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# Newstreams

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

## KWA and Allies Win Protections for the Green River and Wetlands

Jim Murphy, National Wildlife Federation & Jason Flickner

In 2008, KWA joined with the National Wildlife Federation in supporting the US Army Corps of Engineers, US EPA, and KY Division of Water's enforcement of a case against a property owner (the Cundiffs) in Muhlenberg County, KY. The property owners dug extensive ditches on their farm to drain nearly 200 acres of wetlands allowing acid mine drainage waters to drain directly into several tributaries of



The Green River. The contaminated soil excavated from digging the ditches was thrown back into the wetlands. The Cundiffs had been

warned by state and federal officials on numerous occasions that their activities were illegal and would pollute the area streams and the Green River. They chose to ignore the warnings, subsequent Notices of Violation and compliance orders from EPA and took the case to court hoping to expand the court's definition of when a wetland is not protected under the Clean Water Act (CWA).

The 6th Circuit Court of

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## Reclaim Our Appalachian Streams Support the Clean Water Protection Act

Jason Flickner

Since the Clean Water Act (CWA) was enacted by Congress in 1972, billions of dollars have been invested to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." For 25 years, the Clean Water Act has vested the US Army Corps of Engineers with the ability to issue Section 404 permits to place "fill material" into waters of the United States, provided that the primary purpose of the "filling" was not for waste

disposal, justly prohibiting mountaintop removal operations from using the nation's waterways as waste disposal sites. In 2002, under the direction of the Bush administration and without congressional approval, the Environmental Protection Agency and US Army Corps of Engineers amended its policy defining "fill material" to include mining waste. The rule change was promoted by the coal mining

industry with the intent to allow Appalachian coal mines to fill valleys and bury streams with wastes from mountaintop removal coal mining. On May 8, 2002, a federal district court in West Virginia found that the rule change violated the Clean Water Act. The following year, the U.S. 4<sup>th</sup> Circuit Court of Appeals reversed the lower-court's ruling and legitimized the practice of

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## Events

### April 4 – Reforest Frankfort

Time: 9 am – 2 pm Location: Old Lawrenceburg Road at the Boat Ramp parking lot near the East-west Connector and the Julian Carroll Bridge. Contact: ACam-mack@frankfort.ky.gov

### April 4 – KY Arbor Day Plant for the Planet tree giveaway

at Warheim Park, 1832 Overlook Terrace, four blocks from the Douglass Loop Time: 9:00 a.m. to 3:00 p.m. Parking available at Douglass Loop. Contact: Stephen R. Spanyer, "Plant for the Planet!" – Joint Highlands Arbor Day Committee at (502) 459-1405 or e-mail: srs@iglou.com

### April 23 – Cane Run Creek Clean Up

Contact: Amanda Abnee Gumbert at 859-257-6094 or amanda.gumbert@uky.edu.

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Your donations are tax deductible! Mail to KWA, 107 E. Court St., Greensburg, KY 42743

## From the President

### Positive Change in Store for KY's Water Quality

The New Year found me renewing my five and a half year battle with breast cancer. I did not anticipate that I would have to go through another round of cancer treatments when I agreed to assume the position of President for Kentucky Waterways Alliance. The Past-President Bruce Scott and Vice President Gordon Garner agreed to fill in for me through the end of January. I was concerned about whether I would be able to fulfill the obligation to the members of KWA. I so badly wanted to do this work. My previous battle with cancer had taught me patience and the ability to live in the present. As the treatments progressed, I responded well and felt good. At the end of the six weeks, I was finished with treatments and everything looked great. I officially took on my role as President the first week of February.

Thankfully, I continue to be healthy and I enjoy the work with KWA. Why was it so important for me to continue? Well, those of you who know me know I never give up when I want something to happen. This works well both when fighting cancer and in fighting for the health of our environment. I believe if change is possible, why not try? A cure for my cancer may be obtainable, and I will give it my best shot. A cure for our environmental prob-

lems may be just around the corner, so why not keep trying?

KWA continues to fight for clean water and a healthier future for our great state, and as a result positive change is happening. In the last issue of our newsletter, Judy listed the accomplishments of KWA last year. So much more happened than her summary demonstrates. The staff under Judy's direction grew both in number and abilities. Our staff members are dedicated, bright young people who are passionate about their work for improved water quality.

They are incredible in all they are able to accomplish. Judy is amazing in all that she has going on and the way that she keeps so many balls in the air. I am inspired by the staff to work harder for KWA. I am inspired by our dedicated board members and the folks who are our regular members that support our mission with time and money.

I believe we'll see even more positive change in the future. Kentucky Waterways Alliance is truly an alliance of dedicated people who will continue to make a difference. I am proud to be a part of the alliance, and I look forward to this year.

*Beu Juett*



Beverly Juett, KWA President

## Newstreams

Published quarterly by  
Kentucky Waterways Alliance

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*Send your comments or letters to the editor to [Jennifer@KWAlliance.org](mailto:Jennifer@KWAlliance.org).*

## KWA and Allies Win Protections

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Appeals upheld the lower court's decision that the wetlands at issue were protected by the CWA. This victory will help protect water quality in several streams and the Green River. It also has national implications. In 2006, the US Supreme Court issued a split decision that erodes decade long protections for many streams, wetlands, and other bodies of water previously protected under the CWA. The Supreme Court in "Rapanos v. United States" held that only "relatively permanent, standing or flowing bodies of water," were protected by the Act and not "occasional," "intermittent," or "ephemeral" flows. Furthermore, a mere "hydrological connection" is not sufficient to qualify a wetland as covered by the CWA; it must have a "continuous surface connection" with a "water of the United States" that makes it "difficult to determine where the 'water' ends and the 'wetland' begins."

Since the US Army Corp of Engi-

neers is charged with making decisions as which wetlands are "jurisdictional" or covered by CWA legal protections, the Supreme Court split decision has every Corps office around the country making decisions about which waters and wetlands receive legal protections. This has caused considerable confusion and for some regions of the country considerable discrepancy in which waters receive CWA coverage. KWA, with assistance from allies at the National Wildlife Federation, were able to submit legal briefs in support of federal and state agencies.

In referring to "Rapanos" the court in the Cundiff case stated that "the statutory phrase 'waters of the United States' encompass some waters not navigable in the traditional sense." The court rejected Cundiffs' claim that a nexus must be shown by a "laboratory analysis" of soil samples, water samples, or through other tests. A series of other defenses raised by

Cundiffs, including claims that side-casting is not a discharge of pollutant, that the activities were exempted from permitting as normal agricultural activities and ditch maintenance, as well as a takings claim.

Thee court also noted that "if one dropped a poison into the Cundiffs' wetlands, the record indicates that it would find its way to the two creeks and the Green River, therefore indicating a significant chemical, physical, or biological connection between the wetlands and the nearby navigable-in-fact waters." Finally, the court concluded that the ditches dug by defendants created additional surface connections between the wetlands and the streams, finding that "in determining whether the Act confers jurisdiction, it does not make a difference whether the channel by which water flows from a wetland to a navigable-in-fact waterway or its tributary was man-made or formed naturally."

## Action Needed to Restore the Clean Water Act!

The Clean Water Act is broken due to legal uncertainty caused by U.S. Supreme Court decisions and former President Bush administration's policies. Only Congress can fix the problem. Every week that Congress fails to act means dozens of additional streams, lakes, tributaries, and wetlands lose federal pollution protections under the law. Already, it is estimated that over 10,000 water bodies have lost Clean Water Act safeguards since 2001. Just since June 2006, over 500 Clean Water Act enforcement cases have been dropped, de-prioritized, or undermined because of this uncertainty.

For 30 years, the Clean Water Act protected all of the nation's waters from pollution and filling. But recent Supreme Court decisions have created confusion about whether small wetlands and headwater and intermittent streams - which make up a majority of the nation's waters - fall within the scope of the law's protections. If waters are found to be outside of the law, developers, oil and mining companies, and other polluters can fill or dump waste into them with no oversight or limits or pollution control permits.

**Clean water advocates are seeking to fix this serious hole in the law by having Congress pass the Clean Water Restoration Act ((H.R. 2421/ S.1870) this year.** A bill is needed in both chambers which would codify the rules that defined the scope of the law before the Supreme Court decisions, so that small wetlands and streams will continue to be protected under the Clean Water Act.

From April 6-17, members of Congress will be back in their home states for a Spring in-district work period. During that time, you can act by calling your representatives and senators in support of the Clean Water Restoration Act. For more information about how you can act now, contact KWA staff!

## Reclaim Our Appalachian Streams

(Continued from Page 1)

filling rivers and streams with waste rock and dirt, known as overburden, from mountaintop removal coal mining operations.

The redefinition of "fill material" has promoted and accelerated the devastating practice of mountaintop removal coal mining. More than 400 mountaintops have been stripped of trees and flattened, and 1,200 miles of Appalachian streams have been buried under rubble. EPA estimates that by the end of the decade a total of 1.4 million acres of Appalachia's mountains and hardwood forests will be destroyed by mountaintop removal mining.

In May 2002, in response to the Army Corps' rule change, The Clean Water Protection Act was introduced into the House of Representatives to restore protections. The Clean Water Protection Act has received enormous bi-partisan support and has been recently re-introduced to the 111th Congress on March 4th 2009 by Congressmen Frank Pallone (D-NJ), John Yarmuth (D-KY), and Dave Reichert (R-WA) with 117 original co-sponsors. The Clean Water Protection Act of 2007 (H.R. 2169) would define "fill material" to expressly forbid the dumping of mining waste into the nation's waters. The bill restores the prohibition on using waste as "fill" that had been prohibited in regulations since 1977. By in-acting a statutory definition of "fill material" that expressly excludes waste materials, Congress will end the need for further court proceedings and clarify the law consistent with the purpose of the Clean Water Act – to restore and maintain the integrity of the Nation's waters.

Since its inception, KWA has remained actively engaged in protecting Kentucky's streams from the abuses of the coal mining industry's mountain top removal and valley fill practices.

Initiated and ongoing since 2002, KWA has been a plaintiff in a federal lawsuit to block general permits under a US Army Corps of Engineers program known as "Nationwide Permit 21 (NWP 21)," for mining operations with valley fills.

In December 2006, KWA and the Sierra Club filed a lawsuit challenging an Army Corps of Engineers 404 permit for a massive International Coal Group (ICG) mountain top removal coal mine in Leslie County, KY. The 8<sup>th</sup> amendment to the original surface mining permit would have added 960 acres to the Thunder Ridge mine allowing 5 new valley fills and burying 12,689 feet of streams (6781 intermittent feet and 5908 ephemeral feet).

In December 2008, following numerous requests to enforce the existing rule, KWA joined a lawsuit challenging EPA's approval of an Office of Surface Mining (OSM) proposal to weaken the Stream Buffer Zone Rule. The Stream Buffer Zone Rule is a 25 year old federal regulation designed to protect streams by requiring mining companies to maintain a 100 foot riparian buffer along the banks of a stream.

Agency and judicial misinterpretation of the Clean Water Act continue to threaten Appalachian streams and

### Urge your members of Congress to support the Clean Water Protection Act.

**The Clean Water Protection Act (HR 1310)** would help to end mountaintop removal coal extraction. The bill was co-sponsored by KY Congressmen John Yarmuth (3rd District) and Ben Chandler (6th District).

You can be a part of the movement by calling your House Representatives in Congress. Visit [ILoveMountains.org](http://ILoveMountains.org) to learn more about how you can take action or contact KWA staff.

legitimize the practice of mountaintop removal and valley fills. In February, a panel of federal judges in the 4<sup>th</sup> Circuit Court of Appeals ruled in favor of the U.S. Army Corps of Engineers in a controversial mountaintop removal mining case in West Virginia. Earthjustice and the Appalachian Center for the Economy & the Environment had filed suit challenging several West Virginia mountaintop removal permits in September 2005, on behalf of the Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, and Coal River Mountain Watch. The U.S. District Court for the Southern District of West Virginia in March 2007 found those permits violated the Clean Water Act.

The 4<sup>th</sup> Circuit Court's ruling will permit mining companies to conduct devastating mountaintop removal coal mining operations without acting to minimize stream destruction or conducting adequate environmental reviews. As a result, Appalachia could now be facing up to 90 new mountaintop removal coal mining operations, which would destroy huge swaths of the Appalachian Mountains and miles of streams.

## Spotlight on Kentucky Outfitter - Big Buffalo Crossing Canoe & Kayak on the Green

Kelly Craig & Jennifer Milburn

Up for a little adventure? Come explore the rich history and scenery of Green River with Barry Turner, owner of Big Buffalo Crossing Canoe & Kayak. Your voyage begins at Thelma Stovall Park located at: 100 River Road in Munfordville, Kentucky. Big Buffalo Crossing offers several varieties of canoe trips ranging from short day trips to overnight camping trips along the river. Some points of interest are the 300 Springs Waterfall (pictured) and the L&N Turnpike Bridge.

Visitors come nine months out of the year from all over the US to experience the beauty of the Green River. Barry said they've had guest from Indiana, Arkansas, Florida, Illinois, West Virginia, Missouri, and they've even had customers from as far away as Romania.

Looking for a way to get away from it all without breaking the bank during these tough economic times? You can make your trip to Big Buffalo Crossing a week-long educational family vacation. Hart County offers fun for every family member, no matter your age. They can provide free primitive camping and are ready to accommodate groups of all sizes. There are plenty of attractions close by like Kentucky Down Under, local caves including Kentucky Caverns, Hidden River Cave, and Cub Run Cave, the American Cave Museum, and Kentucky Repertory Theater in nearby Horse Cave.

A lifelong resident of Hart County, Barry grew up on the Green and his love for the area has stayed with him into adulthood. An active member of the community, if he can't be found working near his quaint little hut on the Green, you can find him coaching his son's soccer team or helping organize The Green River Fest clean up for the river he loves.

This year's clean up will be July 13 beginning at 8 am. Big Buffalo Crossing takes care of all scheduling and planning, and supplies all canoes, life jackets, and paddles.



Regular customers from Louisville take a trip down the Green and admire the 300 Springs Waterfall.

With donations from local supporters, they also supply free t-shirts for volunteers.

"Participants receive free canoe rental, and are dropped off at two locations along the river with trash bags," said Barry. "In the past, we've found tractor tires, buckets, and loads of trash."

Barry said he feels fortunate to have a business that allows him to spend so much time on the Green River. "Taking care of the Green River and all the creatures that call it home is definitely a 'win/win situation.' It's my favorite place to be, and the outfitting business gives me the opportunity to earn a living being a part of the river my family loves."

To schedule a paddling trip visit them on the web at: [www.bigbuffalocrossing.com](http://www.bigbuffalocrossing.com) or call: (270)774-7883 or 1-866-233-2690.

Interested in being profiled or want to recommend your favorite Kentucky outfitter to be profiled? Contact: Kelly Craig at (270) 932-2884 or [Kelly@KWAlliance.org](mailto:Kelly@KWAlliance.org).

## KWA IS BLOGGING!

Visit Judy Petersen's blog on the Courier-Journal's Kentuckiana Green website ([www.kentuckianagreen.com](http://www.kentuckianagreen.com)) to stay up-to-date on clean water issues and events. Have an idea for a good blog topic? Contact Judy at [Director@KWAlliance.org](mailto:Director@KWAlliance.org) or any KWA staff member.



# Out and About...

## KWA Makes the Scene at Halfway to Forecastle



KWA participated in the Halfway to Forecastle event in January. Partial proceeds from the event went to KWA for a Lower Ohio Riverkeeper scoping project. Cheryl Bersaglia, Program Coordinator for the Jefferson County Soil & Water Conservation District is pictured above with an interactive demonstration while Jason Flickner, KWA, looks on. Also pictured is a volunteer from River Fields alongside their display. A warm thanks is extended to JK McKnight, Forecastle organizer and Cheryl for her time that night. *Interested in learning more about the Riverkeeper program? Contact Jason Flickner at (502) 589-8008 or Jason@KWAlliance.org.*

## National River Rally

**May 29 - June 1, Baltimore, MD**

The National River Rally is River Network's premier annual event that brings together over 500 river conservationists for an action-packed extra-long weekend of education, inspiration and celebration. Staff, board members, volunteers, and individuals working for watershed conservation should plan to join us in Baltimore this May. What's provided?



- \* A pre-River Rally Night at Camden Yards on Thursday (extra cost)
- \* A series of intensive, 4-hour workshops on Friday afternoon
- \* Over 70 additional workshops covering topics of interest to staff, volunteers and board members of river conservation organizations
- \* Office hours, mentoring sessions and real life, in-person conversations with funders and exhibitors
- \* The River Heroes Banquet: a memorable and inspirational night of celebrating our own leaders
- \* Unsurpassed networking opportunities

River Action Day: American Rivers is organizing a day on The Hill for the river conservation community. Spend Monday learning how to make the most out of your visit and spend Tuesday meeting with your congressional leaders. For more info visit [www.rivernetwork.org](http://www.rivernetwork.org) or contact a KWA staff member.

## Events

(continued from Page 1)

**April 24-26 - Campus Community Partnerships for Sustainability** at Western Kentucky University in Bowling Green, KY Contact: [sustainability@wku.edu](mailto:sustainability@wku.edu) or WKU Sustainability Coordinator Christian Ryan-Downing at [christian.ryan-downing@wku.edu](mailto:christian.ryan-downing@wku.edu) or 270-745-2508 For more information visit: <http://www.greencampusky.org/>

**May 11-14 - Fifth National Conference for Nonpoint Source and Stormwater Outreach** in Portland, Oregon The theme of the conference is "Achieving Results with Tight Budgets," and will explore practical, current examples of successful outreach programs and projects. For more information visit: <http://epa.gov/nps/outreach2009/>

**May 15-17- Eastern Coal Regional Roundtable Training** at Pine Mountain Settlement School, KY Goal of training is to provide watershed groups in eastern coalfield region with training in the areas they need most. All training, lodging, and meal costs covered by an EPA grant along with mileage reimbursement. Contact: Kelsey Fischer at [info@easterncoal.org](mailto:info@easterncoal.org).

**May 31 - Licking River Creek Clean Up** at Paragon Boat Ramp Registration begins at: 9:00 – 9:30 am Bring gloves and wear sturdy shoes. Canoes provided by Cave Run Bicycle and Outdoor Center. Volunteers will receive t-shirts provided by East Kentucky PRIDE (while they last) and lunch. Contact: Bob Well at 784-6345 or April Haight at 783-2455

## 11<sup>th</sup> Annual Salt River Watershed Watch 2009 Annual Conference a Success!

*Karen Schaffer, Salt River Watershed Watch Science Coordinator*

The 11th Annual Salt River Watershed Watch conference was held March 6, 2009 at the University of Louisville. After a catered dinner, the group of about 45 assembled in the auditorium to enjoy a session focusing on green infrastructure and sustainability.

Claude Stephens, the Education Director at Bernheim Arboretum and Research Forest, kicked the meeting off with local examples of sustainability from his Louisville home. Claude and his wife raise a vegetable garden fertilized with manure from their chickens. The couple also installed a rain barrel and rain garden in the backyard to reduce stormwater runoff and conserve water. Several neighbors have followed their good example and removed backyard fences to join in the more environmentally friendly lifestyle.

Claude explained how Bernheim's Visitor Center in Clermont, Kentucky utilizes many green building practices. The green roof uses plants to reduce runoff and increase pervious surface. Rainwater is collected and used for toilets and irrigation. Wastewater is treated with peat filtration and then re-used for irrigation. The Visitor Center is the only Kentucky building to receive platinum certification from the US Green Building Council.

Brooke Shireman from the Kentucky Division of Water highlighted several programs that assist communities with greener ways to manage runoff. The 100+ Kentucky communities with stormwater programs are required to implement controls to prevent stormwater pollution. For example, the headquarters of Sanitation District #1 of Northern Kentucky has a green roof and a pervious pavement parking lot. The City of Hopkinsville helped residents build and install rain barrels. Communities with combined sewer overflows (CSOs) are preserving open space for parks and greenways. Around the state, there are many exciting green projects taking place.

The Clean Water State Revolving Fund and Nonpoint Source Grant were identified as funding sources for green infrastructure projects. Examples included installing pervious pavement at the Georgetown Fire Station, planning for stormwater management at the Kenton County school campus, and wetland restoration near the Corbin City reservoir. Although there are barriers, these examples highlight the growing interest and awareness that these projects can be implemented by dedicated Kentuckians.



*Attendees of the annual conference listen intently to Claude Stephens, educational director of Bernheim Arboretum & Research Forest.*

Bryan Thompson from the Jefferson County Public Schools Center for Environmental Education discussed an Earth Force grant that was awarded to assist six schools with environmental leadership projects. Teachers and students will select a waterbody, monitor it, analyze the data, and use the data to identify water quality issues. Students and teachers will identify potential solutions and then work to implement the solutions. Several members of the Salt River Watershed Watch volunteered on the spot to help with the project!

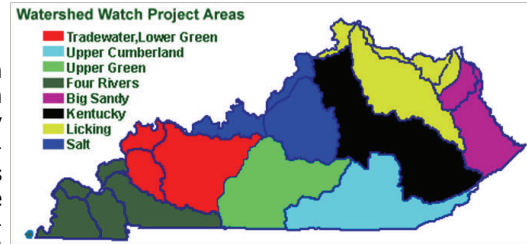
Karen Schaffer from Stantec described the Kentucky Watershed Leadership Academy project, which was funded by a 319(h) Nonpoint Source Grant. This project will develop a watershed training course similar to other states to build capacity for watershed planning in Kentucky. More information is available at [www.kywla.org](http://www.kywla.org).

Karen Schaffer also summarized 10 years of monitoring conducted by the Salt River Watershed Watch from 1998 - 2008. Over 130 volunteers have sampled one or more sites and up to 96 sites per year have been sampled. This is a significant volunteer effort, and it highlights the commitment to local waterways and monitoring. The good news is that dissolved oxygen was acceptable at most sites. No issues were found with un-ionized ammonia, 2,4-D, and metolachlor. Some sites had elevated nutrients, bacteria and triazines. The Salt River Watershed Watch is working on a report summarizing the data and more information will be available in the future.

# Whose Watching Over Your Water?

Tessa Edelen

Perhaps it seems like water quality is out of reach or entirely in the hands of state regulators. While improving our waters can be tricky business, there are things you can do to help. Any good plan starts with good information. The Kentucky Watershed Watch program trains volunteers to collect water samples to test for nutrients, bacteria, pesticides, and metals. These data contribute to the knowledge that researchers and regulators use to make informed decisions. Kentucky Watershed Watch volunteers began sampling waterways throughout Kentucky in the 1990s. More than 3,000 people volunteer to make Kentucky's waterways cleaner and safer through water quality monitoring, skill development, and advocacy. Eight local Watershed Steering Committees carry out this work in the state's eight major river basins (see graphic.) Each local watershed steering committee develops its own goals and plans based on the needs of its communities and unique conditions in its waterways. **Check out dates of some trainings and sampling events below and get involved!**



April	May	June	July	September	October
4 LRWW Training Workshop	8-9 T/LGWW Spring Sampling Event	1-13 LRWW Summer Sampling Event	10-11 T/LGWW Summer Sampling Event	11-13 UGRWW Fall Sampling Event	10 LRWW Fall Sampling Event
T/LGWW Training Workshops	9 KRWW Training Workshop		KRWW Summer Sampling Event	12 SRWW Fall Sampling Event	
5 UGRWW Training Workshop	LRWW Spring Sampling Event		11 LRWW Summer Sampling Event	11-14 KRWW Fall Sampling Event	
11 LRWW Training Workshop	8-10 UGRWW Spring Sampling Event		10-12 UGRWW Summer Sampling Event	17-19 FRWW Fall Sampling Event	
SRWW Training Workshop	14-16 FRWW Spring Sampling Event		16-18 FRWW Summer Sampling Event	25-26 T/LGWW Fall Sampling Event	
16 FRWW Training Workshop	15-16 KRWW Spring Sampling Event				
18 UGRWW Training Workshop	16 SRWW Spring Sampling Event				
SRWW Training Workshop					
FRWW Training Workshop					
KRWW Training Workshop					
LRWW Training Workshop					
25 KRWW Training Workshops					

For more information about Kentucky Watershed Watch, visit [www.kywater.org/watch/](http://www.kywater.org/watch/)

Visit our website and click on "Upcoming Events" for locations, times, and contact information for each training and sampling event.

# Ohio River Water Quality Regulations Under Review

Judy Petersen

Once every three years, the Ohio River Valley Water Sanitation Commission (ORSANCO) reviews its regulations and proposes changes and updates. ORSANCO will propose changes to its Pollution Control Standards soon (in March). The Public Comment period on the proposed changes is scheduled to remain open through May, and the Commission plans to vote on the adoption of any amendments to 2006 regulations in October 2009.

The Commission is especially interested in comments on the appropriate criterion for selenium. This issue is important in light of the high selenium levels from some coal mining areas. Selenium doesn't normally pose a threat to human health but does cause deformities in fish and aquatic life.

KWA will notify our e-action alert members as soon as the changes are available for review. If you're not signed up to receive KWA e-mail alerts, visit our website and fill out the online form or contact any KWA staff member. We'll also include an update on our website with the Public Hearing dates and locations. Finally, we'll post draft comments on all the proposed changes for members to use in developing their own comments.

Faithful *Newstreams* readers will likely recall the public outrage in 2006 over proposed changes to the bacteria criteria. ORSANCO is not proposing changes to the bacteria criteria at this time. In response to public comments in



A slight stretch of the Ohio River is pictured at sunset.

2006, ORSANCO funded a public survey of recreational uses of the Ohio River. That survey is nearly complete.

Also as a result of public input in 2006, the Public Interest Advisory Committee to the Commission, of which I am now a member, is putting together a listserve of interested individuals and organizations. If you want to receive news and information about Ohio River events and regulations, let me know and I'll be sure to pass that along so your name gets on the list.

## Ohio River Sweep

Saturday, June 20, 2009

Come help clean up the Ohio! The River Sweep is a riverbank cleanup of the Ohio River and its tributaries. River Sweep encompasses the entire length of the river, from its origin in at Pittsburgh to its end at Cairo, IL including 1,962 miles of shoreline and many tributaries.

During 2008, more than 21,000 volunteers from public organizations, civic groups, recreational clubs and the general public in six states bordering the river came together to collect more than 20,000 tons of trash and other debris from the banks of the Ohio River. Since 1989, River Sweep has been organized by the Ohio River Valley Water Sanitation Commission, an interstate water pollution agency for the Ohio River Valley, along with environmental protection and natural resource agencies from Illinois, Indiana, Ohio, Kentucky, West Virginia, and Pennsylvania.

For more information about the Sweep call the Ohio River Sweep Hotline: 1-800-359-3977 or visit ORSANCO's website at [www.orsanco.org](http://www.orsanco.org).

# Wild & Scenic ENVIRONMENTAL FILM FESTIVAL

Jennifer Milburn

Kentucky Waterways Alliance hosted Patagonia's Wild & Scenic Environmental Film Festival on February 7. With 220 people in attendance, 25 local sponsors, and Kentucky Education Television's *Kentucky Life* host Dave Shuffett as emcee, the night was one to remember!

Kentucky Waterways Alliance was awarded a grant from Patagonia to help bring the festival to Louisville as a way to educate the community about important environmental issues while inviting people to join in our mission to protect and restore Kentucky's waterways. The Wild & Scenic Environmental Film Festival was started by the watershed advocacy group, the South Yuba River Citizens League (SYRCL) in 2003. SYRCL is sharing their success as an environmental group with others organizations to bring the festival to over 90 communities nationwide. Its goal is to connect people through film to inspire activism. The festival's namesake is in celebration of achieving Wild & Scenic status for 39 miles of the South Yuba River in 1999.

"The films tell a story about our planet, highlighting issues, providing solutions and giving a call to action," says Tour Manager, Susie Sutphin. "Their collective energy empowers communities to initiate conversations that can bring about compromise and collaborative efforts that



Tom Fitzgerald, Kentucky Resource Council's director, answers the audience's questions during the Q & A session. Also pictured Judy Petersen.



Dave Shuffett, KET host and the festival's emcee, sat among the crowd in between his time onstage.

positively impact our wild places."

The films for the fest were selected for not only their message and entertainment value, but also for their relevance to Kentucky's environmental issues. One of the short films shown during the evening was *Renewal*, a film that presents eight individual stories of Americans around the nation in different faith traditions working to become better stewards of the environment. Offering a profound message of hope, one of the film's segments showed people in Hazard, KY driven by their spiritual and religious convictions, being called to re-examine what it means to be human and how we live on this planet.

The audience also got the chance to watch a group of world class whitewater kayakers travel to some of the world's most amazing rivers in *The Last Descent*. The brave kayakers ventured down the Marsyangdi River of Nepal, the Brahmaputra River in India, and the White Nile River in Uganda. All are threatened or are in the process of being destroyed by large scale hydroelectric projects. The film concluded with a trip down the Tuolumne River, highlighting the movement to restore Hetch Hetchy Valley in Yosemite National Park.

The night's feature film was *Mountain Top Removal*,

directed by Michael O'Connell and produced by Gill Holland of Louisville. O'Connell pointed a sharp lens at the hard coal-mining practice of mountaintop removal, a process that involves clear-cutting and then removing up to 1,000 vertical feet of mountain by explosives. After the film, a Q & A was held with O'Connell, along with Tom Fitzgerald, Kentucky Resources Council director and Judy Petersen. David Spenard, a KWA member and volunteer for the evening said of the event, "You all did a great job of putting together a top-notch event! The films were excellent. I hope to bring my children to the event next year."

Along with good films, the festival also provided a unique opportunity for similar groups to come together under their shared love of the environment. Meredith Williams, development coordinator for event sponsor, River Fields in Louisville, said, "We had a great time and loved



Mike O'Connell, director of *Mountain Top Removal*, takes the stage to answer questions from the audience about this experience making the film.

connecting with people who care about the environment. We would be glad to be a part of this event next year."

A sincere thank you is in order for the 25 local sponsors who took part in the event, offering in-kind and monetary support, as well as our dedicated volunteers. Title sponsors included: Kentucky Education Television, Councilwoman Tina Ward-Pugh, Derby City Film Festival, Louisville Film Society, Ramsi's Café on the World, and Liquor Barn. A special thank you to our volunteers: Kristofer and Ashley Rommel, Mike O'Connell, Tom Fitzgerald, Sarah Lynn Cunningham, David Spenard, Yvonne Meichtry, Pamla Wood, Daniel Devore, Joy Marie, Mary Clark, Steve Petersen, and Paige Seedler.



The crowd gathers around sponsor booths before the film festival begins.

Visit our website to view all photos from the event!

*Thank You & Much Appreciation to our Title Sponsors!*



Councilwoman Tina Ward-Pugh

