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# Newstreams

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

## 350 Acres in Laurel County, KY Protected!

*Land Along Pristine Stream is Purchased under New Partnership*

Judy Petersen

The first purchase made by the Kentucky Aquatic Resources Fund (KARF) has protected approximately 350-acres on Sinking Creek in Laurel County, Kentucky. Sinking Creek is a major, direct tributary of the Rockcastle River, a designated wild river in Kentucky. The KARF is an exciting and groundbreaking partnership between US Fish & Wildlife Services and KWA to administer funds aimed at sup-



Pictured is the section of Sinking Creek where Cumberland Bean Mussels were recently released.

porting projects that protect and conserve aquatic resources across the state. This stretch of land was purchased under the KARF

fund with KWA acting as administrator. The Nature Conservancy will own the site for a short period before being transferred to the U.S. Forest Service to become a part of the Daniel Boone National Forest.

"We are proud to be a part of protecting such a pristine stream," said Judy Petersen executive director of Kentucky

*(Continued on Page 10)*

## KDOW Finally Releases Selenium Findings

*Results Show Toxic Levels in Eastern Kentucky*

Jason Flickner

After repeated requests over two years from KWA, the Sierra Club, and the Appalachian Center for the Economy and the Environment, the Kentucky Division of Water finally released information about toxic selenium in our waterways. The results show high levels of the toxic mineral around Appalachian streams in eastern Kentucky.

Largely to blame is ash from coal-fired power plants and coal mining – both practices release high levels of seleni-

um into the environment, which in large amounts can be extremely toxic to people and to wildlife.

"Selenium, like mercury, doesn't degrade in the environment so the problem will only get worse," said Judy Petersen, executive director of Kentucky Waterways Alliance. "We need the Division of Water to act now to set limits in permits and require regular monitoring to protect people and wildlife in eastern Kentucky."

The state survey looked at headwater tributaries at 13 sites in eastern Kentucky, including six active coal mining sites, two "reclaimed" coal mine sites, and one abandoned coal mine site. The survey also included two reference sites and two sites located at road cuts.

At one active coal mining site and one road cut site, water downstream from the disturbance exceeded state water quality standards for

*(Continued on Page 10)*

## Events

**October 15 - Irish Hill Neighborhood Association's Media-tive Urbanisms** - a design competition to benefit Beargrass Creek at The Green Building in Louisville from 6 - 8 pm. For more information Contact: irish-hill@techemail.com.

**October 17 - KWA & KCC Annual Meetings**, Louisville, KY (Read more page 5)

**October 18 - Paddlepalooza sponsored by Canoe KY** River-view Park, Frankfort, KY More info: [www.canoeky.com](http://www.canoeky.com).

**October 23 - KWA's Show Your Love for Beargrass Creek Gallery Fundraiser**, Gamers-Furnish Art Studio, Louisville, KY (Read more page 4)

*(continued on Page 4)*

## Help Protect Kentucky's Rivers and Streams...Become a Member Today!

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**Yes, I support the mission and goals of Kentucky Waterways Alliance.**

### INDIVIDUAL MEMBERSHIPS:

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\$ 35 Non-Profit Group  Other \_\_\_\_\_

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*Thank you for your support!*

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

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# From the President

## Environmental Improvement - One Action at a Time



Beverly Juett, KWA President

In the past few weeks, I worked many hours at my full-time job as a biology professor at Midway, and volunteered many more hours dedicated to environmental projects and issues. I know many of you are doing the same things I do. After working the past three consecutive Saturdays in September, I was tired. My family said I was ignoring them. I sometimes ask myself why I keep doing this. I could be enjoying the beautiful weather and reading a mystery novel in the sun of my backyard. Let's face it; I am getting old (57). I have been through two bouts of breast cancer in the past 6 years. I deserve to enjoy life!

However, yet again, I managed to drag myself out of bed early on yet another Saturday morning last weekend and headed to the creek. It was clean-up day for the stream and streamside buffer on our campus. I arrived first because I was the leader of this event. It was a beautiful fall day, and the sun was shining in a crystal blue sky with just a few small white clouds floating by. I was not enjoying the day because I was still feeling sorry for myself and question-

ing my reasons for being there. And then it happened - I got to the butterfly garden near the creek. I saw butterflies covering the native plants and bees flying from plant to plant. A Blue Jay flew up from the garden toward the trees along the creek. I stood perfectly still and enjoyed the mauve blooms of the Joe Pye weed, the yellow sneezeweed, and the brown-eyed Susans. I watched the butterflies and the bees fly about and land on the flowers. I think of how there are less and less spots where the bees and the butterflies can do this. I feel that inner peace of happiness. All of a sudden I realized this is why I keep working on environmental issues and projects. This is what motivates me; that pleasure of feeling joy from nature and seeing the results of past work.

After the clean-up was complete, I headed back to the biology building in search of water and food. I told one of my colleagues about my

experience and she said that I was "way too happy about a bunch of bees and butterflies." I smile and think to myself that one is never too happy! This is what motivates me - those passing moments of joy from seeing our work pay off. What motivates you?

**Bev Juett**



Bev is pictured above with Biology Club honor students during a clean up of the butterfly garden at Midway College.

# Newstreams

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

tucky's aquatic resources and to develop and impose scientifically defensible discharge limits. We believe the state should remand and reissue the Coal General Permit with sufficient guidelines for selenium testing in our water-

ways - at a minimum, six months of required baseline data collection by the applicant to reflect seasonal variations in precipitation and concentration of metals in the effluent.

Be sure to visit our website, Judy's

blog at [Kentuckianagreen.com](http://Kentuckianagreen.com), and sign up for our e-mail action alerts to stay informed about future steps taken by KWA to protect your waterways from toxic selenium.

## Obama's EPA Giving Surface Coal Mining Greater Scrutiny

Jason Flickner

The voices opposing surface coal mining practices in Appalachia are finally reaching top regulators in the U.S. Tension is mounting between the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) as the legality behind the Corps' practice of issuing permits that allow the destruction of mountains and streams in Appalachia is questioned. At risk is the most biologically diverse ecosystem in the United States and the fragile headwater streams that form the rivers and lakes we all rely on for drinking water.

Nationwide Permit-21 is the general permit issued by the Corps that authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities. Mining operations that propose to fill valleys with overburden (soil and rock removed to get to the coal) or mine through streams are required to apply for this permit. KWA has long opposed the legality of this permit for

its gross noncompliance with the Clean Water Act.

On September 11, EPA announced it will review 79 permits the Corps was prepared to issue for mountain coal mining operations in Appalachia. These 79 permits represent the "backlog" of mining permits that were a result of the challenge brought on by Kentucky Waterways Alliance and the Sierra Club against a permit issued to International Coal Group (ICG) in December 2007 for a mining operation in Kentucky. Our challenge held up new valley fill mining permits for a year while the Corps gathered data to justify issuing permits that allow the destruction of streams.

Then, on September 30, EPA expressed greater concern over the legality of all 79 permits. In a letter to the Assistant Secretary of the Army (Civil Works) Jo-Ellen Darcy, EPA Assistant Administrator for Water Peter S. Silva stated, "after a careful evaluation of these surface coal mining pro-

jects, EPA determined that each of them, as currently proposed, is likely to result in significant harm to water quality and the environment and are therefore not consistent with requirements of the CWA."

In response to EPA's concerns, the Corps has proposed to take two actions concerning NWP-21. In essence they agreed to either 1.) prohibit the use of the permit in the Appalachian Region or 2.) suspend the permit providing individual permit reviews in Appalachia while they evaluate the long-term measure of modifying NWP-21 to prohibit its use in the region.

There will be six public hearings held throughout Appalachia and the Corps will accept public comments on the NWP-21 proposals through October 26. We hope you'll try to make one of the public hearings if you can. Please see the action alert box below for details on the Corps' public hearing in Pikeville, Kentucky.

## TAKE ACTION for CLEAN WATER!

### Attend the NWP-21 Hearing Pikeville, KY, October 13

**NWP-21 Public Hearing, Pikeville, KY Oct. 13, at the East Kentucky Expo Center.** Hosted by the Louisville District, the public hearing will start at 7:00 p.m. Additional information on this public hearing will be available at: <http://www.lrl.usace.army.mil/>. Written comments may be submitted to the Corps through October 26. All comments must identify Docket Number COE-2009-0032 and mailed to: U.S. Army Corps of Engineers Attn: CECW-CO (Attn: Ms. Desiree Hann) 441 G Street, NW, Washington, DC 20314 **For more information or to get help writing a comment letter, contact Jason Flickner, [Jason@KWAlliance.org](mailto:Jason@KWAlliance.org) or (502) 589-8008.**

## KARF Protects 350 Acres in Laurel County

(Continued from Page 1)

Waterways Alliance. "This is the first of many opportunities we'll have under the Aquatic Fund to protect and restore precious natural resources across the state."

The site was chosen based on the presence of many high-quality stream reaches, sometimes called "reference streams," which are often used to identify aquatic habitats that are representative of the best possible stream condition. Acquisition of this site will result in the protection of federally-listed endangered species of mussels, and state-listed fish (striped darter) and bats (Indiana bat and Rafinesque's big-eared bat.)

The goal of the project is to preserve the site's streams and riparian hardwood forests. Stream preservation on the site will protect high quality in-stream and riparian habitat and provide opportunities for future stream restoration and/or enhancement activities on the lower portions of Sinking Creek.

"Maintaining the Sinking Creek watershed is crucial to the recovery of the Cumberland bean and Cumberland eltoe," said Lee Andrews, Supervisor of the U.S. Fish and Wildlife Service's Kentucky Field Office. "With this acquisition, we've established one good partnership that will benefit these listed mussels in the long term, and with this work, hopefully other landowners in the watershed will become more interested in conservation of these mussels and the water quality of Sinking Creek."

Another important partner in the conservation of these species is the Kentucky Department of Fish and Wildlife Resources (KDFWR). In an effort to augment mussel populations in Sinking Creek, KDFWR recently released approximately 45 juvenile Cumberland bean mussels at a site downstream of the recently-acquired parcel on the Daniel Boone National Forest. Dr. Monte McGregor's team at KDFWR's Center for Mollusc Conservation in Frankfort propagated the juve-



Pictured above are Dr. Monte McGregor, Director of KDFWR Center for Mollusc Conservation, and Dr. Art Parola, Director of the University of Louisville Stream Institute, discussing the in-stream habitat requirements of the endangered Cumberland bean mussel.

nile mussels using brood stock obtained from Sinking Creek. The hope is that one day the streams on the newly-acquired parcel will become suitable for similar restorative efforts.

If you'd like more information about the Kentucky Aquatic Resources Fund please contact United States Fish & Wildlife Services at (502) 695 - 0468.

## KDOW Finally Releases Selenium Findings

(Continued from Page 1)

selenium. Researchers also found fish at three of the nine mining sites whose flesh exceeded the Environmental Protection Agency's draft recommendations for selenium in fish tissue. Downstream from five other mining sites and both road cut sites, researchers found fish with selenium levels at which scientists found can cause adverse effects in sensitive species.

The newly released data show that selenium is an obvious threat to fish and wildlife in Kentucky and that coal mining is a significant source of the selenium. Additional water quality data

are necessary to fully understand the selenium problems. At this point, KDOW seemingly has no plans for additional internal water quality data gathering but has collected fish tissue samples for selenium sampling at large reservoirs in eastern Kentucky as part of other studies.

Adding insult to injury, the state did not review or use the selenium data when it developed and issued the Coal General Permit on July 1. The permit is expected to cover several thousand coal mines in Kentucky, and does not include regular monitoring or effluent limits (national standards) for selenium. "We've expressed concern about the lack of selenium limits in

mining permits for years now, and the agency has responded that there is no known problem, and therefore no reason for selenium limits in permits," said Petersen.

The general permit does contain a new condition that each existing mining operation conducts a one-time analysis for a variety of pollutants including selenium, but the method required for testing is wholly inadequate to effectively know the level of selenium in our waterways at any given time.

It is KWA's belief that one sample is not sufficient to quantify the threat of selenium contamination to Ken-

(Continued next page)

## Skippping Fish Boat School Offers a Kayak-View of Our Waterways

### Couple Uses their Skills to Teach the Art of Kayak Making

Kelly Craig

What's the best way to get to know Kentucky's waterways? Get out on the water! If possible get a kayak view! Or better yet, explore Kentucky's beautiful rivers, lakes, and streams in a self-made kayak! KWA friends and supporters Kimberley Hillerich and Dennis Pidgeon, owners of Louisville's "Skipping Fish Boat School," can help make your boat-building dreams come true!

In 2007, Kimberley and Dennis decided to combine their artistic energy and practical talents to create an innovative business that connects people to Kentucky's waterways. "When someone builds a boat, it's an assertion that they still believe in the extraordinary potential of the present," says Kimberley and Dennis.

Skippping Fish Boat School is taking the kayaking experience to the next level. In fact, the name of their business "Skipping Fish" was inspired by a kayak trip on the Ohio River. Kimberley and her friend noticed there were little silver fish jumping and swimming all around them, and they playfully named them "Silver skipping fish." She later found out they weren't too far off the mark...their dancing, silver friends were Ohio River's "Skipjack fish."

Skippping Fish Boat School has an appealing range of programs, one of which includes a summer camp for teenagers ages 13-17. Kimberley and Dennis commented that the camp was a great success this year, and they felt privileged and excited to be instrumental in teaching young people a new skill that will empower them, and ultimately, get them out on the water.



Dennis Pidgeon & Kimberley Hillerich, owners of Skipping Fish, pose with one of their hand-made kayaks and paddles in their shop in Louisville.

Both Kimberley and Dennis are outdoor enthusiasts who are experiencing a kayak view of Louisville's streams and beyond. The couple frequently paddles the Green River, one of Kentucky's most pristine waterways. Dennis said he's noticed improvements on the Green since his paddling trips began, "I don't see cows in the streams anymore. There are more wildflowers, and grasslands near the banks and the water is clearer." He attributed the water improvement to the collective effort of concerned citizens and groups like KWA. Kimberley graciously stated that the more time she spends out on the water, the more she cares about making sure our streams are protected from pollution. She has been spending more time kayaking in her local area and sees firsthand the threats to Louisville's streams. Even so, she's still impressed by the beauty that remains throughout her local waterways, including Beargrass Creek.

KWA shares the vision of Skipping Fish Boat School, and to demonstrate, our next campaign will be focused around cleaning up Beargrass Creek. On October 23, we are holding the "Show Your Love for Beargrass" fundraiser at the Garner-Furnish Art Studio on East Market. Kimberley and Dennis are generously donating a gift to be raffled that night valued at \$1500. It includes an opportunity for a lucky winner to build their own kayak - instructions and materials included! We hope you'll join us to support the creek. If you are in the area, please visit Kimberley and Dennis at Skipping Fish Boat School located at 609 East Washington Street in Louisville; 502-298-0932. Or visit them on the web at: [www.skippingfishboatschool.com](http://www.skippingfishboatschool.com).



Skippping Fish Boat School gives people the chance to build their own skin on frame boats (pictured above) from beginning to end. Kimberley said the experience is a very spiritual journey.

# KWA Out and About...

On October 23, KWA is hosting the **Show Your Love for Beargrass Creek** fundraising party to kick-off our new campaign to reclaim the creek. We hope you'll join us at the **Garner-Furnish Art Studio** from 6 - 10 pm for food, drinks, and fun all in the spirit of celebrating Beargrass! Your support will help us restore this beloved and historic creek. Our new initiative for Beargrass Creek will be built upon the work of those before us, including the Beargrass Watershed Council. It's a big job, and there is room for everyone to be involved. If you're a local resident in the Butchertown and Irish Hill neighborhoods, we want your help! We hope to engage local residents and businesses to work toward improving water quality in the creek and making it an accessible part of our city again. Please contact our office at (502) 589-8008 to find out how you can help. **A special thanks to Gordon and Joyce Garner for letting us use their studio for the party! And also to Dennis Pidgeon and Kimberley Hillerich of Skipping Fish Boat School & David Wicks for donating prizes for the raffle. (Read more about Skipping Fish Boat School on page 3.)**



**The Green River Clean Up** was a great way to spend a Saturday morning! Steven Fields from The Nature Conservancy, along with Mike & Cee-Cee Daugherty of Green River Paddle Trail, donated their time and canoes to the clean up. The crew was light, but with help from our friends in the community, we were able to scavenge some litter out of Green River - even pulling out a recliner! During our hunt, we had the good fortune to find a 6-inch claw from a bottlebrush crayfish. Research indicates that the bottlebrush can only be found in Kentucky's Green River, and it is one of the largest species in North America. Seeing this claw was yet another reminder about the compelling biological diversity of the Green River, and the significance of our efforts to keep it clean. **A special thanks to Dunn's Excavating for hauling out the trash, and to The Cattleman's Association for filling us up with refreshments afterwards.** -Kelly Craig



**Mark your calendars!** KWA is happy to report that we will be bringing the **Wild & Scenic Environmental Film Festival** to Louisville for a second year! With a grant from Patagonia, we will be hosting the event on **February 27 at the Clifton Center in Louisville.** John Gage of Kentucky Home Front will be emcee for the event and Dave Shuffett, last year's emcee, will be showing a segment on his work showcasing Kentucky's wild rivers. The entire film line up will be announced sometime in January. If you're interested in sponsoring, tabling, or volunteering at the event, give us a call or e-mail [Jennifer@KWAlliance.org](mailto:Jennifer@KWAlliance.org). We look forward to seeing you there!

## Events

(continued from Page 1)

**October 24 - The Louisville 350 Coalition**, including dozens of environmental, peace, and social justice groups, will hold a 350 event on Waterfront Park's Great Lawn Time: 2:30 pm, as part of that day's worldwide effort to bring public awareness to the consequences of global climate change. Participants will assemble for music, speakers, and exhibits. At 3:50 PM, they will spell out "350" with their bodies and be photographed by an aerial flyover.

**October 24-25 - The Bluegrass Green Expo** at the Lexington Center, downtown. The expo is a trade show for green and sustainable products and includes workshops, a kids' expo, art, music, food, a model green streetscape called "Sustainability Street," cooking demos by great local chefs with fresh local food, and renewable energy exhibitors. More info visit [www.bluegrassgreenworks.org](http://www.bluegrassgreenworks.org).

**Nov 4 - 13 - Center for Interfaith Relations Festival of Faiths: Sacred Water: Sustaining Life** Exhibits, lectures, music, film, art and more exploring the connection between the role of water in our many faiths and how those roles inspire us to act in the world. Location: Henry Clay building in Louisville. **KWA will be participating in a water summit panel Nov. 7 with EDGE OUTREACH and Kentucky Watershed Watch.** More info visit: [www.interfaithrelations.org](http://www.interfaithrelations.org).

*Have an event for our newsletter or website, let one of our staff know and we'll be sure to give you a plug!*

## Cash Creek Power Plant Threatens the Green River

**KWA & Others Say "NO" to Dirty Coal by Opposing the Coal to Gas Power Plant**

Jason Flickner

On August 24, the Kentucky Division of Water held a public hearing in Owensboro on the KPDES draft permit for Cash Creek Generation, LLC's (Erora Group) proposal to build an Integrated Gasification Combined Cycle (IGCC) coal plant on the Green River in Henderson County. Nearly 100 people turned out for the hearing. The vast majority, clad in green armbands, spoke in opposition to the Cash Creek plant.

IGCC is a technology that turns coal into gas, or synthesis gas (syngas). The Cash Creek plant is proposed to consume 14-million gallons of water a day from the Green and would be allowed to discharge 89-degree temperature effluent everyday into the river year round. Very little is known about the characteristics of the expected IGCC wastewater discharge and slag because only two IGCC plants have been constructed in the U.S. Both have a history of problems with wastewater permit compliance. The Wabash River Plant in Indiana, built in 1995, was out of compliance with its water permit for the first 5 years in operation for discharges of arsenic, selenium, and cyanide.

KWA and Sierra Club retained Globally Green Consulting to provide a technical review of the application and draft permit. Globally Green discovered the draft permit's conditions are not reflective of the actual volume, type, or variability of wastes that might be discharged and are therefore not protective of the environment. Additionally, the High Quality Waters Alternatives Analyses (HQAA)

performed to demonstrate that the project warrants lower, less stringent water quality standards is substantially flawed. Finally, the characteristics of the landfill leachate and solid coal combustion waste (CCW) estimated by the applicant are not reflective of actual risks to the environment and the permitting conditions should be more stringent.

KWA, Sierra Club, and partner organizations will continue to track and oppose new and reissued coal power plant permits in Kentucky. Please look for KWA Action Alerts and check [www.KWAlliance.org](http://www.KWAlliance.org) for updates on the Cash Creek permit and opportunities to participate in future public hearings.



Nearly 100 people attended the Cash Creek power plant hearing on August 24, many of them wearing green armbands in protest of the plant.

### TAKE ACTION for CLEAN WATER!

**Trimble County Public Hearing**  
**November 5, 6:30 pm at Bedford, KY**  
**(Meeting place subject to change to Louisville)**  
**Voice your concerns over the new source coal-fired steam electric generation facility. More info contact:**  
**Jason@KWAlliance.org or (502) 589-8008.**

## Roundtable Round UP - Light at the End of the Tunnel!

Tessa Edelen

The rewarding part of writing watershed-based plans is sharing the information with the community. Each of the communities participating in the KWA project to create watershed plans while fine tuning our *Watershed Planning Guidebook for Kentucky Communities* will be hosting a Roundtable event this fall. These events are open to everyone and will be a wonderful opportunity to talk about each stream in detail. Please do not hesitate to attend even if you haven't been involved in the project. We're excited about presenting what we've learned through much hard work. The dates and times are:

**\*Hancock Creek in Clark County:** November 5 at 10 a.m. and again at 5:30 p.m. at Clark Co. Extension Office

**\*Stockton Creek in Fleming County:** November 12 at 6:30 p.m. at the Fleming County Extension Office.

**\*Darby Creek in Oldham County:** November 19 from 5:30 to 7:00 p.m. at the John Black Community Center in Buckner.

**\*Dry Creek in Rowan County:** November 21 from 4:00 to 6:00 p.m. at Clearfield Tabernacle Church.

For detailed information about each of the meeting locations visit the "Upcoming Events" on our website. For more information about how you can get involved in KWA's efforts to create watershed-based plans in Kentucky, contact Tessa Edelen at [Tessa@KWAlliance.org](mailto:Tessa@KWAlliance.org) or (502) 589-8008.



## KWA Continues to be a Voice for the Mighty Mississippi

### Mississippi River Collaborative Meets with EPA Region 4

Jason Flickner

In August, staff from KWA, along with representatives from the Environmental Law & Policy Center, Tennessee Clean Water Network, and Gulf Restoration Network met with EPA Region 4 in Atlanta to address the concerns of the Mississippi River Collaborative (MRC). EPA Region 4 is legally vested by the Clean Water Act to oversee the delegated state agency and approve regulatory decisions for Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and six tribes. The discussion focused on issues where inadequate and inconsistent state regulations and practices are regularly and severely impacting the Mississippi River basin and the Gulf of Mexico.

A recent legal agreement in Florida has propelled EPA Region 4 to the forefront of a controversial national effort to develop numeric criteria for nitrogen and phosphorus. Nutrient pollution from Kentucky, Tennessee, and Mississippi directly contributes to the Gulf Dead Zone, an area of oxygen depleted water the size of New Jersey that forms every summer at the mouth of the Mississippi River. The Dead Zone contributes to the degradation of state lakes, rivers, and streams.

State agencies have spent the past 10 years gathering data in order to develop numeric nutrient criteria, but EPA continues to extend the deadline for states to adopt water quality criteria for nitrogen and phosphorus. MRC representatives pressed EPA to set a firm date to force states to adopt nutrient criteria and requested access to EPA's Regional Technical Assistance Group meetings and archived minutes. Specifically, KWA requested information on the



© Jason Lindsey

Kentucky Division of Water's nutrient data gathering efforts in the Bluegrass and Pennyryle eco-regions then appealed to EPA to pressure Kentucky into becoming a full member of the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force.

The 6<sup>th</sup> Circuit Court of Appeals' partial remand of Kentucky's antidegradation implementation rules has also cast light on the responsibility of EPA Region 4 to guarantee that state water quality regulations adhere to the legal integrity required by the Clean Water Act. We requested EPA Region 4 require greater consistency in the implementation of antidegradation rules and to guarantee a minimum 30-day public comment period on all proposed permit issuances. We further pointed out that many states have failed to adopt water quality criteria for toxics, or if they have, the criteria does not meet EPA's recommendations. We insisted that states should be required to adopt the federal criteria for those toxics including sulfate, chloride, selenium, mercury, and manganese.

Finally, we expressed concern that the states are not effectively carrying out Total Maximum Daily Loads, clean up plans for their most heavily polluted waterbodies. A Total Maximum Daily Load, or TMDL, is a calculation of the maximum amount of a pollutant that a waterbody can receive and still safely meet water quality standards. Many states interpret "Daily" inaccurately. We requested that EPA Region 4 guarantee sufficient public participation and consistency in the limits implemented in TMDLs so that our most polluted waterways are protected from further pollution.

Overall, the meeting with EPA Region 4 was a success. EPA staff agreed to follow up on many of the issues raised in the meeting and everyone agreed that an annual meeting between EPA Region 4 and the Mississippi River Collaborative would be useful and welcomed by all.

MISSISSIPPI  
RIVER  
COLLABORATIVE

The Mississippi River Collaborative now has a website to keep you updated on their work to protect and restore the Mississippi River. Visit [www.msrivercollab.org](http://www.msrivercollab.org) to read about past work and stay informed on future actions for the health of the river.

## Kentucky Conservation Committee & Kentucky Waterways Alliance

### Annual Meetings in Louisville, KY

#### Saturday, October 17

**KCC Annual Meeting**  
**The Green Building**  
**9:00 a.m.**

**KWA Annual Meeting**  
**Louisville Nature Center**  
**5:30 p.m.**



The Green Building in Louisville is the city's first commercial LEED Certified building.

Join Kentucky Conservation Committee for their Annual Meeting at The Green Building, 732 East Market Street, Louisville, KY beginning at 9:00 a.m. They are offering scheduled tours of the Green Building, Louisville's first commercial LEED certified building. Two issues panels, Land Stewardship and Conservation and Pursuing a Sustainable Energy Future for Kentucky will be held throughout the day. In addition, **Representative Joni L. Jenkins (D) House District 44 and Representative Mary Lou Marzian (D) House District 34** will be speaking and taking questions about the new Kentucky Environmental Legislative Caucus. Lunch will be catered by 732 Social. Cost is \$20/member and \$30/nonmember. Visit their website at [www.kyconservation.org](http://www.kyconservation.org) for more information or to register online.

After KCC's annual meeting, you can drive a short distance to the Louisville Nature Center, 3745 Illinois Avenue, Louisville, KY to enjoy a nice walk or hike through the Beargrass Creek State Nature Preserve until 5:30 when Kentucky Waterways Alliance will begin our annual meeting. Join KWA for a social reception with beer and wine followed by dinner catered by Wiltshire Pantry. Cost for dinner is \$25. The evening will feature a panel discussion about the Kentucky Aquatic Resource Fund – a partnership that will provide funding for priority projects aimed at protecting aquatic resources within the state (read more in cover article.) Panel participants include: **Terry Cook, Kentucky State Director of The Nature Conservancy, Virgil Lee Andrews, Kentucky Field Office Supervisor, USF&W Service, Hugh Archer, Director, Kentucky Natural Land Trust and Judy Petersen, Executive Director of KWA.** Visit [www.KWAlliance.org](http://www.KWAlliance.org) for more information, directions, and to download our printable registration form.



The Louisville Nature Center offers wonderful opportunities for nature study and recreation—right in the heart of the city.

## Nos Gusta Bob!



KWA wants to welcome our newest member to the team! Bob Wilson has generously volunteered his time serving as our bookkeeper and financial advisor. A retired state government employee with over 25 years experience in accounting and tax code regulation, we feel very fortunate to have Bob's knowledge and experience helping our organization run more smoothly! With a sincere thank you to Kathy Walsh, we welcome Bob with muchos gracias. (By the way, Bob is also studying the Spanish language in his free time.)



# An Incomplete Guide to Protecting Your Waterways

## The ABC's of Advocating for Clean Water

Tessa Edelen

Do you care about keeping your waterways clean, but find yourself wondering how? The ins and outs of it are not uncomplicated. But, here are the ABC's of how you can do your part for water.

First thing you need to know is that every entity (business, municipality, etc) that discharges pollutants into a surface water of the U.S. must have a permit (a mandated provision of the Clean Water Act). This is a National Pollution Discharge Elimination System (NPDES) permit, or in Kentucky, a Kentucky Pollution Discharge Elimination System (KPDES) permit. Discharging pollutants to surface waters without a NPDES permit is illegal. How do you know if a facility has a permit – look it up on the web! The EPA Envirofacts website, [www.epa.gov/enviro](http://www.epa.gov/enviro), can tell you all the facilities in your zip code or county or state that have a NPDES permit. The tricky part is only point sources of pollution get NPDES permits.

### Point Source or Nonpoint Source?



So what is point source pollution and what isn't? Point source pollution comes from a localized source, like a pipe or ditch. This includes effluent pipes that discharge from industrial facilities and wastewater treatment

plants. Nonpoint source pollution comes from diffused sources, like runoff from agricultural fields, and other pollutants from our yards, driveways, and streets. Nonpoint sources are more difficult to control. Pollution from nonpoint sources accounts for a majority of the contaminants in our lakes and rivers.

When you look for a facility by name or permit number via Envirofacts, the system in place to report that data is called the Permit Compliance System or PCS. The amount of data can be overwhelming at first, but with practice, you can learn to decipher the important elements. PCS stores data about NPDES facilities, permits, compliance status, and enforcement activities for up to six years. It does not, however, tell you exactly what that facility is discharging. For that information, you need a Discharge Monitoring Report.

### Discharge Monitoring Reports

A Discharge Monitoring Report (DMR) is a water pollution report prepared by facilities discharging to surface

waters – facilities with NPDES permits. The facilities collect and test effluent samples and submit reports to a state agency or the U.S. EPA. These reports are available to the public. To get one, you can file a Freedom of Information Act request for the DMR with the Kentucky Division of Water (or sometimes the U.S. Army Corps of Engineers.) Perhaps one day these reports will be available online.

### What about Nonpoint Source Pollution?

The hard part about nonpoint source pollution is that there is no one point or source to regulate or keep an eye on. By definition, it comes from all over the place including our homes and yards. Stormwater runoff from urban areas is a growing concern.



With increased impervious surface comes increased stormwater runoff and thus nonpoint source pollution. The good news is everyone can help decrease nonpoint source pollution with a few simple adjustments. For example, don't overwater or over fertilize your lawn. Creating a rain garden or using a rain barrel will help reduce the amount of stormwater runoff in your community. Stormwater friendly design can be low cost but highly effective – find out if local ordinances allow for it. And that old favorite, pick up after your pets!

### So?

The skinny on all this is that you have the tools to find out what's going into your water; you just have to do a little digging. If you see a pipe coming from a factory and want to know what the story is, find out the name of the factory and look it up online using Envirofacts. Once you have the NPDES permit number from Envirofacts, use it to gather information via PCS or request a DMR from the Division of Water to know exactly what that factory has been releasing.

If you suspect a permit violation or see questionable activity, call and report it to the Kentucky Division of Water: 502-564-3410. Ask for Sally Barkley, the Complaints Coordinator. You may make an anonymous tip or leave your name. If you leave your name, someone from the Division will eventually get back with you on what action was taken. And of course, do your part by making your home and community stormwater friendly.

# The Worth of Clean Water

## How Local Activists Advocated for the Right to a Healthy Community

Jennifer Milburn

There is an old saying, "When the well is dry, we know the worth of water." But, what if the well is dirty?

Protecting our waterways from pollution has different meanings for everyone. And the story of Dallas Armstrong and Kevin Brumley is the perfect example of how two men with two different stories came together to advocate for clean water in Bardstown, KY.

Their journey began three years ago when Armstrong began having severe upper respiratory symptoms that left him on more than one occasion clinging to life. After multiple trips to the emergency room and several visits to specialists, he was finally diagnosed with Reactive Airways Dysfunction Syndrome (RADS) a condition that can be brought on by airborne toxins. At the time, he lived yelling distance from a Constellation brands bourbon distillery and soon began to connect the dots.

"When I'd come home from work, the smell in the air would literally take your breath," said Armstrong. Tired of being sick all the time and desperate to get healthy again, Armstrong decided to take matters into his own hands.

When he started to look for answers, he discovered the distillery had been discharging alcohol illegally into the Town Creek Sewer system, which went to the Gilkey Run Waste Water Treatment Plant killing the flora and fauna in the sewer lagoon. This resulted in an overgrowth of a dangerous mold that released noxious gas in the air. When Armstrong demanded that the city take action, he was rebuffed. It was then that he organized neighbors with similar health issues and filed a lawsuit against the distillery. The lawsuit brought much needed attention to the problem and the city did eventually fine the distillery. This small victory was the first step among many in unraveling Bardstown's water quality problems.

Kevin Brumley then enters the picture. Though both Brumley and Armstrong grew up in Bardstown, neither had ever met the other until that fateful day in a local business when they began to exchange stories. Brumley told of seeing manholes overflowing when volunteering in the community. He said, like clockwork, manholes would bubble up every day at certain times, some even leaking sewage into Town Creek.

"Sometimes the sewage would run continuously all day long," said Brumley. "I'd never seen anything like this and I've seen black water up in eastern Kentucky when I was working in the coal fields. That stuff doesn't compare to this – it's just untreated sewage."

Turns out, Bardstown is a MS4 community, and was required by the EPA to develop a stormwater management plan in 2000, a plan that had been collecting dust for years. Not

only had the distillery been illegally dumping into the sanitary sewer system, the City of Bardstown was also experiencing its own severe sewer problems. According to Brumley, the city had an agreement with the state to report sewer overflows within 24 hours of their occurrence, but this was just not happening. So, Brumley decided to put the video camera he'd purchased as a Christmas gift for his wife to good use capturing hours of sewer overflows.

He started a dialogue with Cesar Zapata, Enforcement Officer at Region 4 EPA in Atlanta. "I can tape these overflows and within 15 minutes, he can view them in Atlanta," said Brumley. When he took it a step further and posted the videos on YouTube, things started to change.

"Once this was online, the plan really accelerated. When everyone could see how bad it was, the state started pushing the city to take action and the city became embarrassed," Brumley said. Today, Bardstown is in the middle of constructing a \$4 million sewer line parallel to the existing line that is supposed to remedy the overflows, thanks to the efforts of Brumley and Armstrong and others who stood up for their right to a healthy community.

Yet, the war endured by Armstrong and Brumley wasn't won without battle scars. Brumley said he was unjustly accused in the community of vandalizing the manholes, and thus causing some of the overflows – an accusation that has tarnished his reputation. "I'm their scapegoat," he said. "But it doesn't take a genius to know that it's a capacity issue. The city grew too fast, and they're trying to put more into the sewer line than the line will hold."

Armstrong says he still suffers from health issues related to the air pollution caused by the illegal dumping despite moving to nearby Culvertown at the request of his doctor, and likely always will. He said people throughout Kentucky living in communities dealing with similar issues have heard of his struggles and are contacting him for help.

"I've become an activist, not by choice, but of necessity," said Armstrong.



"WARNING: Possible sewer overflows." The City of Bardstown was forced to place signs along Town Creek by the state's Dept for Environmental Protection's Division of Enforcement.

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