

Newstreams

A publication of Kentucky Waterways Alliance: Working to protect and restore Kentucky's waterways.

Victories, Challenges & the Long Road Ahead

KWA Continues to Gain Ground in the Fight for Healthy Waterways in Kentucky

Turn on every national news channel and you're likely to hear an update about the BP oil spill – what some are calling an unparalleled man-made natural disaster. People throughout the U.S. and Kentucky are asking themselves the same question, "How can we help?" Many Kentuckians don't realize that our own environmental disaster is occurring everyday in our backyards – in the form of coal mining in KY.

It was 10-years ago this fall that a massive coal slurry waste pond owned by Massey Energy in Martin County

started leaking into the underground mine works it was built upon. Over 300 million gallons of slurry waste spewed into Wolf Creek and Coldwater Fork, killing all aquatic life for many miles, disrupting public water supplies, covering the land of beloved homes with a toxic coal slurry sludge, and polluting hundreds of miles of the Big Sandy River and the Ohio River. Throughout eastern Kentucky there are many more of these slurry impoundments, posing risks to our communities and our waterways.

Every facet of the coal industry poses

health risks and problems – for the land, air and water, and most importantly, for our families. KWA has been hard at work to minimize these impacts on our waterways and our communities. Many of our efforts are now bearing fruit - especially at the federal level. The US EPA, the US Army Corps of Engineers (Corps), and Office of Surface Mining (OSM) are issuing new rules and guidance that echo many of the fundamental arguments KWA has made for years.

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ACTION NEEDED: Stop Mercury Rising in the Ohio River

ORSANCO Considering Proposal that Could Allow More Mercury Into the Ohio

The Ohio River Valley Water Sanitation Commission or ORSANCO – a multi-state organization that recommends standards for the river's water quality – is considering a proposal that would give coal fired power plants and other polluters the right to dump more and more mercury and other toxins into the Ohio River.

Under the proposed change, polluters would be allowed to apply for a waiver of the October 2013 moratorium on mixing zones for Bio-accumulative Chemicals of Concern (BCCs).



A mixing zone is an area where toxic pollution is allowed to be dumped in quantities greater than established water quality standards and then diluted to meet the legal limits for water quality.

ORSANCO is considering this

proposed change even in light of their own survey that found that millions of adults and children are using the river for recreation ranging from fishing and power boating to kayaking, swimming, and diving. The survey additionally found that over 13 million pounds of fish from the river are consumed every year. ORSANCO commissioned the survey following the public's overwhelming resistance to the 2006 proposal to weaken the river's recreational water quality standards.

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Visit www.KWAlliance.org/comment to Say No to Mercury Rising in the Ohio River!

Check out KWA's profile about this issue in *The Dirt* on www.kyGREEN.tv.

From the Executive Director

Navigating the Future of KWA

The BP oil disaster in the Gulf of Mexico has brought environmental concerns back into the news and the minds of people everywhere. If we learn nothing else from this devastating environmental disaster, I hope we realize that it costs much less to take the necessary steps to protect water quality than to try to clean up after a disaster.

My colleagues and I have worked for years for regulations that better protect our precious waterways - our drinking sources and lifeline for a healthy future. Colleagues like Cyn Sartou, executive director of the Gulf Restoration Network - a group that is currently on the ground working to clean up the mess BP has made. I had the pleasure of presenting the River Hero award to her in May given by River Network. (See picture above.) It reminded me that even if the world doesn't always recognize how important our work is until it's too late, we shouldn't let that deter us from what we know we should do.

On the home front, despite incredible progress lately - particularly in the protection of Appalachian streams - KWA will need your help and support more than ever before as we navigate the future. Unfortunately we seem to be fighting the state on discharge permits from coal mines - even with new EPA guidance giving clear limits for conductivity. (Read front page article.) And we continue to be at odds with the state about how best to keep our cleanest waterways clean.

These challenges come at a time when KWA is feeling the pinch from the economic downturn. However, all of us at KWA are using this as an opportunity to revisit our strategic plan so we can refocus and plan for a more sustainable future. (Read article page 3.) We want you to know that we are putting every dollar you donate to good use so that Kentucky Waterways Alliance can continue being the voice



Photo Credit: Constance White

for healthy waterways and healthy communities in Kentucky.

We do ask that you rally around us. If each of our members gave just a little more than normal or helped us recruit a handful of new members, we would not only survive, but thrive in these uncertain times. If you are willing to hold a house party or pitch in at an upcoming fundraising event, please let me know. Your help is greatly appreciated!

Our strategic planning has shown us that our supporters believe our work has been important and critical for the future. On the horizon, we are planning to place more emphasis on protecting "special places" and have secured support to begin a Rockcastle River Conservation program. (Read article page 7.) We're also considering how to integrate the Aquatic Resource Fund we manage for the US Fish and Wildlife Service into our work and priorities. Even with our challenges, the future looks bright.

In closing, we should all be looking into the future for the sake of our children and our children's children. As a perceptive 8-year-old once said, **"Why don't we do everything we can to take care of the planet? It's the only one we've got."**

For a healthier planet,
Judy Petersen

Newstreams

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Kentucky Waterways Alliance Looks to the Future

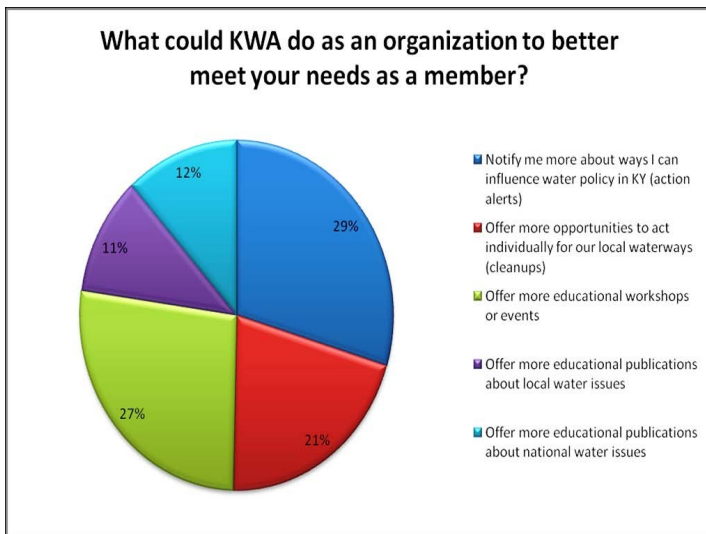
Board Members & KWA Staff Come Together to Map out a New Strategic Plan

Jennifer Milburn

What does it mean to plan strategically? Simply put, strategic planning determines where an organization is going over several years, how it's going to get there, and how it'll know if it got there or not.

With an eye on the future, the board and staff of Kentucky Waterways Alliance came together in June to talk about our new strategic initiatives in 2011 and beyond. The two-day retreat funded by generous grants from the C.S. Mott and McKnight foundations and the Environmental Support Center, was attended by many dedicated board members from across the state and hosted by the WKU Biological Preserve near Mammoth Cave.

Recognizing our tremendous strides toward clean waterways and healthy communities in Kentucky over the last 17 years, those in attendance discussed ways to continue our good work in the coming years. Pamla Wood, lifelong water activist and KWA friend, led the group of about 20 people in brainstorming. Guided by KWA's mission to "protect and restore Kentucky's waterways," and utilizing survey feedback from our members and supporters, participants mapped out goals and strategies for the years ahead. Many thanks to all of you who took the time to take the online survey or mail your responses into our office; we heard from over 100 supporters! You can visit our website to view survey results from a link on our homepage. *If you would like a hard copy version of the membership survey results mailed to you, please contact Jennifer at Jennifer@KWAlliance.org or 502-589-8008.*



The end result of the brainstorming session will be a comprehensive Strategic Plan that will be used to guide KWA in our work over the next four years. The plan will be unveiled at KWA's 2010 Annual Meeting to be held in Louisville on November 14. (Keep checking your mailbox for an invitation and our website for more information.)

Special thanks to Pamla Wood for facilitating, Ouida Meier for giving us access to a lovely meeting space, Dave Foster for agreeing to provide Saturday night festivities, and everyone who came out to make the 2010 Strategic Planning Retreat a productive and FUN weekend!

ATTN: Nonprofits! File Form 990 by October 15 to Save Your Exempt Status

IRS has announced that under a one-time relief program small tax-exempt organizations that failed to file returns for 2007, 2008 and 2009 can avoid losing their tax-exempt status by filing a return by Oct. 15, 2010. Two types of relief are available: (1) a filing extension for the smallest organizations (eligible to file Form 990-N); and (2) a voluntary compliance program for small organizations (eligible to file Form 990-EZ).

KWA Friends Come out and Raise a Pint to Raise Funds at Flanagan's!

Kentucky Waterways Alliance would like to extend a huge heartfelt "THANKS!" to the staff and management at Flanagan's Ale House in Louisville and to everyone in the O'Shea's Family of Pubs. Several years ago, after a tragedy hit close to home with the good people in the O'Shea's Family of Pubs, they held a benefit day to raise money for a young girl who'd been injured. According to Ginny Pittenger, the Fundraising and Event Coordinator, they all felt so good after the event was over that they decided to keep the good feeling alive by holding events throughout the year to raise funds for worthy organizations and those in need.

This June, KWA was chosen to be the recipients of the proceeds from one of their "Monday FUND Days," held at Flanagan's Ale House. From 11 a.m. until midnight, all proceeds from the restaurant were donated to KWA to help support our Beargrass Creek campaign. The staff even donated their tips to the cause that night! Though the weather was hot and humid (making the outside dining room almost unbearable for part of the day!), business was steady throughout the evening and right up until midnight. Thanks to our supporters, who came out in droves and "raised a pint" to help us raise funds. You helped make the event a success!



Angela Doyle, KWA Development Director, accepts the donation check from an employee at Flanagan's Ale House on Bardstown Road in Louisville.

KWA Organizes Water Testing in Greensburg

Kentucky Waterways Alliance organized the Upper Green River Watershed Watch training in Greensburg, Kentucky on April 24. Over 20 participants became certified samplers for the Upper Green River Basin. That means more people are watching out for our precious waterways!

Watershed Watch in Kentucky is made up of a group of volunteers throughout the state who are donating their time to improve our streams through a collected effort of water quality monitoring.



Kelly Craig, KWA Membership Coordinator and Upper Green water sampler, helps the crowd take samples from a local stream.

The results are then submitted to the Kentucky Division of Water for review. Using science, they answer two simple questions: "How clean are our waterways?" and "Are they safe to swim, fish and enjoy?"

Are you interested in sampling your local stream? Contact Hank Graddy at 859-846-4905 or hank.graddy@gmail.com or Judy Petersen at 502-589-8008 or Judy@KWAlliance.org.

Upcoming Events

August 26 - Beargrass Creek Happy Hour Social Location: Wiltshire on Market Louisville, KY Time: 5:30 p.m. - 7:00 p.m. (Read article page 6.)

September 3 - Comment Period Ends for the chance to Say No to Mercury Rising in the Ohio River!

Visit www.KWAlliance.org/comment to submit your online letter to OR-SANCO asking them to protect the Ohio River from more mercury. (Read front page article.)

September 17 - 18 - KAEE Conference Location: Cave City Convention Center, 502 Mammoth Cave Street, Cave City, KY More information: www.kaee.org.

September 24 - 25 - Healthy Foods, Local Farms Conference Friday night's event begins at the White Hall Mansion in Louisville. All-day conference will be held at Spalding University in Louisville.

October 7 - 2010 Green Spark Awards Location: Henry Clay Building, 604 South 3rd Street, Louisville, KY Time: 11:30 a.m.

October 9 - Beargrass Creek Festival Location: Cherokee Park at Willow Pond, Louisville, KY Time: 10 a.m. - 2 p.m. Hosted by KWA, Olmsted Parks Conservancy & River City Canoe & Kayak (Read article page 6.)

October 22 - 24 - Bluegrass Bioners Conference - Solutions for Planet & People A leading edge sustainable solutions conference Free to the public. Location: Rauch Planetarium, U of L Campus More Information: www.bluegrassbioners.org

Have an event for our newsletter or website? Let us know and we'll be sure to give you a plug!

Record Turnout for the Clean the Green River Fest!

Kelly Craig



On a steaming hot July day Crystal Light, TNC, Green County Fiscal Court, & KWA hosted one of the largest cleanups ever held in Greensburg Kentucky! Over 100 dedicated volunteers from various regions of the state came out to "Clean the Green!" removing about 2 ½ tons of trash & 100 tires from our beloved Green River.



Crystal Light.

Participants covered a total of 10 miles of the river and met at the American Legion Park to enjoy lunch and Bluegrass music courtesy of *The Foster Children*. Congratulations to Hyun Kim of Elizabethtown who won the grand prize - a shiny new kayak. A first-timer on the water, Hyun lost his camera and phone in the river that day, but found a kayak instead!

Special thanks to our supporters, Green River Paddle Trail, Big Buffalo Crossing, Nunn's Excavating, IGA, Green County Record Herald, Green County Auto Supply, The Cattlemen's Association, Dave Shuffett, Wal-Mart, Replica Signs, Ann Deprez Photography, The Corps, & ALL of the folks who participated - making it a record cleanup. Here's to keeping the river clean for future generations!

Did you participate in the cleanup and have photos to share? Please send them to Kelly at Kelly@KWAlliance.org.

Leaving a Legacy for Healthy Communities

To be certain, these are tough economic times we still face. Nonprofits everywhere are feeling the pinch. Kentucky Waterways Alliance hasn't been immune to the economy's hardships, and chances are neither have you. Contributing to KWA may be more challenging for you than it has in the past. However, remembering KWA in your estate plan can be a way of ensuring your continued support of our hard work while minimizing the impact on your finances during your lifetime.

Our executive director, Judy Petersen, recently added KWA to her will, and she puts it best: "Kentucky Waterways Alliance and everything the organization stands for: clean water, engaged local groups and informed citizens, is so important to me. Why wouldn't I want to keep on supporting KWA even if I am no longer physically here to do so? So, I wrote the organization into my will. It was easy to do."

If you already have a will, you can add a bequest by adding a simple codicil, and without planning an entire new will. A charitable bequest is deductible for federal estate and Kentucky inheritance tax purposes, and can be worded as a specific dollar amount, specific property, or a percentage of your estate.

Please consider including Kentucky Waterways Alliance in your estate plans. Studies show that while over 75% of all Americans gift to charity during their lifetimes, only 6% give through their wills or other planned giving vehicles. Your thoughtfulness can bear fruit for generations to come. If you have any questions, please contact Angela at Angela@KWAlliance.org or 502-589-8008.



A “Watershed” Moment for Kentucky’s Waterways!

Four watershed plans come to completion & are ready for implementation

Tessa Edelen

After a great deal of hard work by the watershed groups involved in KWA’s guidebook project, all four individual watershed plans are finished! Cheers to the Darby Creek, Dry Creek, Hancock Creek, and Stockton Creek watershed teams and communities! These plans were printed in limited numbers, but all are available now on our website for everyone.

And, the first edition of the *Watershed Planning Guidebook for Kentucky Communities* is in print and will be available later this year! The watershed planning guidebook is intended to help communities, watershed organizations, and state and local governmental agencies develop and implement watershed plans to meet water quality standards and protect water resources.

It is a new and improved edition of the draft guidebook employed by the watershed teams to write their plans. Using the comments and questions generated by the groups about the guidebook, we made it more thorough and easier to put into action. This primer has great potential as a resource for all sorts of audiences. Stay tuned for its posting on our website.

Three of the four teams involved in the project are moving on to implementation plans for their watersheds. This means that a lot of the good ideas for improving water quality generated during the planning process will become a reality. It’s a wonderful day for Kentucky’s waterways!

Rain Gardens for Positive Change in the Beargrass

KWA continues to educate folks about small steps toward healthier communities

Tessa Edelen

Building a rain garden in your yard is just one beautiful and effective way to handle stormwater pollution. Stormwater pollution is a big issue in the water quality and public safety of Beargrass Creek.

MSD Landscape Restoration Specialist Phyllis Croce spoke about how to create and maintain one of your own at the May Beargrass Creek Alliance meeting.

Rain gardens don’t have to be complicated, but do require a little planning. Making sure your soil will absorb water is a good place to start. Renting a soil cutter is another good idea, recommends Croce.

The idea is that the water from one of your home’s gutter downspouts is diverted into a garden full of native plants that will soak it up. Native plants are hardy in our local environment and have nice long roots to soak up lots of water, unlike a lawn. A slightly elevated border, or berm, around the garden will help keep water in place during a storm. If the soil is right and the plants are healthy, there will be no standing water thereby reducing stormwater runoff pollution.



Join Us for the Beargrass Happy Hour Social

Wiltshire on Market located on 363 East Market in Louisville will host the **Beargrass Creek Happy Hour Social** on Thursday, August 26 from 5:30 - 7:00 p.m. We’ll unveil the logo for the newly-coined Beargrass Creek Alliance! There’s no program or meeting. Be prepared to buy your own drinks and food and help us celebrate the Beargrass!

Announcing the 1st Annual Beargrass Creek Festival

October 9, 2010 Time: 10 a.m. - 2 p.m.

Cherokee Park at Willow Pond, Louisville, KY

Come celebrate Louisville's Beargrass Creek with Kentucky Waterways Alliance, Louisville's Olmsted Parks Conservancy and River City Canoe & Kayak. The day's festivities include fishing lessons, canoe & kayak demos, a creek crawl, music, vendors and more! All free of charge! So, pack up a picnic lunch. Bring your kids or the dog. And be prepared to have some fun! Interested in joining the fine folks below in sponsoring? Contact Tessa at Tessa@KWAlliance.org or 502-589-8008.



KWA Expanding our Work for the Rockcastle River

KWA wins funds to bring a Rockcastle River program under our umbrella

Kentucky Waterways Alliance has had tremendous success *keeping clean water clean*, helping to improve the protection of over 90% of Kentucky's waterways. A key part of this work is identifying waterways with exceptional quality and working to make sure they are protected from excess pollution for years to come.

An example of this is our work to protect the Rockcastle River. Known for its beauty and frequented by paddling enthusiasts, KWA worked with Kentucky Division of Water and the US Forest Service to have a portion of the Rockcastle River designated as an Outstanding National Resource Waters (ONRW) in 2009. ONRW waters receive the highest level of protection under the Clean Water Act. Located in southeastern Kentucky, KWA has advocated for the river's health over the years including our opposition to the building of I-66 – a proposed highway that would included development along the river.

To continue the tradition of advocating for the river's protection, KWA has recently approved the Rockcastle River program with funding from the Steele-Reese Foundation. Jim Hays, former Rockcastle River Project Director for the Kentucky Chapter of The Nature Conservancy (TNC), will act as pro-

gram director and help KWA protect this unique watershed.

KWA's new role administering the Kentucky Aquatic Resource Fund (KARF) for the Kentucky Field Office of the US Fish and Wildlife Service (USFWS) also plays a large part in protecting the Rockcastle River watershed – Sinking Creek in particular. Through KARF, KWA partnered with USFWS, Kentucky Chapter of TNC, Kentucky Transportation Cabinet and the Federal Highway Administration to fund the acquisition a large tract of land along Sinking Creek last year. A new agreement with the University of Louisville (U of L) Research Foundation will fund the U of L Stream Institute's assessment and restoration of a degraded tributary of Sinking Creek on the protected tract, bringing yet another key partner into this effort to protect and restore this very special place.

Our new program and collaborative efforts for the Rockcastle River will be an important step in preserving one of Kentucky's natural treasures. Want more information about the Rockcastle River program? Contact Jim Hays at 606-878-7664. Interested in learning more about KARF Contact Judy Petersen at 502-589-8008.

River City Canoe & Kayak Bringing the Outdoors to the Big City

And doing their part for clean & healthy waterways in Kentucky

Kelly Craig

Doug and Jessa Davis know a thing or two about paddling. They are owners of Louisville's largest paddle sports store - River City Canoe & Kayak - located just off Bardstown Road. With a passion for paddling, a staff of paddling enthusiasts, and water-loving Denali the store mascot (one of the cutest pups in Louisville), Doug and Jesse started up their business in 2009 so they could work at what they love to do.

River City Canoe & Kayak offers a full range of technical and lifestyle outdoor apparel, boats of all types, paddle sports accessories, boat repair, and instruction certified through the American Canoe Association. Doug and Jessa are both licensed *Leave No Trace* Master Educators, and Doug volunteers his time with the Louisville Red Cross chapter teaching CPR and Wilderness First Aid courses. He also enjoys hanging out with his fellow club members in the Viking Canoe Club.

Doug and Jessa's philanthropic work has also extended to Kentucky Waterways Alliance. On June 23, they held a benefit sale for healthy waterways where 10% of sale proceeds benefited KWA.

"We support the work of Kentucky Waterways Alliance to protect and restore our waterways. If the waters aren't protected, we aren't able to recreate and feel safe doing so," said Doug.

We hope you will visit our friends Doug & Jessa, owners of the single largest paddler sports retailer and instructional facility in the Kentuckiana region. The goal of River City Canoe & Kayak is simple: "To spread the love of paddling and the outdoors!"

Check out the calendar of events on the website: www.rcckonline.com/calendar.html. The events



Doug & Jessa Davis and their faithful mascot Denali are pictured seated at River City Canoe & Kayak, their store in Louisville, KY.

range from "Women's Night" to kayak & safety trainings.

Aside from offering great gear and certified instruction, they are also the first business to take part in KWA's new membership discount program! (Read more on the next page.) So, if you're a KWA member and in the Louisville area, please stop by and support a business that supports clean water in Kentucky.



River City Canoe & Kayak

814 Cherokee Rd. Louisville, KY 40204

Phone: 502-384-3737

Email: Info@RCCKonline.com

Website: www.rcckonline.com.

KWA Getting a New Look And Feel

KWA partners with Sullivan College of Technology & Design

Jennifer Milburn

Remember KWA's 2010 calendar filled with beautiful photos of Kentucky waterways submitted by our friends and supporters? A little known fact is the talent behind that design came from a young lady who interned for KWA last year. Robbyn Bernsen came to us from Sullivan College of Technology & Design in Louisville where she is currently working on a B.A. in Graphic Design. (Robbyn also created our memorable "Show Your Love for Beargrass Creek" campaign logo!)

Our relationship with Robbyn has grown into a partnership with the college whose students have been helping us over the last several months in our initial steps to create a cohesive "brand" for KWA.



Craig Neimann, Department Chair of Computer Graphics and Dynamic Web at the university, said he began incorporating projects from local nonprofits into classroom plans when he realized that the work gave students "real-world" experience while helping worthy causes. His students have completed work for several nonprofit groups in Lou-

isville including Big Brothers Big Sisters of Kentucky. They've also partnered with national corporations like GE.

If you've noticed a few changes in our newsletter design, you can attribute them to Barry Comer, a Louisville-based graphic artist we enlisted to design our new membership brochure. (Check out his website at: www.barrycomerdesign.com.) Using elements from

Barry's work, the students at Sullivan have redesigned our letterhead, envelopes, and given life to our new tagline "*Healthy waterways. Healthy communities.*"

The students have also been helping us with graphics needs for our campaigns including the Beargrass Creek Alliance (look for a logo unveil in the next newsletter and read article page 6) and our campaign against more mercury in the Ohio River (read front page article.)

We'd like to extend grateful appreciation to Craig, Robbyn, Barry and all the students who have had a hand in helping us package our message for clean water in Kentucky!



KWA & You - Good Company!



Are you a business owner looking for ways to partner with a good cause? KWA is laying the groundwork for a new membership discount program that might be the perfect fit for you. In addition to knowing they belong to the only nonprofit in KY working full-time on water issues, we hope to offer our members additional benefits by partnering with businesses across the state that would be willing to give a slight discount to our members - businesses like River City Canoe & Kayak in Louisville, offering KWA members a 10% discount on

all store products! And with a membership base that spans the state, this is a great opportunity to expand your reach and let more people know about your goods or services. Please contact Angela at Angela@KWAlliance.org or 502-589-8008 to discuss how we can work together to promote your business and healthier waterways in Kentucky!

The Long Road Ahead, contd.

(Continued from front page)

Despite New EPA Guidance KY Permits Still Fail to Protect our Waterways & our Families

The permits that allow coal mining in KY are failing to protect our communities. In 2008, KY's report to Congress on water quality identified 1,199 stream miles in the Kentucky River basin, 487 miles in the Upper Cumberland basin and 780 miles in the Big Sandy basin as impaired – with coal mining as the suspected cause. Today, the KY Division of Water reports that only 18% of the assessed stream miles in the Big Sandy fully support aquatic life. In April, the EPA issued new guidance that promised additional protection from coal mining discharges. However, the state continues to issue and renew discharge permits that disregard the new guidelines. KWA has commented on the permits and will consider challenging the state if the permits are finalized without following the new federal guidance.

Blanket Permit for Allowing Valley Fills Suspended in Appalachia

In June, the Corps announced the suspension of Nationwide Permit 21 (NWP 21), the general permit for valley fills associated with surface coal mining. KWA has challenged the Corps over the use of the permit since 2002. Although the judge failed to ever rule in our challenge, the Corps finally agreed that surface coal mining activities in the Appalachian region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia are more appropriately evaluated through an individual permit process that allows greater opportunity for public comment and examination of environmental effects.

OSM Says Waste No Longer Allowed Near Mountain Streams

Since 2001, KWA has challenged the weakening of the Stream Buffer Zone Rule, a requirement in coal mine permitting to maintain a 100 foot buffer around a stream. In April, KWA met with Joseph Pizarchick, the Obama Administration's OSM Director, as he explained steps the agency will take toward developing a new rule that will increase protection of streams affected by surface coal mining. Several open houses were held in July to take comments on how best to rewrite OSM rules so they protect our waterways with the comment period ending July 31. KWA supports many of the proposed changes in the new draft.

Short-Lived Victory for the Green River

The effects of coal are not only felt in Appalachia. Coal-fired power plants – like the Cash Creek plant being planned in Henderson County – threaten our waterways and our communities. In a rare move, on June 10, 2010, the Kentucky Energy and Environment Cabinet re-opened proceedings on the plant's wastewater permit, responding to the public's concerns that pollution from the plant would enter the Green River. The decision came after the permit was challenged by KWA, Valley Watch and the Sierra Club. The challenged permit would have allowed millions of gallons of polluted waste into the river every day and would have failed to control toxic pollution from the plant and its slag landfill, or even to consider whether the facility should be built at all. Our victory was short-lived however as the state's revised draft permit does little to address our concerns.



Coal Ash a Threat to Human Health

Following the devastating spill of 1.1 billion gallons of coal ash from a Tennessee Valley Authority impoundment in Kingston, TN, the EPA has proposed new rules for the handling of coal combustion waste. According to the EPA, the new proposal will ensure for the first time that protective controls, such as liners and groundwater monitoring, are in place at new landfills to protect groundwater and human health. Existing surface impoundments will also require liners, with strong incentives to close the impoundments and transition to safer landfills, which store coal ash in dry form.

KWA issued a report in June that revealed eight coal combustion landfills and impoundments in KY are leaking and contaminating groundwater. To add insult to injury, coal power companies have been submitting a flurry of applications for new impoundments and landfills in an attempt to grandfather coal ash expansions before the new EPA rules go into effect. In a move to protect KY communities from a potential Kingston disaster, KWA is working to challenge permit issuances for LG&E's 60-acre Cane Run coal ash landfill in Jefferson County and 462-acre Ghent coal ash landfill in Carroll and Gallatin counties.

(Continued on page 11)

(Continued from page 10)

KWA has also challenged a permit for LG&E's Trimble Generating Station in Trimble County. Approximately 40 miles upstream of Louisville and 20 miles from the Louisville Water Company's drinking water intake, the plant is proposing the expansion of over 1 million gallons of coal ash impoundment just yards from the Ohio River in addition to a million gallon impoundment to hold scrubber wash water. In order to comply with Clean Air Act requirements, coal power plants have installed and are routinely washing off smoke stack scrubbers. This scrubber wash water contains many of the contaminants released when coal is

burned. The Trimble plant, and all coal power plants, are mixing the scrubber wash water with their cooling water discharge. We believe the permit proposed for the plant will further pollute the Ohio River. Read cover article about ORSANCO's proposal that could give coal power companies and other polluters the right to dump mercury and other toxins into the Ohio River.

Our Work Continues

Being the voice for KY's waterways and all the people affected by unnecessary pollution is a role we don't take lightly at KWA. We know our efforts will have a resounding impact for generations to come and a price can-

not be put on the health of our waterways. However, our work *is* paying off – particularly in terms of new rules that will help protect our families now and in the future. And with your faithful support we can continue being the voice of the voiceless – our rivers, lakes, streams, and all those who call this great state home.



Stop Mercury Rising, contd.

(Continued from front page)

The 2006 win was due to the collaborative effort of KWA and groups like the Sierra Club who mobilized public opposition to the rule changes. Reminiscent of this successful campaign, KWA and our allies are in the midst of a new campaign asking people to once again speak up on behalf of the Ohio River.

And this time around – health threatening chemicals are the issue. The proposed new rules threaten you, me and our families by weakening protections for chemicals like mercury – in a river that is already at a tipping point for mercury contamination. Mercury is dangerous to human health and is known to cause brain and nervous system damage in the developing fetus and young children.

Tim Guilfoile, Deputy Director of the Sierra Club Water Sentinels, KWA Board Member, and a healthcare professional for over 30 years, said in his comments to ORSANCO that peer

reviewed, scientific evidence is mounting that mercury and other BCCs are a contributing factor to many childhood abnormalities like autism and other developmental disorders.

"Very rarely is there a single cause for any medical disorder. However, when we learn about contributing factors, especially in children, it is incumbent upon us to do what we can to decrease and finally eliminate these risk factors," Guilfoile states. "Certainly, we do not want to consciously increase these risk factors. Approving variances for mixing zones would increase risk factors especially for childhood diseases."

Phillip Ray Gibson of Asheville, NC, a financial contributor to our campaign, has worked on public health issues since 1991. He grew up in KY playing in the culverts, creeks and woods of west Louisville, which is where his love for the environment originated. Working in the trauma emergency room of the University of Louisville, Phillip saw directly how environment can impact

human health.

"KWA works every day to protect my family's heritage, health and the creation in which we have been entrusted. I feel it is my responsibility as a native Kentuckian and fellow human to give to such a profoundly important issue - clean water. It is the least I can do," said Gibson.

ORSANCO is accepting public comments until September 3, 2010. And KWA is making it easy for you to comment. Enclosed is a pre-addressed post card that you can place in the mail and send directly to ORSANCO. Or go to KWA's website and deliver your personal testimony against these proposed changes through our online form at: **www.KWAlliance.org/comment**. Finally, you can e-mail pcs@orsanco.org to say **NO to mercury rising in the Ohio River**. Each and every voice matters! Please take a moment to speak up for a healthy future. Thank you for your action!

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