Why do regular testing of the Hudson?

TRACY: My family lives in Sleepy Hollow, and we have a little neighborhood beach club. The general assumption is if it wasn't safe, they wouldn't let us swim there. It's a kind of 'Ignorance is Bliss' situation. Out of the ten counties along the Hudson River estuary, only four of them do any testing at all. And typically the ones that test, do it just specifically at swimming locations. And you have people swimming the whole 150 miles. And they do tubing, kayaking; they swim from their boats.

ANDY: Not that long ago—a few decades ago—there was no need to do testing for sewage contamination. Because the river was always contaminated. It's pretty clear that water quality has improved tremendously. The problem is the system is still being managed like it was an industrial waterway. Like it was fifty years ago. The management approach has not caught up to the new reality: that people view the Hudson River as a recreational resource. They're going into the river as if it was always clean. Which it should be.

JOHN: The regulatory people are using monthly averages because that's all the law

requires. They ask the question in a way they can answer it. And the question isn't, 'Is the water safe to swim in?' The question is, 'Does the water satisfy the regulatory rule that we established?' The standards don't answer the question the public is asking.

TRACY: And yet they set these goals of a swimmable river. Not only do we have the federal Clean Water Act, but we have state goals to make it swimmable. But if you don't measure it, you can't manage it.

JOHN: We are the [testing] pioneers in the Hudson!

GREG: [We've been sampling for] enterococcus, a sewage-indicating microbe. When these microbes are in high abundance, people tend to have higher incidents of rashes or gastrointestinal illness.

JOHN: It's a red flag that sewage is in the water.

ANDY: From the beginning, you could see the benefit of the partnership between the scientists and Riverkeeper. Knowing where people go, knowing where people get into the water: things like that were really fundamental in choosing the sampling locations.



TRACY BROWN

What are you learning?

JOHN: In the first years, our data wasn't that welcome by everyone. It was because what we were showing was not the pretty picture that had been painted. The State was saying, 'Between the Albany district and the New York City line, go ahead and swim.' And then here comes rabble-rousers from Lamont and Queens and Riverkeeper, and the data is saying, 'Hmm! Approximately 24% of the time it's NOT okay.' On average.

GREG: Studies from New York Harbor would suggest that water quality is much better than it was a few decades ago. But it doesn't mean that the job is done. There's still a substantial amount of contamination to the system. When analyzing our data from the entire estuary, from NYC to Troy, in the midchannel 16% of our samples had high levels of contamination. Near-shore the percentage of highly contaminated samples increases to 24%, at the mouth of tributaries the percentage increases to 38%. There is still a lot of improvement needed.

ANDY: A lot of people would assume, 'Well, that's from the pipes coming directly out of the sewage treatment plants. Very few people would choose to swim near them! Nevertheless, you might actually be better off doing that. *[Laughs]* Because on average, the effluent that's coming out of the sewage treatment plants is better than we see in a lot of the tributaries.

JOHN: In October 2010, we had a day where every single sample around New York City was in exceedence of federal standards, except where we went right to that gigantic sewer plant at 125th Street—right on the upwelling where the bubbles are coming up! That was the cleanest water that we found that day.

GREG: It's a clear example of the benefit to the upgrading of these plants. If we look at the average over time in the New York City region, we have 5–6 Enterococcus microbes per 100 milliliters mid-channel. In Albany, that goes up to 52. [EPA's safety standard is 33.] That's because the infra-

structure up there hasn't been upgraded in the same way.

JOHN: In that Albany Pool area, the sewage plants haven't put in disinfection yet. That's coming on-line right now. New York State and the Capitol district are saying, 'How do we treat these sources and make the water pass the New York State water quality standard?' If they use an average, the water will pass. But if you look how many days a month the water quality was bad – and you look at how bad it was — that's the kind of science that's gonna be helpful. 'Cause when you swim, you're not swimming on an average day; you're swimming on the day you're in the water.

GREG: Maybe twenty or thirty years ago, for some parts of the river, long term trends may have been adequate. Well, times have changed. And the public is very clearly telling us that times have changed. But we haven't necessarily caught up.

ANDY: If you look at all the data from Manhattan up river to

around Catskill, it's very similar. It is, I think, pretty surprising to people who live in the less developed areas that their frequency of sewage contamination is just as bad as the waters around Manhattan. When we show pictures of big swimming events around Manhattan, people are, like, "Oh, they're crazy!"

GREG: But if you put the Palisades in the background, their assumptions can be very different.

ANDY: And based on real data, there's no reason to think that you're any worse off—or any better off—swimming in either one of those locations.

How do you let the public know what you're finding?

TRACY: The first part is getting the information out so people are aware of what this problem is. We've had three iterations of our website. And it's been very popular: lots of traffic. We're sampling once a month, six months a year, and now we have four years of data. People

(continued on page 6)

75 sampling sites across 155 miles of Hudson River, NY Harbor to Troy



are taking the data and saying, ‘Ok. Well, we see the water samples at our trib are contaminated this percentage of the time. That’s not acceptable to us.’ And then they start to work with their local governments. We had a great moment back in the fall where Fran Dunwell—head of the Hudson River Estuary program showed a slide at a DEC conference presenting our data! She was saying, ‘This is what we’re seeing from sewage contamination. There is a problem.’

JOHN: For us to see our data held up as THE science! We went from kind of being the spoiler, right? To being the mainstream, go-to stakeholder.

What trends have you spotted so far?

GREG: One of the factors that we’ve been able to identify is that these problems are primarily local. That wouldn’t have been the expectation in the past.

JOHN: There’s a great tendency in all these communities to say, ‘If there’s a problem in the river, it’s General Electric up north, or it’s New York City to the south. What our data shows is if you aren’t happy with your water quality, you don’t have to look across the river. An example: we started sampling in the Tarrytown marina, and we got some very high counts on rainy days. Clearly a place that has some rain infiltration and overflow issues. Tarrytown doesn’t have to talk to Nyack about the problem! Tarrytown has to talk to Tarrytown.

GREG: Up in the Newburgh/Beacon area, on the Newburgh side, the geometric means—which you can think of as an

average over time—has a level of 77. Beacon, just on the other side of the river, their geometric means is 17. So, opposite sides have different issues. It really gets down to your local community. Not even the segment of the river, but your local community.

TRACY: [People were assuming] ‘Oh, well, the Hudson is that big dirty thing that’s had industry, but my little stream is always clean.’ Or, ‘Oh, well, the middle of the Hudson is going to be cleaner than down by the city.’ Or, ‘Well, if you just don’t swim for two days after a rain then you’re definitely safe.’ All these assumptions that were widely held have been disproved by the study. And that starts conversations. And is leading to action.

ANDY: There are a fair number of hot spots—locations with frequent sewage contamination.

GREG: Similarly, at about 10% [of the sites] we haven’t found a single measurement that would

exceed the EPA’s maximum.

ANDY: The vast majority of the places are in-between. That would be the dominant characteristic I would like to convey: that almost any location has a reasonable probability of being good most of the time and occasionally being bad.

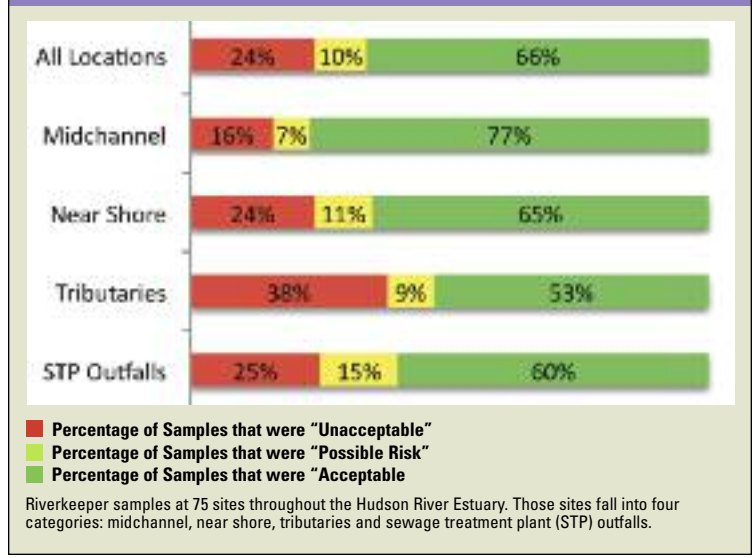
Where do we go from here?

TRACY: In the near term, I’d like to see a New York State law that we have to be notified about sewage contamination in all of our waterways. I’d like to see regular monitoring and reporting in a manner that’s easily accessible. Water is the oil of this next century. This is a hugely important resource.

GREG: There’s a need for additional studies to really understand why some places respond differently than the others. And to be able to come up with predictions and forecasts that are reliable.

ANDY: I used to live in Pensacola. Big tourist destination. And

WATER QUALITY FINDINGS BY TYPE OF LOCATION, FROM 2006–2010 According to Federal Guidelines

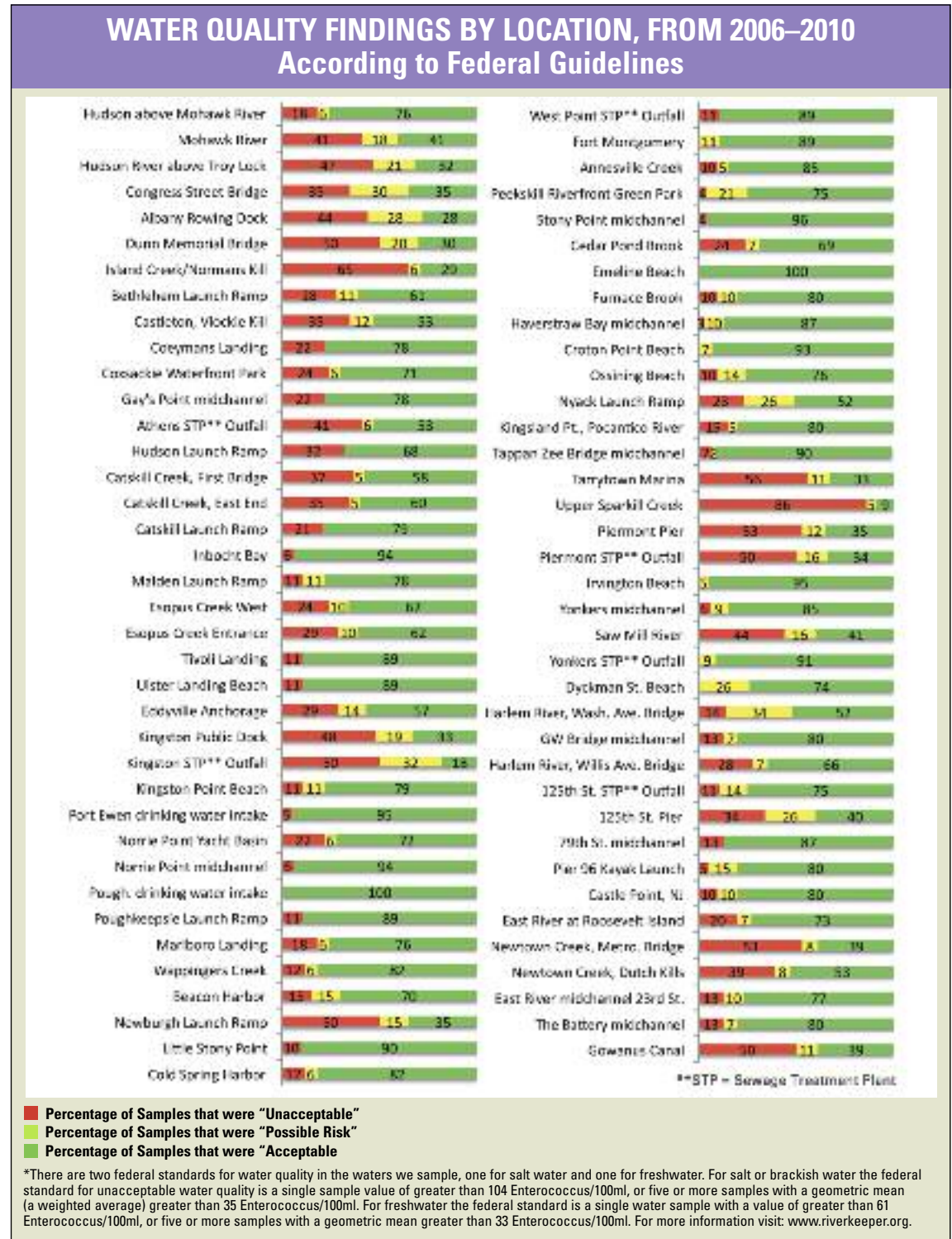


every week, they would publish water quality data from, I think, thirty different sampling locations. I don't see any reason why we couldn't have something like that: essentially a weather report for water quality. It's a public health issue, but it's also an economic development issue.

JOHN: Our immediate goal at Riverkeeper is to engage the public in the health of the river. And this sewage measuring is a tool to do that. The whole effort—and this is key—is to create an expectation in the public. We want them to expect to know about the water. And then there's the deeper future. Ultimately, the river isn't there for us to have a safe swim. The river has a right to exist regardless of how it benefits us or not. How do we try to disinfect this water? Do we use chlorine, or do we use ultra-violet light? Ultra-violet light leaves no residuals; chlorine is a poison. Are we gonna make it safe for swimming like it was a pool at a hotel? Or, are we gonna make it safe for swimming for all of the creatures that live in it? The idea that we can have a term on this planet "waste water" is a moment in time. We won't be able to have "waste water" any more than we can have "waste gold" or "waste dollars" or "waste people."

GREG: I'd love to see more people connected to the river. And if this program does a little bit of that, it's really valuable.

JOHN: We're at a turning point. The first part of the experi-



ment was to design the study and go get the data. The second part of the experiment was to present the data to the public. The third part of the experiment is where we're at right now: what does the public

make of it? Will our data lead to change? Will the public look at the water quality in the Hudson and say, "No way. We have to do better.?" And if our project is useful, are they gonna want to keep it going by

getting involved? We'll need financial support—from the piggy-bank size donor to the foundation size donor.

GREG: We're optimistic. We'll find a way. ■



NEW YORKERS ON TRACK TO GET THEIR RIVER BACK!

GE Agrees to Finish Historic PCB Clean-Up of the Hudson!

By Rebecca Troutman

After years of lobbying and activism by Riverkeeper and its partner groups, EPA issued instructions last December to General Electric to finish the Hudson PCB dredging project. Days later, bowing to pressures from the scientific and environmental community, GE agreed to EPA's terms and New Yorkers are now finally poised to get their river back!

Basic History

In one of the worst environmental tragedies of Hudson River and United States history, between 1947 and 1977 General Electric discharged approximately 1.3 million pounds of PCBs (polychlorinated biphenyls) from two capacitor plants in the upper Hudson River. During the following decades of debate, study and stalling, this PCB contamination, which spread as far downriver as the Battery in New York City, led to high levels of PCB contamination in fish tissues. As PCBs are probable human carcinogens, are linked to health problems such as low birth weight, thyroid disease, learning, memory and immune system disorders, the fish toxicity led to the closing of various commercial fisheries and severe warnings on the consumption of Hudson fish.

In 1984, EPA declared the Hudson (ultimately, a 200-mile stretch of the river), a federal Superfund site – the largest toxic waste site in the country.

Finally in 2002, EPA issued a landmark Record of Decision which required the dredging removal of many so-called “hot spots” of PCB contaminated sediment in the Hudson. EPA’s goal was to remediate the river so as to reduce the health risks to the ecosystem and the public. In a subsequent 2006 Consent Decree between GE and EPA, a formal agreement was implemented such that the two phases of the dredging clean-up would be separated by a year of study and analysis. EPA, GE and other stakeholders, including Riverkeeper, engaged vigorously in that process last year. Simultaneously, Riverkeeper and partner groups Natural

In 1984, EPA declared the Hudson (ultimately, a 200-mile stretch of the river), as a federal Superfund site – the largest toxic waste site in the country.

Resources Defense Council, Scenic Hudson and Hudson River Sloop Clearwater urged members to let their voices be heard in a flood of over 10,000 e-mails to EPA. In a great victory for the environment, GE announced last December that Phase 2 of the clean-up (which includes the vast majority of the removal work and will span 5 or more years) will commence this spring.

Phase 1: Success and Issues

Phase 1 of the project included about 6 months of dredging in a short stretch of the upper-river near Fort Edward. This work was designed to remove about 10% of the targeted material in approximately 18 Certification Units (CUs) designated by the scientists. However, because the levels of contamination were far greater than had been estimated, (further underscoring the need for removal), only about 10 of the 18 CUs were completed. Related to this issue, as the dredging operators were pressed for time, an unfortunately high level of “capping” was permitted. Specifically, instead of removing all targeted contamination, decisions were made to cover or “cap” certain areas to contain the left-behind PCBs, so that the dredge operators could then more quickly move to another area. By the end of Phase 1, approximately 293,000 cubic yards of PCBs were successfully removed from the river (a higher total volume than had been targeted), but reports

indicated that 37% or more of the dredged areas had been capped so as to contain remaining PCBs.

Riverkeeper Rejects Excessive Capping

Riverkeeper and its allies argued that this capping level was unacceptable and would leave excessive levels of PCBs in the river. In that capping is not permanent – caps can be disturbed by storms, erosion and other forces — the toxic PCBs would be only temporarily contained and could become bioavailable in the future. Riverkeeper insisted that GE’s corporate motivation to reduce costs should not be a driving factor to permit high levels of capping and that maximum removal with scientific support should be the priority. During the review period, a panel of independent scientists was convened to examine the data and reports from both GE and EPA on Phase 1: their report stated that Phase 2 should go forward, but with various adjustments and improvements.

Phase 2: Decisions and GE Commits?

After months of intensive meetings and analysis, involving multiple stakeholders, scientists and all levels of government (for example, Riverkeeper Executive Director Paul Gallay and Senior Counsel Rebecca Troutman met with Administrator Lisa Jackson to urge EPA to require maximum removal) finally on December 17, 2010, EPA issued a revised

plan for Phase 2. In the new plan, EPA required GE to improve its approach to the uncertain levels of contamination and significantly lower the rate at which it used capping as a solution. According to EPA, the revised clean-up plan will result in the removal of an estimated 95% of the PCBs from the designated areas.

However, under the 2006 Consent Decree, GE had retained the option of declining to perform Phase 2. Moreover, GE had in fact been pursuing a law suit in federal court to have certain statutory provisions of the governing federal law declared invalid (GE was defeated in the lower courts, where Riverkeeper and its partners participated as *amici*, but has petitioned the U.S. Supreme Court for an appeal). And so, all observers held their breath while GE considered EPA’s new standards. Finally, on December 23, 2010, GE announced that it had accepted EPA’s terms for Phase 2 and that it would move forward to prepare for Phase 2 dredging in the spring of 2011.

While environmentalists cheered, concerns remain about: (1) GE’s pending appeal to the Supreme Court; (2) issues the company may raise at future junctures seeking to either reduce the scope of work in the project or halt it altogether; and (3) the levels of contamination that may remain in the river, even if Phase 2 is completed to EPA’s specifications. Given the critical nature of this project for the future health of the Hudson as well as its complexity, Riverkeeper will continue to closely monitor the clean-up and to press for the best remedy possible for the river and its communities. ■



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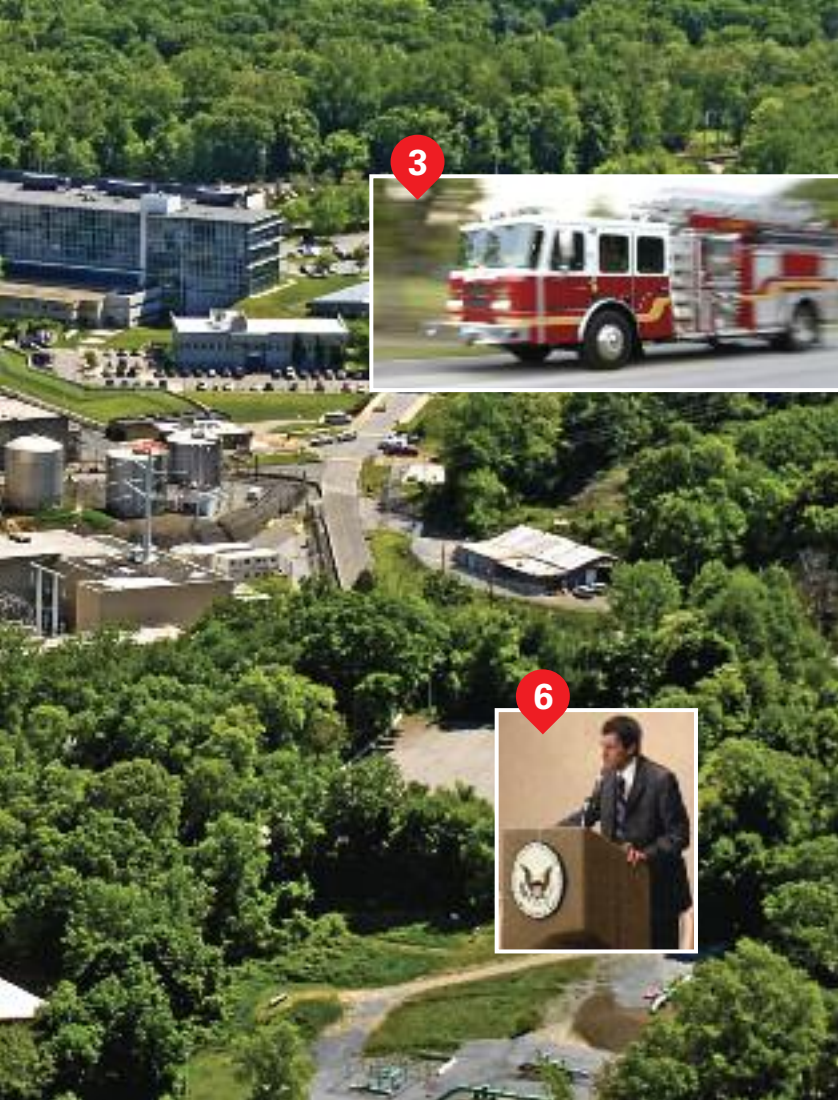
The Battle to Shut Down Indian Point By Deborah Brancato

Riverkeeper continues to wage a multi-front battle against the environmentally destructive ticking time bomb sitting on the shores of the Hudson River that is the Indian Point nuclear power plant. Engaged at a variety of forums at both the State and Federal levels, Riverkeeper is currently working a range of angles to ensure that Indian Point is no longer run at the expense of the environment, and ultimately, shut down for good:

- 1** The recent partial meltdowns at the Fukushima Nuclear Plant in Japan as the result of a devastating earthquake and resulting tsunami immediately raised serious questions about the ability of Indian Point to withstand a similar situation. Riverkeeper quickly sprang into action, calling for shutdown of the plant pending an objective and independent analysis of the risk of earthquake damage and its implications for plant operation, emergency response and evacuation planning. Riverkeeper is pursuing various efforts to guarantee that this issue is adequately addressed.
- 2** Lined up like bowling pins at the Indian Point site, dry cask storage containers threaten to multiply and linger on the banks of the Hudson River for decades to come. The worst part is that in December 2010, the U.S. Nuclear Regulatory

Commission (NRC) issued a rule that would allow this kind of long-term storage in dry casks as well as pools, without requiring any kind site-specific assessment of the long-term environmental impacts. Riverkeeper recently challenged this rule in the ongoing Indian Point license renewal proceeding and joined a coalition of environmental groups to dispute the rule in Federal court.

- 3** In November 2010, an electrical transformer at Indian Point was allowed to reach such a degraded condition that it exploded! Sound familiar? This happened with a different transformer just 3 years ago. The owner of the plant, Entergy, also neglected to mention to the public that the incident resulted in the discharge of potentially thousands of gallons of oil into the Hudson River. Riverkeeper swiftly called for an independent



investigation to ensure that Entergy doesn't let this kind of situation happen yet again.

- 4** Plain industrial buildings house pools of highly toxic, extremely radioactive nuclear waste. Years of accidental leakage from these pools has resulted in extensive plumes of contamination at the site that leach to the Hudson River. It is still not clear whether the leaking has stopped, and Entergy and NRC refuse to fully assess the environmental impacts of the contamination, or implement adequate mitigation measures. After prolonged delay caused largely by the NRC, we are preparing to go to a hearing on this issue in the Indian Point license renewal proceeding.
- 5** Safety problems continually plague the Indian Point plant. Worn out metal components and corroded pipes threaten to cause significant safety consequences if Entergy operates Indian Point for another 20 years, as they want to. Backed by the expertise of a former NRC nuclear engineer and standing side-by-side with the New York State Attorney General's Office, Riverkeeper will raise these concerns at the upcoming license renewal hearing.

- 6** Radioactive leaks are problematic at many nuclear power plants across the United States, and Riverkeeper is a critical stakeholder in an ongoing national policy debate about how to address this industry-wide problem. Riverkeeper's Hudson River Program Director, Phillip Musegaas, has provided the public perspective and offered a range of recommendations at several meetings with the NRC to inform future policies and regulations aimed at addressing this ever-growing issue. Riverkeeper will continue to weigh-in until the government meaningfully addresses the problem.
- 7** Since 2003, Riverkeeper has been involved in a State permitting proceeding to ensure that Entergy upgrades Indian Point to use a closed-cycle cooling water system. Doing so would finally stop the ongoing slaughter of a billion aquatic organisms every year through entrainment, impingement, and thermal impacts. Entergy continues to fight tooth and nail to avoid complying with the law. With a team of technical experts, including biologists and engineers, Riverkeeper is currently preparing for hearings in this matter.
- 8** In April 2010, the NYS Department of Environmental Conservation (DEC) denied a critical Water Quality Certification to Entergy, citing various violations of State standards if Indian Point were to operate for an additional 20 years. The decision prevents Indian Point from obtaining a license extension, and Entergy is fighting aggressively to have it overturned. Riverkeeper is preparing to participate in hearings to ensure that DEC's determination is ultimately upheld.
- 9** In December 2010, after almost a year long delay, the NRC issued the Final Environmental Impact Statement in the Indian Point license renewal proceeding. NRC's assessment was littered with inadequacies. Of note, NRC gave short shrift to impacts to endangered Shortnose sturgeon and threatened Atlantic sturgeon, both known to be present near Indian Point. Riverkeeper promptly raised this issue in the license renewal case.
- 10** For years Riverkeeper has fought to require EPA to issue national regulations which require the "best technology available" for power plants' cooling water intakes. Numerous plants along the Hudson, including Indian Point, withdraw massive amounts of water to cool their turbines, and in the process kill billions of fish, larvae and eggs. EPA's new federal rule is poised for imminent release, and Riverkeeper will be intensely engaged in comment, analysis and advocacy in the coming months, seeking a stringent, legally compliant regulation. ■

Giving a Voice to the Needs of our River By Tina Posterli

Susan Cleaver: Consolidated Iron & Metal

GWENDOLYN CHAMBERS



Susan & Robert F. Kennedy, Jr., with EPA sign from site.

About 12 years ago, Susan Cleaver was eating lunch at Gully's floating restaurant on the waterfront in the City of Newburgh, New York, when she caught a glimpse of Consolidated Iron & Metal across the way. One of Riverkeeper's most avid watchdogs, she was well aware that this was an Environmental Protection Agency (EPA) designated Superfund site, and she was seeing something that was horribly wrong.

There were tires floating in the water, no fencing around the property and no signage to let anyone know the site was being remediated.

Consolidated Iron & Metal is a part of a long Riverkeeper history that began in 1984 when Robert F. Kennedy, Jr., first began investigating Newburgh area polluters. His actions led to the site ceasing operations in 1999 and being added to the EPA Superfund National Priorities list in 2001.

Susan, a photographer and freelance journalist, snapped some pictures that day then set out to make her voice heard. She contacted the New York State Department of Environmental Conservation (DEC) to find out what was required at the site, which confirmed her concerns that it wasn't being properly identified to the public.

She continued to make regular visits to the site and recalls a defining moment in moving her case forward: "What sticks with me to

this day is remembering how I felt one hot summer afternoon when a woman had set up a blanket on the boat launch and put her daughter in the water to cool off right next to the unmarked superfund site. She was simply using the water for the purpose it was intended with no knowledge of what was going on right next to her. I said enough is enough!"

Soon Basil Seggos, Riverkeeper's Chief Investigator at the time, became involved and worked with Susan to contact the EPA letting them know that the site didn't have proper identification and enclosure around its parameter. The EPA responded quickly, stating they'd have a fence up in 30 days, and actually delivering one in 10. A sign declaring Consolidated Iron & Metal a Superfund site soon followed. After pressing hard about the tires, Susan found out that they were not considered a part of the Superfund remediation law, so she began an active e-mail campaign to members of the press, government agencies, county politicians and environmental activists. She was successful in enlisting the help of Orange County Executive Edward Diana and Elizabeth Evans, Executive Assistant to the Newburgh City Manager, who stepped up and tackled the issue head on. Working together at the local level, they pushed long and hard for the removal of the tires and about one year after Susan first started advocating for the site, the tires were removed.

Today, Consolidated Iron & Metal is a successfully completed Superfund Site with grass growing on the shoreline where tires and pollution used to live. In May 2011, Susan will spearhead a ceremony at the site to celebrate people coming together for their right to clean water. ■

Patrick Landewe: Lower Esopus Creek

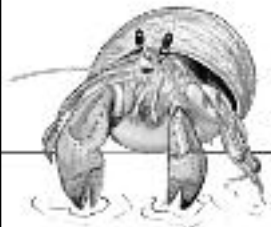
Patrick Landewe wears many hats. He is a Riverkeeper watchdog, the Saugerties Lighthouse Keeper and serves on the Village of Saugerties Board of Trustees. Recently, his watchful eyes and activism helped Riverkeeper in the prominent lower Esopus Creek turbidity issue (*featured on page 18*), where the New York City Department of Environmental Protection (DEP) announced that it has ended the release of turbid water into the Esopus and has discharged 1.5 billion gallons of clear water from the Ashokan Reservoir to clean out the silt.



Patrick's proximity to the waterfront has been an invaluable resource to Riverkeeper over the years. He had already been working with Riverkeeper patrol boat captain John Lipscomb on water quality issues, assisting with water sampling near the mouth of the creek. He was in the perfect position to take photographs of the

turbid waters of lower Esopus Creek where it flows into the Hudson. From a bird's eye view atop the lighthouse, these photos showed the distinctive contrast between the muddy, turbid water of the lower Esopus and the clear water of the river and were powerful evidence that Riverkeeper presented in the DEP turbidity issue.

Patrick is also assisting the Lower Esopus Watershed Partnership (LEWP), a group formed in response to major flooding that occurred along the creek and dedicated to fostering appreciation and stewardship of the Lower Esopus Watershed. In this role, he has become active in issues such as stream health, flood control and increasing recreational activities along the creek. Patrick is a firm believer in people getting to know the quality of water in their communities. "Once people become aware of what's going on in the water they recreate in, amazing things happen. They become advocates for their communities and things start to get done." The work that LEWP has done has led to community discussions about waterfront revitalization along the creek corridor. ■



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Highlights of select Riverkeeper legal cases

Shandaken Tunnel: Since 1999, Riverkeeper and a coalition of trout fishing enthusiasts, collectively represented by the Pace Environmental Litigation Clinic, have been suing to compel the City of New York to operate its water supply in the Catskills in a manner that won't cause or contribute to violations of state water quality standards. This series of cases has brought Riverkeeper and its allies to virtually every conceivable tribunal, from state trial courts to the U.S. Supreme Court, and we've prevailed in every court in which we've appeared. Most recently, the City formally acknowledged that it cannot meet state water quality standards and applied to the NYCDEC for "variances from water quality based effluent limitations." Riverkeeper will continue this fight to ensure that the City protects the Creek and its ecosystem, and does not interfere with the public's use and enjoyment of it.

Water Transfers Rule: In 2008, the U.S. EPA finalized a regulation that exempts transfers of polluted water from Clean Water Act permit requirements. As we have seen in the Esopus Creek, such "water transfers" can be extremely damaging when the transferred water is of lesser quality than receiving waters, e.g., when sediment-laden water is sent into clear drinking water reservoirs.

Riverkeeper and its partners, represented by the Pace Environmental Litigation Clinic, have sued the EPA in the U.S. District Court and the U.S. Court of Appeals to challenge the Water Transfers Rule as arbitrary, capricious and an abuse of discretion in violation of the plain requirements of the Clean Water Act. These rule challenges are currently pending.

6th Street Iron and Metal:

Following Riverkeeper's 2009 Notice of Intent to Sue the DEC fined 6th Street \$33,000 for dumping scrap metal into the canal and operating an unlicensed waste-oil tank on site.

MCIZ Bus Corp: Following Riverkeeper's 2009 Notice of Intent to Sue the DEC fined MCIZ \$482,750 for numerous environmental violations dating back to 2006.

Albany CSO Long Term Control

Plan: Waterways in the capital district are heavily impacted by sewage overflows during rain and other sources. Riverkeeper will be submitting comments on the draft plan to reduce sewage contamination in the capital district when that plan is released to the public this June.

Champlain Hudson Power Express:

CHPE is proposing to construct an electric cable from Canada to NYC running through the bottom of Lake Champlain and the Hudson River. Riverkeeper is an intervenor in the permit hearing in front of the Department of Public Service and is currently opposing the sections of the cable that are proposed to be installed in the Hudson River through areas of sensitive habitat and contamination.

General Motors Site Redevelopment:

This 96 acre riverfront site is contaminated from its industrial past but no one knows how badly. Riverkeeper submitted comments in public hearings on the need for a more complete assessment and remediation of hazardous materials on the site and in adjacent waterways before development moves forward.

Sparkill Watershed Alliance:

A citizen group has formed to clean up and protect the Sparkill Creek Watershed in Rockland and Bergen Counties. Riverkeeper is facilitating a water quality mini-study on the Sparkill in support of this effort.

Quality Concrete:

Quality Concrete pleaded guilty to a class "A" misdemeanor violation of the environmental conservation law and paid a \$95,000 financial penalty for criminal pollution of Newtown Creek. This case was initially investigated by Riverkeeper in 2002.



RIVERKEEPER ENFORCEMENT UPDATE: BRINGING ENVIRONMENTAL LAWBREAKERS TO JUSTICE

By Josh Verleun

Since our founding in the 1960s a core part of Riverkeeper's mission has been to act as a watchdog for the Hudson River, enforcing the law and bringing environmental lawbreakers to justice when government agencies don't have the desire or resources to do so. Riverkeeper carries out our mission to protect the Hudson with regular boat patrols, the help of concerned citizen "watchdogs," and by partnering with law enforcement agencies. Whether it's an anonymous tip to Riverkeeper's Chief Investigator Josh Verleun through the "report a polluter" hotline or a concerned citizen flagging down our patrol boat operator John Lipscomb from the shore, Riverkeeper relies on our members and concerned New Yorkers to be our eyes on the River.

This year Riverkeeper saw enforcement victories in Brooklyn on the Gowanus Canal and Newtown Creek. Riverkeeper scored a victory when MCIZ Bus Corporation and related companies were fined \$482,750 by the Department of Environmental Conservation (DEC) for

years of dumping pollution and debris into the Gowanus Canal, and illegally storing petroleum. Also on the Gowanus, 6th Street Iron and Metal was fined approximately \$33,000 by the DEC for dumping into the Canal and having an unlicensed waste-oil container on site. Both fines were the result of Notices of Intent to Sue filed by Riverkeeper in 2009 as part of our Gowanus Canal Enforcement Campaign. This year also saw Quality Concrete plead guilty to a class "A" misdemeanor violation of the environmental conservation law following years of legal wrangling and appeals over pollution at their Newtown Creek cement plant. This criminal case, brought by the Brooklyn District Attorney, led to a \$95,000 financial penalty, and the installation of an onsite wastewater treatment system. These victories are in addition to the landmark ExxonMobil settlement over their Greenpoint Oil spill (*see cover story, page 22*).

This year, Riverkeeper also investigated dozens of additional tips and citizen watchdog reports, taking action against

two municipalities for allowing raw sewage to flow into their waterways, investigating reports of leachate outbreaks at landfills in three communities, uncovering a massive sewage release in Tarrytown, and continuing efforts to stop ongoing dumping of tires in the Harlem River. This year Riverkeeper continued our partnership with the New York State Department of Environmental Conservation's Law Enforcement Division, working with officers and legal staff to investigate and refer cases; hosted boat patrols with representatives of the US Attorney's office, Environmental Protection Agency, EPA Criminal Investigators, and the Manhattan District Attorney's Office; and testified at a hearing in front of the New York City Council to increase penalties for dumping in NYC waters. Riverkeeper also continues to work with the Westchester County Police Department Environmental Security Unit, the Environmental Crimes Unit of the Brooklyn District Attorney's Office, and the NYC Small Business Services Dockmaster Unit. ■

Gowanus Canal Superfund Update



JOHN LIPSCOMB

The Gowanus Canal, located in Brooklyn, NY is one of the most heavily contaminated water bodies in the nation. This 1.8 mile long, 100 foot wide, canal was built in the 19th century and historically was home to many industries including manufactured gas plants, cement factories, oil refineries, tanneries, and chemical plants. In March 2010 the Environmental Protection

Agency (EPA) added the Gowanus to the Federal Superfund program to begin the process of cleaning this long-suffering waterway. In February 2011 the EPA released the results of the year long Remedial Investigation (RI). This thorough assessment of the Canal's contamination will be followed by a feasibility study to determine how best to clean the canal. The RI confirmed what many suspected, that the Canal is heavily contaminated with a wide range of dangerous toxins. Riverkeeper is an active member of the Gowanus Canal Community Advisory Group (CAG) and is working with members of the community to ensure that a proper cleanup plan for the Canal is crafted and implemented. ■

Champlain Hudson Power Express Project

If constructed the Champlain Hudson Power Express (CHPE) cable project, which has been proposed to bring electricity from Canada to New York City, would be one of the longest underwater cables in the world. Running over 300 miles through Lake Champlain and the Hudson River to Astoria, Queens the project proposes to bring wind and hydro power to the congested New York City power grid. To build the cable CHPE must get a permit from the Department of Energy, the NYS Department of Public Service, the Army Corps, and the Department of State. Although Riverkeeper supports "renewable" energy projects the CHPE project would run through sensitive fish habitat, and has the potential to mobilize PCBs and other contaminants during installation. Riverkeeper is actively working to shape the scope of the project and is fighting to have the cable buried on-land along the railroad corridor and kept out of sensitive Hudson River habitat. For the latest on this developing case, visit <http://bit.ly/gEXOeF>. ■

Can it Save Us from the Scourge of Stormwater Pollution?

By Phillip Musegaas

The past year was an exciting time for advocates of “Green Infrastructure,” a new approach to reducing stormwater pollution that has tremendous potential for New York City, Albany and other cities on the Hudson River which have antiquated “combined sewer systems” that discharge untreated sewage into the Hudson River and New York Harbor virtually every time it rains heavily. These combined sewer overflows are perhaps the most persistent and widespread source of water pollution in the Hudson and East Rivers and New York Harbor, severely affecting the marine ecosystem and impairing the use of these waters for swimming and kayaking.

The term “Green Infrastructure” (GI) refers to technology and landscape design that focuses on retaining and absorbing stormwater before it enters the storm sewers in the first place, thereby reducing the strain on the sewer system and reducing the frequency and severity of contaminated overflows. Examples of GI are diverse and range from green roofs, street trees and “pocket parks” to permeable pavement in parking lots and rain barrels attached to rain gutter downspouts. In addition to reducing stormwater flows, GI has the added benefit of “greening” the city. Street trees, green roofs and pocket parks absorb heat much better than impermeable paved surfaces, actually cooling the city in the process. This also leads to reduced energy consumption during the height of summer, leading to reduced air pollution from dirty “peaking” power plants. The ideology behind GI is simple: By treating stormwater as a resource rather than a waste, we can reduce water pollution and ‘green’ urban areas, thereby improving the health of the marine ecosystem that surrounds New York City and dramatically improving the quality of life for millions of New Yorkers.

In September 2010, New York City’s Department of Environmental Protection

(DEP) released its Green Infrastructure Plan, which lays out the city’s new vision for addressing the ongoing scourge of untreated sewage discharges into its waterways. The plan will replace the existing approach for sewer overflow control, which relies solely on traditional investments like holding tanks and tunnels, with a mix of green infrastructure and cost-effective traditional infrastructure that is projected to reduce sewer overflows into waterways by 40 percent citywide by 2030. While Riverkeeper supports the city for finally embracing a more sustainable approach to addressing stormwater pollution, the plan lacks detail and a clear road map for implementing GI throughout the city’s thirteen “sewersheds.” Our goal is to

make sure that the DEP’s priority throughout this process is to meet state and federal water quality standards in all the city’s waterways, and in the near future attaining the Clean Water Act’s goal of a “fishable, swimmable” Hudson River Estuary.

Since 2007, Riverkeeper has played a lead role in advocating for the increased use of GI, through the work of the Storm Water Infrastructure Matters (SWIM) Coalition, the release of our Sustainable Raindrops report and our federally funded effort to design and build a pilot GI project on a public playground in Brooklyn. Through our founding and participation in the SWIM coalition, a diverse coalition of environmental groups, GI practitioners and community groups advocating for maximizing the use of GI in New York City, Riverkeeper has been instrumental in ensuring that New York City integrate GI into its long term plans to reduce sewage pollution by 2030. Riverkeeper recently accepted an invitation from the DEP to join a citizens’ “steering committee” established to monitor and provide input to the implementation of the city’s Green Infrastructure Plan.

In order to realize the full potential of GI, city planners and the DEP will have to make a genuine effort to involve the public as much as possible in finalizing and carrying out the plan. While water quality around the city has improved substantially in the last thirty years, the continuing scourge of CSO pollution threatens to derail that progress. The ultimate success of the GI Plan will depend on the city actively engaging the public, and coalitions with unique expertise like SWIM to build a citywide constituency that supports investments in Green and Grey infrastructure. If this can be done, then we have truly turned the corner toward a greater, greener New York City and a cleaner Hudson River. ■

The ideology behind GI is simple: By treating stormwater as a resource rather than a waste, we can reduce water pollution and ‘green’ urban areas, thereby improving the health of the marine ecosystem that surrounds New York City and dramatically improving the quality of life for millions of New Yorkers.



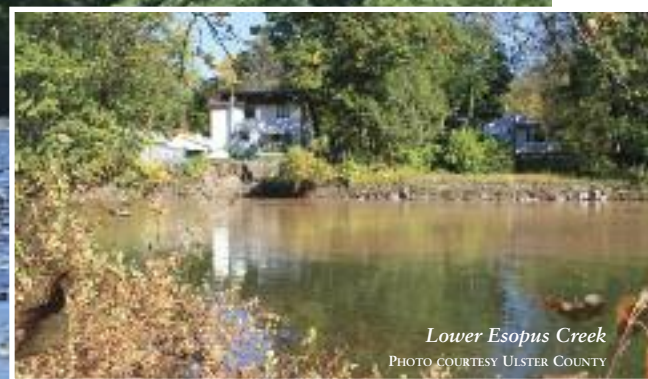
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The Watershed Program uses public education, advocacy and litigation in order to protect the unfiltered drinking water supply for 9 million New Yorkers.

Stream leading to Shandaken Tunnel portal in the Catskill Watershed.

FIGHTING TO SAVE THE LOWER ESOPUS

Citizens, Environmentalists and Local Officials Join Forces to Reclaim Their Creek *By Bill Wegner*



Lower Esopus Creek
PHOTO COURTESY ULSTER COUNTY

Dynamics of a Polluted Waterway

In the Catskill Watershed of New York City's drinking water supply, the Schoharie Reservoir drains through the 18-mile-long Shandaken Tunnel and empties into the Upper Esopus Creek at Allaben in Ulster County. From there the Schoharie water, mixed with Esopus Creek water, flows 12 miles downstream and empties into the Ashokan Reservoir. Historically, this section of the Esopus has been known as a blue-ribbon trout stream among fishermen worldwide. However, because the geology of the Catskills has numerous clay deposits, the water entering the Ashokan Reservoir from the Upper Esopus is sometimes cloudy and shaded reddish-brown from the suspended clay particles that erode from streambanks in stormwater runoff. To avoid sending this turbid water through the Catskill Aqueduct to New York City and upstate communities, the Ashokan Reservoir is divided into a west

basin, where the clay particles can eventually settle out of the water, and an east basin, where clean water from the west basin can be transferred and sent through the aqueduct to deliver drinking water to nine million consumers.

Following two major rainstorms last fall, the New York City Department of Environmental Protection (DEP) calculated that the water level in the Ashokan's west basin would need to be drawn down to accommodate the increased flow from upcoming spring rains and snowmelt if operators were to avoid spilling turbid water into the cleaner east basin. To create a void in the west basin, the DEP activated a "waste channel" to discharge turbid water into the Lower Esopus Creek, thereby bypassing the east basin. The discharge of this turbid water over a four-month period resulted in silt and suspended sediment clouding and fouling 32 miles of creek from the Ashokan Reservoir to the mouth of the Esopus at the Hudson River in Saugerties.

Public Reaction

Local residents who live on the banks of the Esopus and/or use the creek for fishing and boating were rightfully outraged by the muddy appearance of the creek and the loss of its use for recreational activities. Thousands of trout stocked in the creek by sport fishermen are presumed dead as the cloudy water impairs their ability to seek food and wears away their gills. Winter ice fishing for perch and other game fish is absent on the creek this season for the same reason. Irrigation pumps on agricultural lands in the floodplains west of Kingston are at risk of clogging with sediment during operation. Rafters, kayakers, business owners and residents whose children swim in the creek during summer were alarmed by the eyesore their creek had become and fearful that turbid water conditions would continue into the spring and summer months.

Intervention

In response to concerns local residents loudly voiced to the DEP, Ulster County, Riverkeeper and other environmental groups, the DEP agreed to convene meetings of stakeholders and City officials in December and January to form the Ashokan Release Working Group, whose purpose is to develop recommendations for a clear water release strategy to be applied to Ashokan Reservoir operations. Also during this period, Ulster County Executive Mike Hein, responding to numerous citizen complaints, filed a notice of intent to sue the DEP under the Clean Water Act for continuing discharges of turbid water into the Lower Esopus.

On January 28, Riverkeeper and other members of the working group toured several sites along the Lower Esopus from the mouth of the creek in Saugerties upstream to Kingston, where we observed clay-colored water in the open areas between tracts of snow-covered ice. Later on the same day, County Executive Hein hosted a meeting in Kingston with the DEP, the New York State Department of Environmental Conservation (DEC), the Watershed Inspector General, New York State Senator John J. Bonacic, a representative from U.S. Congressman Maurice Hinchey's office, and Riverkeeper. At that meeting, DEP Commissioner Cas Holloway announced that DEP had calculated that the Ashokan's west basin had been drawn down sufficiently to cease turbid releases into the Lower Esopus via the waste channel and for three consecutive days the DEP would release clear water from the Ashokan's east basin to

flush all the suspended sediment from the creek. Then, beginning in the spring of this year, the DEP would begin making periodic clear water releases to the Lower Esopus.

Despite the DEP's modification of Ashokan release operations, the DEC nevertheless announced that it intended to bring an enforcement action against DEP for violating state water quality standards, which require that suspended sediment not be discharged in amounts that cause a substantial visible contrast to natural conditions (*see photo*). Acting in good faith, the DEP agreed to conduct a biological assessment of the Lower Esopus to study the impacts of turbid releases on fish and other aquatic organisms, to take corrective action to remediate any environmental impacts caused by the sustained turbid releases and, at Riverkeeper's urging, agreed to consider compensating local residents for damages to agriculture and recreation arising from the releases.

As a member of the Ashokan Release Working Group, Riverkeeper will continue to meet with the DEP and stakeholders in the coming weeks to participate in the development of the scope of issues DEP will address in its biological assessment of the Lower Esopus. While public involvement, environmental advocacy and the responsiveness of local decisionmakers were the driving forces that averted a potential long-term ecological disaster, we are encouraged to see that the New York City DEP has joined the fight to restore this storied waterway. ■

FIXING THE LEAKS IN THE DELAWARE AQUEDUCT

Riverkeeper Helps Communities Take Action

By Craig Michaels

Since 2001, Riverkeeper has been the primary watchdog over the leaks in the Delaware Aqueduct, which supplies more than half of New York City's daily drinking water. Over the past two years, we've taken an active role within local communities to help those affected by the leaks to take action.

This past November, the New York City Department of Environmental Protection (DEP) announced its plans to divert water from the leaking aqueduct. Specifically, the City's plan, designed to circumvent the worst of two leaks, is to build a three-mile bypass tunnel around a portion of the aqueduct that is leaking in Roseton in Orange County, and repair other leaks in Wawarsing, in Ulster County, from the inside of the existing tunnel. The construction of the bypass tunnel and the repair of the lining will ensure that DEP can continue to deliver high quality drinking water every day for decades to come.

Under the plan, which will cost \$1.2 billion, DEP will break ground on the bypass tunnel in 2013, and complete the connection to the Delaware Aqueduct in 2019. The leaking portion of the aqueduct would then be sealed and its use discontinued.

Although the DEP's plan represents a big investment in solving a big problem, the City should also move to compensate homeowners affected by the leaks for damages suffered. There have been serious consequences to people living in areas near the leak. In Roseton, the leaking aqueduct has created sinkholes on private lots and adjacent to the Danskammer power plant. In Wawarsing the aqueduct leak has caused the flooding of homes and contaminated local drinking water wells from flooded septic fields. The problem is so bad that DEP agreed to provide bottled water to residents, gave them sump pumps for their basements, and installed ultra-violet disinfection systems for their well water.

"It's time for action for the people of this community," said Laura Smith, a long-time resident of Wawarsing. "I'm grateful for all that Riverkeeper has done here over the years and have a lot of faith in what they stand for. What's needed now is a real solution, a plan in place by the DEP to compensate the homeowners, to help us move so we can have a life again."

The residents of Wawarsing, together with DEP and other state and local officials, have formed the local Project Advisory Committee (PAC) to update community members on DEP's leak investigation and to provide a forum to discuss ongoing issues with the leaks. Riverkeeper is a member of the PAC and attends scheduled meetings. We will continue to monitor and report on this issue and work with residents in affected communities to ensure their voices are heard and until the consequences they are suffering are made right. ■



DON'T FRACK WITH NY WATER!

A Virtual Community Comes to Life *By Tina Posterli*

GWENDOLYN CHAMBERS

In 2008, the issue of hydraulic fracturing (hydrofracking or fracking) for natural gas in the Marcellus Shale came to the forefront in New York State. Ever since, Riverkeeper has been playing a major role in protecting our drinking water supply from hasty and dangerous fracking practices by issuing a series of reports documenting fracking incidents across the country and providing comments to the New York State Department of Environmental Conservation (DEC) on its draft environmental impact statement (EIS), the worst Riverkeeper has ever seen. In 2010, filmmaker Josh Fox brought the issue of fracking into national focus with his Oscar-nominated documentary, *Gasland*. The film highlighted the town of Dimock, Pennsylvania, a community that was rushed into signing fracking permits by the gas and oil industry before proper regulations were in place. During a failing economy, people in this community thought they were helping their families to

survive and bringing income into their state, not signing away their right to clean water.

In the summer of 2010, Riverkeeper and partner organizations Catskill Mountainkeeper and the Natural Resources Defense Council along with Robert F. Kennedy, Jr. and screen actor and frackivist Mark Ruffalo, visited Dimock to see firsthand the dangers of fracking gone wrong. Shortly afterward, through the generous donation of Riverkeeper Board of Directors member David Kowitz, we worked with Fenton Communications to launch the Don't Frack With NY Water! campaign, which has grown into a community of almost 7,000 strong. Don't Frack With NY Water! was launched as a virtual campaign supported by grassroots outreach and has been a powerful tool in creating awareness about fracking issues and mobilizing people concerned about the quality of their water to take action. Over the summer and fall of 2010, the actions of the

Don't Frack community were instrumental in the New York State Senate and Assembly passing a bill that places a moratorium on fracking until May 15, 2011, a bill that had been "DOA" until thousands of supporters rallied, wrote and called their legislators. In September,



JAY SIMPSON



Dimock resident Craig Sautner displays water from his contaminated drinking well.

Riverkeeper and the Don't Frack With NY Water! community were present at the EPA Hydraulic Fracturing Study hearings in Binghamton, New York. Riverkeeper also released a report at the hearing, titled *Fractured Communities*, which highlights over 100 case studies where federal and state regulators identified gas drilling operations, including those that utilize hydraulic fracturing, as the known or suspected cause of groundwater, drinking water, and surface water contamination. In December, 2010, Governor David Paterson issued an Executive Order calling for a temporary timeout on permitting the use of horizontal wells for fracking for natural gas through July 1, 2011. However, the Executive Order creates a loophole that oil and gas corporations can exploit to allow another form [vertical wells] to be permitted immediately.

Don't Frack With NY Water! community member Emily Ascher Rann is the mother of a young son and has been involved with the campaign, doing grassroots outreach by handing out materials and educating others about the fracking issue in New York City's Union Square. "As New Yorkers, we are fortunate enough to have some of the best unfiltered drinking water in the world," said Emily. "It's horrifying to think fracking and the chemicals it releases can happen so close to our precious water supply. Through the Don't Frack community, Riverkeeper has



Riverkeeper and coalition members visit the site of gas drilling in Dimock, PA.

helped me to feel empowered instead of feeling afraid or intimidated about this issue. I'm grateful that they have put everything together in such a succinct way, and have made it so easy for us to take action and make a difference."

Laura Dobbins is another Don't Frack community member making a difference. She's been working with Riverkeeper to use public screenings of Gasland as a tool to educate people about fracking and has brought many new supporters to the Don't Frack With NY Water! community. According to Laura, "Sometimes people just need gentle reminders that lead to the 'aha moment' that we're all in this together. For example, that what happened in Dimock and other communities across the country can happen here if we don't do something about it now. Once people realize that the water they depend on is at stake, amazing things start to happen. They realize they have the power to stop it."

Natural gas development has been progressing across the vast Marcellus Shale at a pace and scale that no one ever envisioned, and there is still a long way to go on the fracking front in New York to ensure that our most precious natural resource is not at risk.

In February 2011, The Delaware River Basin Commission (DRBC), issued drilling and fracking rules against the will of New York State, New York



Gas drilling in Dimock, PA

City, Philadelphia, the National Park Service, the U.S. Fish and Wildlife Service, many elected officials, and thousands of citizens, and in March, New York Times writer Ian Urbina released an epic gas drilling wastewater series documenting an extensive and disturbing amount of information gathered from EPA, state regulators and gas drilling companies that has not been previously made available, either to the public or to other government regulators and decision-makers. The information Urbina brought to light definitively establishes that the danger to public health and the environment from hydraulic fracturing is much greater than previously understood.

The work that the Don't Frack With NY Water! community members and other fracktivists across the state are doing is helping to shape the way for the regulation of fracking practices and standards across the country. We are all taking a stand to say, "not here, not now." Because once our water supplies are fracked with, there is no going back. ■



Left to right: Mike Richter, Robert F. Kennedy, Jr., and a resident of Dimock, PA.

Get involved! Join our Don't Frack With NY Water! community: www.facebook.com/dontfrackwithny



COVER STORY

By Phillip Musegaas and Tina Posterli

COMMUNITIES RISING: TAKING BACK OUR WATERWAYS



VICTORY IN GREENPOINT

November 10, 2010, marked a significant moment in Riverkeeper's history when we joined with Attorney General Andrew Cuomo to announce a landmark settlement against ExxonMobil that holds the company responsible for cleaning up between 17 million and 30 million gallons of oil that were spilled and leaked from its refinery and storage facilities into the soil and groundwater in Greenpoint, Brooklyn, over the last century.

These petroleum discharges formed underground petroleum plumes of more than 50 acres that underlie local businesses and a residential section of Greenpoint. The contamination has also been leaching into Newtown Creek for decades, making Greenpoint home to the largest underground oil spill in any North American city.

The settlement requires Exxon to investigate and clean up the contaminated groundwater and soil affected by the spill and to address releases of soil vapors into the air and vapor intrusion from the contamination into Greenpoint's homes and businesses. As part of the agreement, Exxon established a \$19.5 million "Environmental Benefit Project" fund which will be used to finance community actions to reduce pollution,



Paul Gallay at ExxonMobil settlement press conference in Greenpoint, Brooklyn.

conduct environmental restoration and create open space in Greenpoint. ExxonMobil is also required to pay natural resource damages to the State of New York, to reimburse the State for its investigation and oversight costs, and to reimburse Riverkeeper for its legal fees and litigation expenses.

This was a hard fought victory for Riverkeeper and

(continued on page 24)

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Left to right: Martin Malave Dilan, Joseph Lentol, Andrew Cuomo, Paul Gally, Marty Markowitz

This agreement will help to heal a community that's been suffering from the toxic effects of this oil spill for nearly a century and is a shining example of people rising up to reclaim their forgotten/neglected waterway.

residents of Greenpoint, who worked tirelessly to represent Newtown Creek and its neighborhoods and businesses for eight years. This agreement will help to heal a community that's been suffering from the toxic effects of this oil spill for nearly a century and is a shining example of people rising up to reclaim their forgotten/neglected waterway.

A Toxic Legacy

Riverkeeper uncovered the Greenpoint oil spill during a boat patrol of Newtown Creek in 2002, when it found the first evidence of seeping oil from the Exxon refinery site, finding oil sheens, floating garbage and abandoned cars

littering the creek. After investigating the source of the oil and the industrial history of the creek, Riverkeeper filed a federal lawsuit against ExxonMobil in 2004 to hold it responsible for its role in the contamination. Riverkeeper was joined by Greenpoint residents Laura and Mike Hofmann, Teresa Toro, Rolf Carle, Bill Schuck and Deborah Masters as co-plaintiffs in its lawsuit. New York Attorney General Cuomo subsequently filed a federal lawsuit alleging similar claims, as well as other claims over which the State has unique enforcement authority. The lawsuits were consolidated for case management purposes by

the federal court in Brooklyn, and the parties were actively engaged in efforts to settle the cases for almost three years. Riverkeeper was represented since the lawsuit's inception by dedicated law students, supervised by law professors, at Pace Law School's Environmental Litigation Clinic in White Plains, New York.

A Community Takes Action

The Newtown Creek Alliance was formed in 2002 in response to the devastating effects the creek has had on the health and vitality of the Greenpoint community and is dedicated to improving the waterway and its adjoining neighborhoods. Riverkeeper helped found the organization, which is comprised of local residents, business owners, elected officials and other non-profit groups. With the completion of another creekside open space at the end of the Manhattan Avenue, a community-based Brownfields planning grant from New York State, and recent investments in green infrastructure and

stormwater management, the Newtown Creek Alliance continues to support local businesses, job generation, community health, and a cleaner creek.

Kate Schmid is Director of the Newtown Creek Alliance and has been involved with Riverkeeper since 2002 when she was working as policy analyst on the New York City Council Committee on Waterfronts. Although she is not a Greenpoint resident, she became an advocate for Newtown Creek during patrols with Riverkeeper and ultimately helped establish the Newtown Creek Alliance. “We were amazed at the environmental catastrophes we saw on patrols of the creek,” said Kate. “We partnered to bring a community into a room and ultimately into a conversation about what was happening on and along their creek and found out that we had a group of people dedicated to bettering their environment. Riverkeeper has provided the science, litigation support and political access to the Newtown Creek Alliance, and I brought my experience in community organization to the table. Since that first meeting, we’ve grown into a strong, vital organization and have been able to accomplish amazing things.”

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CRAIG MICHAELS



Industry along Newtown Creek

Christine Holowacz is a long-time resident of Greenpoint who emigrated to the community from Poland at the age of 17. She has worked as a community advocate for more than 30 years and is the Community Liaison for the Newtown Creek Monitoring Committee. She has friends now in their 60s who speak of days when they would swim in Newtown Creek. Christine has never witnessed that, but she said she knows there was a time when the creek was beautiful, “before the companies started to dump toxicity into it.” During her teen years, she remembers the creek as being something people would either ignore or have a morbid curiosity about, peeking in to see what was floating in it. There was no way for people to access the creek when she was younger and it kept getting dirtier and dirtier. “Greenpoint has always had a large population of immigrants who don’t get to vote until they get citizenship status and

that can take five years or longer,” said Christine. “Because of this, a lot of people never felt like their voice counted, so the things happening in the community including the pollution in the creek, never felt like something they could do anything about. I wanted my children to have a better environment here than I did. I always felt there was no need for it to be this way, that industry and residential areas can co-exist.” Christine became an advocate for her community, actively fighting against the Greenpoint Incinerator, which was demolished in 1994. Right at that time, Riverkeeper was becoming a regular presence in the community through the boat patrols of Newtown Creek. Christine feels the timing was right for her to meet Riverkeeper Patrol Boat Operator John Lipscomb and Chief Investigator at the time Basil Seggos, which led to her involvement in the Greenpoint oil spill issue. “If Riverkeeper

Newtown Creek Receives Superfund Status

In another major victory for Newtown Creek, on September 27, 2010, EPA announced its decision to list it on the Superfund National Priorities List. Over a century of industrial pollution and raw sewage overflows have rendered the creek one of the most highly polluted waterways in the United States. Under Superfund, the EPA will bring its considerable legal and technical resources to bear to completely address the legacy of contamination that has nearly obliterated the creek’s natural systems and posed a public health risk to nearby residents.

Riverkeeper has been a vocal advocate for a Superfund cleanup for Newtown Creek since the EPA announced that it was considering the Canal for the federal Superfund program in December, 2009. Riverkeeper has also established itself as the leading pollution enforcer on the creek, exemplified by its citizen suits against oil companies, cement manufacturers and other polluters.

hadn’t started patrolling the creek, we wouldn’t have the environmental benefit program we have today, people wouldn’t have been made aware of the oil spill, and we wouldn’t be working with government and ExxonMobil to clean up this mess.”

What Lies Ahead

While this ends a chapter in the Exxon case, it is not the end of the story. Next steps are to help local citizens organize

to monitor the progress of the cleanup and also the distribution of the \$19.5 million for community benefit projects.

This story exemplifies the power people have to make a difference. Even though it was a long, hard road, we worked together with a community of people determined to turn one of the most polluted waterways in the nation into the promising resource it can become for future generations. ■

“If Riverkeeper hadn’t started patrolling the creek, we wouldn’t have the environmental benefit program we have today, people wouldn’t have been made aware of the oil spill, and we wouldn’t be working with government and ExxonMobil to clean up this mess.”

CHRISTINE HOWACZ, GREENPOINT RESIDENT

WHY A CLEAN NEWTOWN CREEK MATTERS!

By Tina Posterli



Ever since he started patrolling Newtown Creek in 2002, Riverkeeper patrol boat captain John Lipscomb has seen people cast their rods into the creek and pull out fish and crabs with the intention of eating them. In a melting pot like New York City, where many immigrant newcomers are accustomed to subsistence fishing safely in their home waters, there is nothing out of the ordinary with this picture. In fact, it's completely natural and reasonable for people to want to use our waterways for the purposes for which they were intended. This is especially the case when most of the people fishing and crabbing in waterways like Newtown Creek are relying on what they catch to feed their families because they don't have enough money for groceries. However, these people are crabbing and fishing without having access to a crucial fact, that what they are catching is contaminated with toxins that have been pouring into the creek and other parts of the Hudson for decades. At Newtown creek, there is one sign placed at the main public access area at Manhattan Avenue Park stating that the waterway is unsafe for swimming and fishing. The problem is that this sign is only printed in



English, and there is a substantial Hispanic population living in the area who cannot read it.

This is a scenario that occurs along every waterway of New York City with people fishing and crabbing in the Gowanus Canal, the East River, the lower Hudson, the Harlem River and all points in between. Beryl Thurman, Executive Director/President of the North Shore Waterfront Conservancy of Staten Island, Inc. (NSWC), is experiencing a similar situation in the Kill Van Kull and Arthur Kill. Both of these waterways are in violation of the U.S. Environmental Protection Agency's (EPA) Clean Water Act and residents are crabbing and fishing from these polluted waters and feeding their families and themselves with this poisonous seafood. In Staten Island, the problem is more wide spread. It's not only the immigrant population who are subsistence fishing and crabbing, it's also people whose families

have lived there for generations and all of their lives. NSWC has requested fish advisory signs, knowing that it won't stop residents from crabbing and fishing in these waters, but at least they will have information to be able to make an informed decision. New York City Department of Environmental Protection (DEP) and the EPA will be putting up fish advisory signs on New York City properties that have waterfront access points to the north shore, but according to Thurman, "Everyone is moving too slowly, and I'm afraid they won't be in time to prevent all of these toxins from harming people. We need public service announcements on TV and the radio that make people aware that the Kill Van Kull and Arthur Kill are in violation of the Clean Water Act—that there are real issues in these concerns and that these waterways have the same contaminants as Newark Bay and Lower Hudson River."

While multilingual signage that properly informs people about the risks of eating contaminated seafood is essential, there is a larger issue at hand. It's not where a fish is caught, but rather what it's eaten all of its life that leads to toxic contamination. A fish in Newtown Creek will feed there, and then migrate back out into the East River and vice versa. "What really needs to happen is that we need to clean these toxic waters and their sediments and stop dumping pollution into them until fish are safe to eat," said Lipscomb. "Hunger is as powerful a driver as nicotine addiction. Just like the warning label on a cigarette pack, putting up signs might deter some people from fishing and crabbing in toxic waters, but it won't stop most of them. Until the water is clean, people will continue to pay the price for the violations of big industry who found an easy way out by dumping their toxic sludge into our waters for decades."

Riverkeeper believes that every citizen deserves not only a clean river, but also a way to experience and enjoy it. With your help, we are working toward the day when people can fish and recreate in our waterways without worry. ■

event news

**News about
Riverkeeper events,
volunteers, donors
and staff**

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The Other Corner Jug Band

2010 SHAD FESTIVAL

Last year marked the 20th Shad Festival and Hudson River Celebration. Riverkeeper friends and their families enjoyed a day on the main lawn of Boscobel House & Gardens filled with live music, entertainment and activities, all overlooking one of the most beautiful river stretches in America. Highlights of the festival included a solar powered, eco merry-go-round made from recyclable materials and sampling and shopping along Green Street, the Shad Fest's eco-friendly vendor display.

Murray Fisher, Founder and

Program Director of The Urban Assembly New York Harbor School, was honored for instilling a sense of stewardship over New York City's waterways in our youth and motivating them to become the next generation of Riverkeepers, Baykeepers and Waterkeepers. Students he has inspired were there in force cheering him on, a true testament to his work.

The Shad Festival started as a backyard barbecue to celebrate the time of the year when the Great American Shad spawns. It's also known as the Lilac Run, because the spawn-



Robert F. Kennedy, Jr. addressing the festival goers.

ing happens at the same time that this beautiful flower is in bloom. Sadly, the Shad population has declined drastically and the fishery is now closed, which makes this festival even more important in helping Riverkeeper raise awareness about the perils of the Shad and other species native to the Hudson River.

GWENDOLYN CHAMBERS

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HUDSON RIVER EXHIBIT AND LENAPE PRESENTATION

On February 6, 2011, over 100 people turned out for a presentation at the Nyack Library for a discussion about the Lenape Indian Tribe, the original inhabitants of our region, and the challenges and opportunities we currently face. Through the generous support of the Austen-Stokes Ancient Americas Foundation, Riverkeeper was able to host this event along with leading Lenape scholar, Dr. David M. Oestreicher. The presentation featured Riverkeeper's traveling exhibit, "A Hudson River Journey," which tells the story of the river from three perspectives—pre-contact Lenape, present day and near-term future. Through the exhibit, visitors travel to six regions along the Hudson River and experience river stories relevant to each. To find out where the exhibit will be in 2011, go to: www.riverkeeper.org.



The Hudson River Journey traveling exhibit

Join our Riverkeeper Facebook Group at www.facebook.com/HudsonRiverkeeper

FISHERMEN'S BALL

Riverkeeper honored California Governor Arnold Schwarzenegger and HBO for contributions to environmental policy and public awareness at our Fishermen's Ball gala on April 14, 2010 at Chelsea Piers on the Hudson River in New York City.

Riverkeeper Vice Chair Robert F. Kennedy, Jr. presented an award to Governor Schwarzenegger for his leadership on climate change policy. Acclaimed director Spike Lee presented the honors to Sheila Nevins, President of HBO Documentary Films, for creating thought-provoking programming that focuses attention on complex issues facing the world. More than 600 supporters of Riverkeeper attended the event.

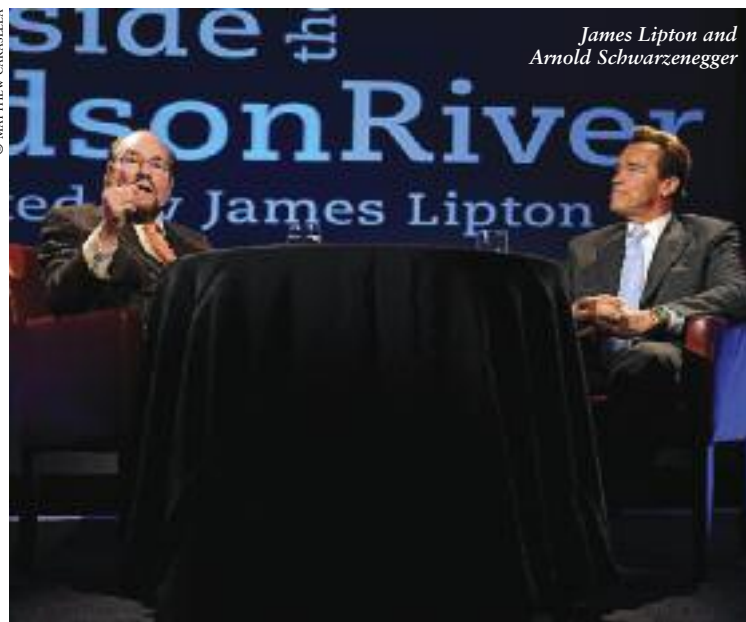
In the evening's highlight, James Lipton, producer and host of the cable television program "Inside the Actors Studio," conducted one of his iconic interviews on stage, with Governor Schwarzenegger as a voluble and entertaining subject. In response to one of Lipton's trademark questions – "What sound or noise do you

love?" – the Governor responded appropriately, "water."

Comedian Andy Borowitz was also on hand to entertain guests before dinner.

Riverkeeper is grateful to HBO for providing guests with copies of the Academy Award™ nominated documentary feature "Gasland," directed by Josh Fox. The film explores some of the environmental impacts of hydraulic fracturing, or hydrofracking, a form of extracting natural gas from beneath the earth's surface as an energy supply. Riverkeeper is working to ensure that hydrofracking does not occur in New York State until proper regulations and enforcement mechanisms are in place to protect public health and the environment, including the drinking water supplies of nine million New York City and Hudson Valley residents.

The Fishermen's Ball raised more than \$1.2 million for Riverkeeper's work to protect the Hudson River and the drinking water supplies upon which millions of New Yorkers rely. Riverkeeper is grateful to our Board of Directors and all those who supported the event.



James Lipton and Arnold Schwarzenegger

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From left to right: James Lipton, Joan Hornig, George Hornig, Kedakai Turner, Christie Brinkley and Paul Gally at the Hornig home in Water Mill.

ECOSALON

Riverkeeper thanks board member George Hornig and his wife Joan, and supporter Seema Boesky, for graciously hosting our EcoSalon events in the Hamptons and in Westchester in 2010.

In August, Joan and George, with event co-host Christie Brinkley, welcomed Riverkeeper supporters to the Hornig home in Water Mill for cocktails and dinner and to engage in an intimate, salon-style discussion with Dr. Carl Safina, President of Blue Ocean Institute and a distinguished voice for protecting the world's oceans. Riverkeeper Executive Director Paul Gally introduced Dr. Safina, who shared insights regarding the fate of our marine ecosystems and the importance of the work of Riverkeeper in protecting fish populations. Dr. Safina also provided timely observations on the 2010 oil spill in the Gulf of Mexico region, to which he had made recent site visits.

In November, Seema Boesky hosted an evening at her Mount Kisco home for Riverkeeper supporters with Vice Chair Robert F. Kennedy, Jr., Executive Director Paul Gally and Riverkeeper senior program staff. The group discussed Riverkeeper's origins as a grassroots organization dedicated to protecting our region's precious water resources; and how community support and activism are critical to our success in fighting pollution and advocating for policies that better protect the Hudson and our drinking water supplies.

The EcoSalon events bring thought leaders in the fields of environmentalism, politics, science, the arts and entertainment together with our supporters to share perspectives on many of the most challenging ecological issues of our time. In 2010, these events raised more than \$80,000 in support of Riverkeeper's work.



Dr. Carl Safina, President of Blue Ocean Institute, presenting at a Riverkeeper EcoSalon.

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With Gratitude and Appreciation

Riverkeeper gratefully acknowledges the generous contributions of our private corporate and public supporters and members, who number more than 5,000 a year. Space limitations and eco-wise production standards allow us to present donors of \$500 and greater in this presentation. This listing reflects contributions received between July 1st, 2009 and June 30th, 2010. We are grateful to all our members. For a full listing, please visit Riverkeeper.org.

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FAREN BROOKE COLLINS Giving Water Pollution a Beauty of a Fight

In July 2010, Faren Brooke Collins reached out to Riverkeeper as the perfect partner to help forward her platform as Miss United States Water, an element title in the Miss Earth Pageant. A New York City resident, Faren has been impacted and inspired by her proximity to the Hudson River and entered the pageant with the goal of using her status to raise water conservation and pollution awareness. Faren feels that Riverkeeper “embodies what the fight for clean water is all about” and is partnering with us to help people living in the city become more knowledgeable about their waterways and needs of the Hudson River. She made her first Riverkeeper appearance on October 17, 2010, as part of the NYC Green City Challenge that took place next to the East River. “It’s amazing to me how so many people take for granted the very source that sustains life,” said Faren. “I’m proud to be a part of Riverkeeper and help to bring awareness to its mission, especially to our youth.” Faren will be working with Riverkeeper throughout 2011 on New York City outreach and community events.



ROXI SUGER A Business Partner Making a Difference



Designer Roxi Suger is a mother, professor at the Parsons School of Design and owner of Angelrox, a signature design eco ladies clothing collection based in Brooklyn, New York. She is also one of Riverkeeper’s most avid business partners. In 2011, Roxi reached out to Riverkeeper, excited to make New York’s clean water advocate a recipient of an annual percentage of all Angelrox

retail sales. She also provides a discount to Riverkeeper supporters. Roxi’s philosophy is to inspire people to treat themselves, others and the planet with equal respect and harmony.

All of the company’s fabrics are knit on the East coast with renewable materials including bamboo & certified organic cottons grown in the USA. Angelrox is committed to helping others and lessening its environmental impact.

Riverkeeper Business Partners provide essential support to the critical work that we do every day and help us reach out to people living in New York City and communities along the Hudson River with important information about the health of their waterways and drinking water supplies. Angelrox is helping Riverkeeper raise awareness and forward our mission. To find out more about how to become a Riverkeeper Business Partner, visit www.riverkeeper.org. You may also shop to support Riverkeeper at www.angelrox.com. Use code “riverkeeper” for a 25% savings on all purchases.

JAMES FALLON Leading the next generation of Riverkeepers

In December 2010, fourth-grader James Fallon reached out to Riverkeeper as part of an assignment for his enrichment class at the Wampus School in Armonk, New York. A young environmentalist who is passionate about clean water, James keeps up on the latest issues through the Riverkeeper web site and joined our Facebook communities, but he wanted to do more. He requested an interview with Riverkeeper Executive Director, Paul Gallay, which James filmed. He then turned his report into a Riverkeeper Powerpoint presentation that he gave to both his enrichment and fourth grade classes. He talked about our mission and highlighted the historic ExxonMobil settlement. James didn’t stop there; he gave a \$100 donation to Riverkeeper the day of his interview and purchased water bottles for the kids and teachers in his enrichment and fourth grade classes. James stays informed of key issues and spreads the word to other kids about why *they* should care about clean water.

He’s a young person who is making a difference as a voice of future generations. Here are some easy ways for kids to get involved and become Riverkeeper advocates:

- Use our FirstGiving web giving program to ask for donations in place of or in addition to birthday, bar/bat mitzvah, or holiday presents. It is so simple: upload pictures, add a message and e-mail your friends and family asking for their support with the attached URL that will link them directly to your donation page! For more information go to www.firstgiving.org/riverkeeper
- Selling Riverkeeper merchandise is a great way to spark up a conversation about Riverkeeper’s campaigns and collect donations. All proceeds from our merchandise go directly back to our programs. Contact info@riverkeeper.org to get started.
- Join our Volunteer Facebook page and check out the latest volunteer pictures, information, events and chat with other Riverkeeper volunteers at <http://on.fb.me/eCT2bx>
- Bring Riverkeeper to school! Fill out our online speaker request form and invite a Riverkeeper speaker to visit your class or an assembly. Contact us if you have a unique project that Riverkeeper can get involved with like James Fallon did! The speaker request form is located at <http://www.riverkeeper.org/contact/>.



Visit www.riverkeeper.org and sign-up for our E-Newsletter and E-Alerts to stay current on news and events.

Member Spotlight

By Tara D'Andrea

Justin Derfner, New Board Member

Riverkeeper welcomed Justin Derfner to our Board of Directors in 2010. Justin is co-founder and a managing member of The Juster Group, a real estate acquisition, financing, development and investment firm. Justin was previously a Vice President at The Feil Organization, a real estate business in which he worked in partnership structuring and acquisition and disposition of assets in markets across the United States.

"Justin brings important skills and a passion for our work to the Board of Directors," said Howard Rubin, Chairman of the Board. "We're excited to have him join us and contribute to the creative thinking we're doing as we set the course for Riverkeeper's future."

Justin holds a J.D. from Brooklyn Law School, and also practiced law in the real estate department at Stroock & Stroock & Lavan LLP.

"The mission of Riverkeeper is an important one which is preserving our natural resources so that they remain wholly intact as an integral part of our lives and the lives of future generations," said Justin.

Jimmy Dean's Love of Waters Remembered with a Gift to Riverkeeper

Among Connie Dean-Taylor's most cherished memories of her late father, Country Music Hall of Fame inductee and entrepreneur Jimmy Dean, are childhood days boating and water skiing with him and her family in the Hudson River and surrounding waters. These memories are what prompted Connie to recommend to Sara Lee Corporation, which acquired Jimmy Dean's famous sausage company in 1984, that it designate a contribution to Riverkeeper in memory of her father.

"I like to think that through this gift, the Hudson River—and other waters by extension—are a little bit better because of Dad," said Connie.

"With this donation, we are truly honored to contribute to the preservation of the waters Mr. Dean cherished so much during his life," said Daryl Gormley, Vice President, Jimmy Dean Brand at Sara Lee Corporation.

Jimmy Dean passed away in June 2010 at the age of 81.

Connie and her father began boating on the Potomac River in Virginia, when Jimmy Dean had a ski boat and water skied with little Connie on his shoulders. When Connie was 10 years old, the family acquired a yacht which took its maiden voyage in the Hudson River and docked at the Englewood Boat Basin in New Jersey. The yacht was named "Big Bad John" after Jimmy Dean's 1960s Grammy Award-winning country music hit.

As the family grew, so did the boats in being more sea-worthy, and the family enjoyed waters from Maine to the Bahamas.

Later, when Jimmy Dean settled in Richmond, VA, he worked with the former Governor and Senator of that state, George Allen, to spearhead cleanup initiatives on the James River. He



GETTY IMAGES

particularly prized the view of the James River from his home, according to Connie.

Connie Dean-Taylor says that her father's love of nature and water-based activities endure as one of his defining characteristics.

"I find myself thinking of my Dad quite often whenever I am in or near the water," she said.

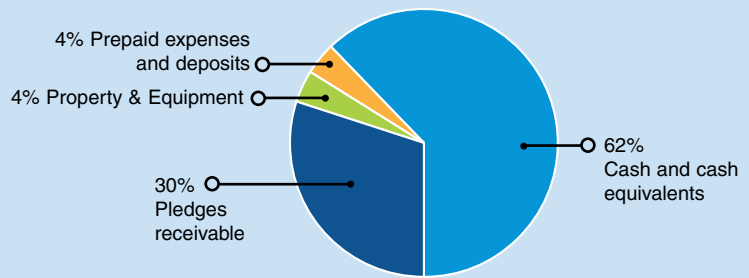
Riverkeeper is honored to receive this gift in memory of Jimmy Dean, and grateful to Sara Lee Corp. and Connie Dean-Taylor for their support of our programs.

BALANCE SHEET*

As of June 30, 2010

ASSETS

Cash and cash equivalents	\$ 1,209,641
Pledges receivable	\$ 582,864
Property and Equipment (net)	\$ 79,902
Prepaid expenses and deposits	\$ 81,996
Total Assets	\$ 1,954,403

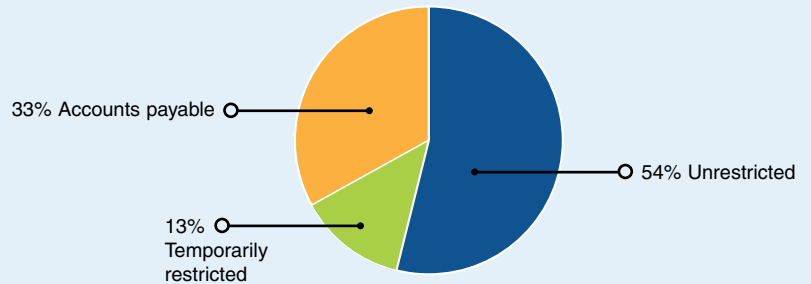


LIABILITIES

Accounts payable	\$ 637,640
Total liabilities	\$ 637,640

NET ASSETS

Unrestricted	\$ 1,053,935
Temporarily restricted	\$ 262,828
Total Net Assets	\$ 1,316,763
Total Liabilities and Net Assets	\$ 1,954,403

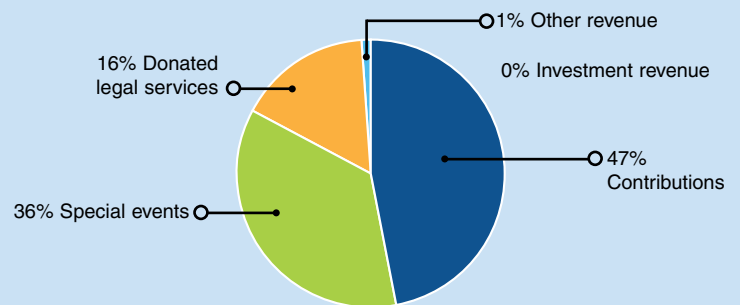


STATEMENT OF FINANCIAL POSITION*

Year ended June 30, 2010

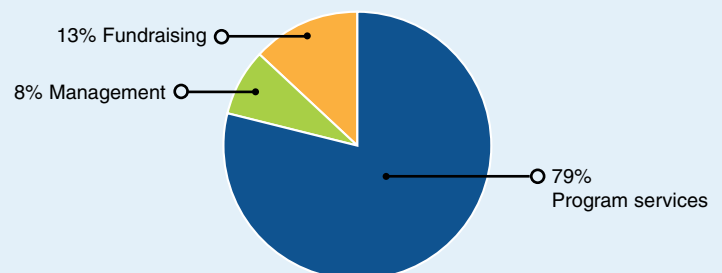
SUPPORT AND REVENUE

Contributions	\$ 1,455,087
Special events	\$ 1,107,033
Donated legal services	\$ 488,601
Investment revenue	\$ 7,177
Other revenue	\$ 16,270
Total support and revenue	\$ 3,074,168



EXPENSES

Program services	\$ 2,647,230
Management	\$ 284,594
Fundraising	\$ 449,884
Total Expenses	\$ 3,381,708



Surplus/Increase in Net Assets \$ (307,540)

*BASED ON THE AUDITED FINANCIAL STATEMENTS FOR YEAR ENDING JUNE 30, 2010
REPORTS PREPARED BY KATARINA DUPLESSY, VP/COO



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NY's clean water advocate

presents



Illustration by Catherine Chapin

Hosted by Robert F. Kennedy, Jr. & Mike Richter

Sunday, May 15th 2011 12 pm - 5 pm

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Live Music by Uncle Wade, Evan Watson and additional performers to be announced

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