

NewsStreams



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

Thanks for Joining Us at Harrods Creek!

By Angela Doyle



Paddling scene along Harrods Creek. Photo by Ward Wilson.

It may have been chilly and a little windy, but that didn't stop Louisville Mayor Greg Fischer and over 100 paddlers and interpreters from coming out on Earth Day this year to celebrate the 2nd Annual Harrods Creek Paddle!

The paddle began at either Captain's Quarters or River City Canoe and Kayak, and meandered upstream for almost four miles of beautiful scenery where turtles, beavers, a nesting pair of bald eagles, and the state's largest Great Blue Heron rookery could all be witnessed. Along the way, participants could stop at interpretive

stations to learn more about the natural history of the creek, and the efforts to protect it. The reception afterward at Captain's Quarters included hot appetizers and live music, and a place for tired paddlers to put their feet up and relax after a long day out on the water.

Lots of hard work went in to the planning of this event. It couldn't have happened without the dedication of Dr. David Wicks, Gordon Garner, and Doug Davis. Special thanks also goes to title sponsor **River City Canoe and Kayak**, who donated all rental proceeds for the day, and to sponsors **Eco-Tech Consultants**, **Quest Outdoors** and **Captain's Quarters**. Water safety for the event was provided by the **Kentuckiana Paddlers Association** and the **U.S. Coast Guard**. Music at the reception was provided by Pat Lentz and John Gage. Others among those who helped make the day a huge success were:

- City of Prospect
- Get Outdoors Kentucky
- Jefferson County Conservation District
- Jefferson County Environmental Trust
- Kentucky Conservation Committee
- Kentucky Natural Lands Trust
- Kids Grow Kentucky
- Louisville Rowing Club
- River Fields
- Salt River Watershed Watch
- Skipping Fish Boat School
- Wolf Pen Branch Preservation Association

Save the Dates!

May 26 - Beargrass Creek Alliance Stream Clean-Up, 9am-12pm, sites to be announced, register at: www.beargrasscreek.org

May 28 - Louisville Mayor's Hike, Bike, and Paddle, Waterfront Park Great Lawn, Louisville, KY

June 16 - Kentucky River Clean Sweep, Clays Ferry Boat Dock, off Tates Creek Rd at the Fayette-Madison County Lines

June 23 - Green River Fest, Munfordville, KY
Check <http://www.bigbuffalocrossing.com/index.html> closer to the date for more information!

August 4 - Clean the Green, at American Legion Park in Greensburg, KY. Check our website closer to the date for more information!

October 26-28 - KWA Annual Meeting at General Butler State Park, where we'll celebrate the 40th Anniversary of the Clean Water Act!



The Mayor's group, returning from their paddle.

40 Years Later, KWA Needs YOU

Message From the Executive Director

This year marks the 40th anniversary of the Clean Water Act! It's almost unbelievable, but 40 years ago, a bi-partisan congress wrote and enacted the Clean Water Act – over President Nixon's veto. Fast forward to today, and it appears that environmental protection is a partisan issue and many in congress seem to believe we have to choose between clean water and jobs.

There is no choice between clean water and jobs. There can't be; we need both. We can't live without clean water and most of us need a job to feed our families and pay the bills. But what some "leaders" don't seem to understand is that they need to help us make sure we don't sacrifice the future of our clean water for a short-term job.

This will be an important year for clean water in our state. Will we move forward, securing and protecting our most valuable natural resource, or will we backslide and allow our waters to be dumping grounds for industry and others?

The EPA and our state agency, the Kentucky Division of Water, will make decisions about coal mining discharges that could impact aquatic life in many eastern Kentucky streams for a very long time. Likewise, the EPA and our state will likely make critical decisions about the handling and storage of coal ash waste – again impacting our rivers and the people who live near these ash storage sites for generations. And there will be decisions about the discharging of mercury into the Ohio River and recreation on the Ohio River that will affect Louisville and other river communities for a very long time.

KWA will be at the table as your voice, advocating for protecting and restoring our waterways. We will be supporting the federal and state agencies who are entrusted with protecting our water – or if necessary we will be pushing hard to make sure they do the right thing for us all – and for generations to come. Will you add your voice to the fray?

Your continued financial support would certainly be appreciated. But there are also many other ways in which you can help:

- Taking action in writing EPA, the state or others or in speaking out;
- Informing others and getting them involved;
- Becoming more involved and taking a leadership role within KWA.

In October, KWA will hold our Annual Meeting at General Butler State Park. Our board of directors (Governing Council) is elected at the Annual Meeting each year. In addition, we have several openings for Delegates at Large and for representatives of other groups concerned about water to serve on our board. We need you! We need your energy, your expertise, your contacts, and your assistance in making sure that KWA thrives and that we continue to advocate effectively for clean water in Kentucky. If you are interested in more information about serving on our board, please call me (502-589-8008).

Because we all need clean water,

Judy Petersen



Executive Committee

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Ward Wilson, Vice President
Robert Johnson, Treasurer
Hugh Archer, Secretary
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Marc Hult, Licking River
Deborah Bledsoe, Upper Cumberland River
Ouida Meier, Upper Green River
Scott Vanderploeg, Lower Green River
Rosetta Fackler, Salt River
Tom Vierheller, Big Sandy River

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Tessa Edelen, Watershed Program Director
Tim Joice, Water Policy Director

Rockcastle River Conservation Program Director
Jim Hays
Bacon Creek Agricultural Coordinator
Mark Howell

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Want to be in the know about water-related happenings?

Visit our website at

WWW.KWALLIANCE.ORG

to check out upcoming events in Kentucky!

Don't forget to keep tabs on our blog

KWA.POSTEROUS.COM

KWA is a 501(c)3 nonprofit corporation. Articles express the opinions of their authors and not necessarily represent the views of KWA or its officers.

Many Thanks to AVEDA!

By Angela Doyle



April was Earth Month! For the third year in a row, Kentucky Waterways Alliance was chosen as Kentucky's Aveda Earth Month Partner. Throughout the month of April, Aveda salons and Experience Centers (stores) and other salons and stores across the state of Kentucky held events to raise awareness – and funds! – for KWA. The events ranged from bake sales to "\$1-a-minute massages to "Appointments for the Earth." Here are a few highlights:

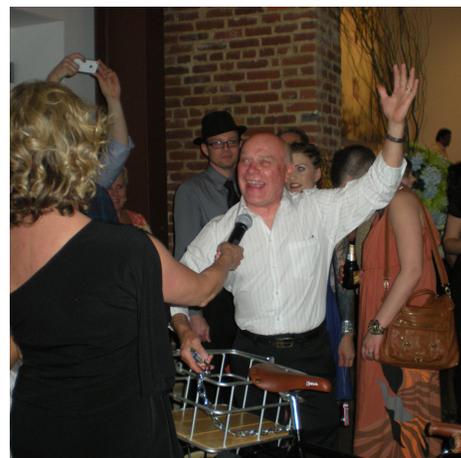
- On April 1st, Louisville area salons worked together to present the third annual "All for One Great Cause" fashion show event. Salons competed against each other using locally-sourced fashion designs and accessories to create one-of-a-kind looks. A silent auction, sales of discontinued or hard to find Aveda products, and a "donate

a dollar" people's choice award for best design helped raise even more funds. This year, Parkside Bikes donated a bike to the event, and throughout the evening, keys were sold to people attending the event. At the end of the evening, everyone with a key was given a chance to try it out on a lock on the bike to see who would be taking home the event's grand prize (see photo).

- On April 13th, the Lexington Aveda store held a benefit concert at Cosmic Charlie's, where folks of all ages showed up to see the unique style of headliner Chris Bathgate, who drove down from Michigan for the event.
- Earth Day, April 22, drew quite a crowd to the Z Salon and Spa Wellness event at their Shelbyville Rd. location in Louisville. For \$20, guests were treated to Zumba and yoga classes, chiropractic screenings, aromatherapy, mini facials, stress-relieving neck, shoulder and hand massages, hairstyles and makeup sessions, and a chance to meet with a local nutritionist and personal trainer

to discuss health and wellness needs. A silent auction with fantastic wellness related items rounded out the event.

We're grateful to the Aveda Corporation, and particularly to the salons and stores across the state who put so much effort into making the month a success. Their dedication will help maintain several of our vital programs!



Winner of the bicycle giveaway.

It Was a WILD Night!

By Kelly Cook



We had a great turnout for our 4th annual Wild & Scenic Film Fest! This year, it was all about **water** in celebration of the 40th anniversary of the Clean Water Act - a pivotal tool in our work. We included two films by local filmmakers for this year's event - Ben Evans' "YERT" and Ian Timothy's "Beaver Creek."

Many prizes were given away that night, including a kayak donated by River City Canoe and Kayak. The winner, KWA member Hank Levitt (pictured), is an avid paddler and supporter of our cleanups. We know he will put that vessel to good use.

If you attended the festival...THANK YOU for your support. If not, there is always next year! We had a committee made up

of volunteers who generously donated their time this year to help make this film fest a success. We wanted to especially thank David Wimsatt, Chas & Kim Stephens, Bess McLaughlin, Patrick Fitzgerald, and all of our other volunteers. If you are interested in serving on the committee next year please contact our office: 502-589-8008. We need you!

Each year, we have been able to host this event at a reduced cost because of the support of our sponsors. We owe a big thanks to our **title sponsors:**

Wiltshire Pantry,
Stock Yards Bank,
Metro Council Tina Ward Pugh,
USFWS, and
River City Canoe & Kayak.

We also wanted to say thanks to our **community sponsors:**

Comfy Cow, Little Kentucky River Winery, KY Ale, Eastern KY PRIDE, Louisville Climate Action Network, TNC of Kentucky, Jefferson Co. Soil & Water Cons., Heine Bros. Coffee, KY State Nature



KWA Member Hank Levitt, the lucky winner of the kayak raffle, donated by Doug Davis from River City Canoe and Kayak.

Preserves Commission, Jackson Purchase Foundation, Green Earth Outdoors, Ohio River Foundation, 21st Century Parks, Metro Council - Tom Owen, Louisville Olmsted Parks Conservancy, Greater Louisville Sierra Club, Audubon, Kentucky Environmental Foundation, Barry Comer Design, Bloom Elem. Media Club, Bristol Bar & Grill, KAIRE, and Kentuckiana Paddlers Association.

Thanks and we'll see you next year!

Coal News and Eastern Kentucky Streams

By Tim Joice

Background

In April 2010, the EPA issued guidance on water quality protection for surface coal mining projects. This guidance was based on strong scientific evidence that indicated streams in the Appalachian mining region with levels of conductivity over 500 microSiemens per centimeter (500 μcm) do not support aquatic life. Often times the devastating impacts to aquatic life are felt many miles downstream of the mining discharges.



Image of drainage below an active surface coal mining operation's fill and sediment pond.

In addition, according to the EPA, there is no evidence that these impacted streams ever recover their normal ecological functions, even after they undergo restoration work after the completion of mining operations. In order to protect aquatic life, EPA asked states in Appalachia, including Kentucky, to add a limit on conductivity of between 300 – 500 μcm for discharge permits.

In the two years since the EPA guidance was released, not a single Kentucky discharge permit has included limits on specific conductance. In the meantime,



Runoff from a Clintwood Elhorn mine in Pike County. Photo provided by Tim Guilfoile.

"In the two years since the EPA guidance was released, not a single Kentucky discharge permit has included limits on specific conductance."

several scientific peer reviewed studies have further validated EPA's limits. In fact, peer reviewed studies have questioned whether EPA conductivity limits were low enough to provide protection to 95% of the aquatic life and fresh water streams in central Appalachia, as EPA stated when they published the limit.

In Kentucky's most heavily mined river basin, the Big Sandy basin, only 18% of streams were assessed to fully support aquatic life in 2010. A similar study in 2004 found that 31% of streams fully supported aquatic life – a decrease of 13% in six years! The 2010 report stated that the top three pollutants were siltation, specific conductance and total dissolved solids—all of which are problems tied to surface mining operations.

Permit Hearings

On April 16, 2012, EPA announced plans to hold public hearings in Kentucky regarding EPA's specific objections to 36 National Pollutant Discharge Elimination System (NPDES) permits issued by the Kentucky Division of Water. EPA issued objections to these permits between September 2010 and September 2011 because:

"In each case, EPA's objections were based on EPA's finding that KDOW did not conduct a complete analysis of whether the proposed discharges had a reasonable potential to cause or contribute to a violation of Kentucky's water quality standards, and that as a result of the incomplete analyses, KDOW could not demonstrate that its draft permits included the control measures or effluent limits necessary to meet Kentucky's water quality standards, as required by the CWA [Clean Water Act]."

The results of these hearings will likely have a significant impact on future Division of Water NPDES permits for coal mining operations, but it is also important to understand the context of this issue. Since August 2009 Kentucky has approved individual permits for 87 surface-mine related projects, for 28 underground mines or coal preparation



Drainage below a legally restored surface coal mine and creek.

plants, and approximately 2,500 new or existing coal discharges under the general permit. The results of this dispute will directly impact these 36 permits and will set the stage for how the next general permit in Kentucky will be written in 2014 – and that's the big issue for the state and for the coal industry, as well as for all aquatic life in our Appalachian region.

The general public is invited to attend one or multiple hearings. It is important for folks with knowledge and understanding of the water quality concerns related to surface coal mines to show up with to the hearings with comments prepared or to submit written comments. KWA will send out an action alert to remind our members and will have sample comments and talking points available on our website in the coming weeks for you to use in developing your own comments, which can be presented orally at the hearings or submitted in writing at the hearings. See more details in the box below.

Hearing Dates and Times:

June 5, from 7-11 p.m. at the Frankfort Convention Center

June 7, from noon-4 p.m. and from 7-11 p.m. at the Eastern Kentucky Expo Center in Pikeville, KY

Interested in attending a hearing, or submitting comments? Visit EPA's website:

www.epa.gov/region4/kycoalminehearings

KWA Watershed Program Director Completes Environmental Education Course

The Kentucky Environmental Education Council (KEEC) is a state agency within the Education Cabinet that endeavors to help Kentuckians develop the skills necessary to solve current environmental problems, prevent new ones, and maintain a balance between the economy and the environment for future generations. To these ends, KEEC, among other things, coordinates the Nonformal Environmental Education Certification program.

KWA Watershed Program Director, Tessa Edelen, is among the program's most recent graduates. The graduation ceremony, held in February at the Louisville Zoo, recognized 15 new Certified Environmental Educators. The graduates are from all over Kentucky, and work in diverse fields from geology to tourism to city planning.

"Certified environmental educators learn ways to teach students *how* to think, not what to think. In addition to acquiring new skills and strengthening existing ones, participants develop a terrific network and camaraderie in the field by working closely with colleagues from around the state during the course," said KEEC Executive Director Elizabeth Schmitz. The course will be offered again in 2013.

The Nonformal Environmental Education Certification program is rigorous and designed for folks who are not classroom teachers, but who work with environmental issues in a teaching or facilitation capacity. This year-long program covers the basics of environmental literacy, teaching and learning styles, and the differences between advocacy and education. Talented instructors bring real life



Graduates and instructors of this year's Environmental Education Certification program.

experiences to the course and often serve as mentors to students. Through the course of the year, participants get together four times for intensive three-day workshops. The course features assessments in the form of written reports, exams, a debate, and a lesson plan. Each graduate is required to maintain their degree status through continuing education credits.

For more information:

Email Director Schmitz, Elizabeth.Schmitz@ky.gov

Visit KEEC's website, <http://keec.ky.gov/certification.htm>

Arsenic Limits: A Lesson in Affordability

Guest Article By David Spenard

Arsenic is a natural semi-metal element that is odorless and tasteless. In some areas of the World, including many parts of this country, arsenic is a contaminant in drinking water supplies. Depending upon the level of exposure, arsenic can pose an acute or chronic health risk. Given the health risk, the United States government began regulation of the level of arsenic as a contaminant in drinking water in 1942 with the establishment of a standard of 50 parts per billion (ppb) as the legal limit. In 2001, the Environmental Protection

Agency established a new limit, Maximum Contaminant Level (MCL), of 10 parts per billion.

There are several treatment options for obtaining compliance with the standard, but in many instances, the options require capital investment as well as funds for meeting annual operation and maintenance expenses. Since drinking water utilities are supported primarily through water rates paid by customers, funding requirements for compliance can lead to a need to increase water rates.

For small public water systems that serve less than 10,000 people these capital requirements and expenses can result in significant rate increases for consumers. This can, in turn, put pressure on low-income customers and low-income communities. In fact, there is a debate whether compliance with the MCL for arsenic is economically feasible for some systems. Consequently, for over a decade, the EPA has been examining issues related to the affordability of compliance with the

arsenic rule for small systems. The debate on this issue underscores the challenge of protecting public health while also preserving affordable access to water. This balancing process is extremely difficult.

The drinking water industry is presently and will for decades be influenced by three factors that stand to increase the cost of water to consumers. First, there is a need to fund the rehabilitation and replacement of infrastructure. Second, the treatment and transmission of water requires a lot of energy, and energy costs continue to rise. Finally, there will always be a need to develop and fund strategies for addressing other contaminants in our drinking water. With regard to the last factor, our decisions related to the protection of our watersheds from degradation will influence whether we minimize the conflict between the goals of protecting public health and affordable access to drinking water or whether we will see replications of additional conflicts similar to the small system affordability issue for the arsenic rule.



Image of arsenic pollution in a creek.

KWA Works Everyday on Behalf of Our Families for Clean Water

POLICY ROUND-UP: What we're doing to protect your water resources

By Tim Joice

KWA is your voice in the fight for clean water in Kentucky! Find out what we've been doing lately on behalf of the health of our waterways and communities!

The Next Farm Bill

Discussions on a 2012 Farm Bill have been heating up in Congress over the past couple of months and will continue to build over the coming weeks. KWA has been keeping tabs on developments through our Mississippi River Collaborative partners.

It's still unclear whether we will actually see a new Farm Bill this year, given the political climate, but at this point, the general consensus is that there is strong overall support. The major issue is that some funding has to be cut somewhere in the Farm Bill -- it's just a question of where and how much -- and the various groups in Congress have not been able to come to an agreement yet. In hopes to positively affect the process, we have focused our message on a couple critical issues:

- Conservation compliance being tied to any government subsidy
- Conservation title programs being maintained at current funding levels

If either of these components fall through the cracks, it could result in significant changes to the farmlands in our country, and to the waterways that permeate those farmlands. As the situation develops further, keep tabs on our blog for information, and we'll alert you to any action opportunities.



Positive Farm Bill results, including contour and strip farming. Source: USDA's AmberWaves publication.

KWA and Partners Sue EPA

On March 14, KWA joined its Mississippi River Collaborative partners and filed suit against the Environmental Protection Agency for their failure to address a critical water pollution problem that the EPA has acknowledged for decades.

The two legal actions were targeted specifically towards nutrient pollution from nitrogen and phosphorus, which can stimulate excessive growth of algae and result in depleted oxygen levels in aquatic ecosystems, choke marine life, and cause major ecological problems like the Gulf Dead Zone. In worst case scenarios, excessive nutrient pollution can cause toxic algae blooms and result in fish kills, death of livestock and pets, and damage to local drinking water supplies.

For the first action, we sued the EPA for denial of a 2008 petition to the EPA that asked them to establish quantifiable standards and clean up plans for Dead Zone-related pollution. The second suit seeks to compel the EPA to respond to a petition submitted in 2007 that requested that the EPA modernize its decades-old pollution standards for sewage treatment plants, to reflect the levels of nutrient pollution achievable with modern treatment technology. The Natural Resources Defense Council represents KWA and our partners in these two suits.

Kentucky alone contributes approximately 6.1 percent of the total nitrogen and 9 percent of total phosphorus to the Mississippi River. In addition, as of 2010, the Kentucky Division of Water reported 1,629 miles of streams impaired for nutrient-related pollutants.

Nutrient Reduction Programs

As noted in our lawsuits, nutrient pollution is a significant water quality issue throughout the Mississippi River Basin. KWA has been tracking nutrient reduction programs in our state and region, so here's a brief update on a few:

- Ohio River Sanitation Commission (ORSANCO) and Electric Power Research Institute's (EPRI) Ohio River Basin Nutrient Trading Project. This is currently in the final draft phases, and plans are to begin pilot trades this year.



The potential hazards from too much nutrients in streams. Source: PEW Environment Group.

- Kentucky Division of Water's Nutrient Reduction Strategy, a draft of which will be released within the coming months, and which includes participation in the Ohio River Basin Trading Project, the development of the Floyd's Fork TMDL, other regulatory and voluntary mechanisms, and plans for the 2014 DOW Triennial Review
- The 2014 Triennial Review will tentatively include enhancement of the nutrient narrative in the state's water quality standards, including numeric nutrient limits, as well as regional or watershed specific numeric targets

404/401 Commenting

As always, KWA has continued to fight for the health of our state waterways through the 404 and 401 permit public notice and commenting process. Through the last few months, we have submitted comments on several permit applications. This includes Corps of Engineers 404 permit applications for an outlet mall in Shelby County, a Kentucky Transportation Cabinet joint road building and coal mining project, and several other coal mining projects that proposed stream and wetland impacts as part of the mining hollow fills and sediment pond-building process. Check our website for more details on these comments, keep tabs on our blog, or contact us directly for more information!

KDOW Recertification of NWP's

As of March 19, the Division of Water finalized their decisions on the recertification of the Nationwide Permits (404s) through the state 401 General Water Quality Certification process. KWA met with the Division of Water and conveyed our thoughts on the certification, and many of you responded to our action alert and submitted comments online. Thanks for taking the time to advocate for sufficient protections for our waterways!

Leave It To Beaver!

Urban Beavers Do More Good Than Harm

Guest Article By Ian Timothy

When people think of urban animals beavers don't usually come to mind, but here in Louisville beaver colonies are having an incredible effect on their surroundings. The most notable is in Arthur K. Draut Park, a small park in St. Matthews where I have been studying beavers for over four years. It has the most fantastic beaver-created habitat that I have seen in the city.

When a beaver dams a waterway they create a large wetland pond, which has such a beneficial impact on their habitat. Such ponds provide a new environment for biodiversity—at Draut Park alone, I have seen many animals that would not normally be in a small urban park. Sadly, the beaver dam that had created wetlands was bulldozed by the City of St. Matthews.

The beavers at Draut Park had created a beautiful wetlands area that made the park more healthy and diverse, but within a few days of the dam being bulldozed the park looked dead. The wetland area's water level dropped significantly, and resulted in the loss of habitat for many animals such as turtles, muskrats, heron, many of the fish, and the death of reeds and aquatic plants. Luckily, beavers are resilient animals. Within two weeks the dam had been rebuilt and the ecosystem at Draut Park restored.

There are many humane management solutions for beaver issues. For example, devices known as pond levelers, made out of wire and piping can be installed in a beaver dam to control the flow of the water to prevent flooding, but retain the

beneficial aspect of the beaver wetland. In addition, when a beaver chews a tree it can look like damage, but nature knows best. The preferred meal and building material

“A beaver will chew down a tree in autumn and the tree will sprout new shoots in the spring....What can look like destruction at first is often the beginning of new life.”

for beavers are riparian trees such willows, which when chewed down will naturally send up new shoots. A beaver will chew down a tree in autumn and the tree will sprout new shoots in the spring. Within a few years the tree will be bigger and bushier, and give new homes to small nesting birds and other animals. What can look like destruction at first is often the beginning of new life. Even if a beaver chews down a large tree that does not regrow, it is part of a natural cycle that allows the tree to either be used by the beavers or decay and help renew the soil, while other smaller trees can grow fuller in its place.

As a keystone species, it is important to keep beavers in their environment, but it also important to manage them humanely.

Ian Timothy is a high school student at St. Xavier in Louisville. He has studied local beavers for years and produced the clay-mation film series Beaver Creek, which was shown at this year's Wild & Scenic Film Fest!



Photo by Ian Timothy, showing the dammed wetland area at Arthur K. Draut Park in Louisville.

KWA Bids Farewell to Staff Member

We regret to inform our members that Jennifer Milburn has resigned from KWA in order to be closer to home and her family. Jennifer contributed a lot to our work here at KWA for the last five years, and we wish her the best in her future endeavors!



Take Action!

You can sign up for **action alerts** so you'll be the first to get up-to-the minute notifications on when you should take action for clean water
www.KWAlliance.org/take-action

Keep tabs on the various policy issues by checking our website, or checking our blog
www.KWA.posterous.com

For more information about our water policy program contact Tim Joice at Tim@KWAlliance.org or (502) 589-8008



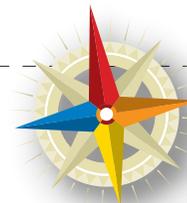
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**Did you know you can become a member of KWA for only \$ 25 a year?
Visit WWW.KWALLIANCE.ORG to join us in the pursuit of healthy waterways today.**