

# NewsStreams



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

## KWA Turns 20!

KWA was officially incorporated on April 14, 1993, making this year our 20th birthday! Look forward to a year filled with fun events. We'll be kicking off the year with our **5th Annual Wild & Scenic Film Festival** and members-only reception on March 2 at the Clifton Center in Louisville.

In April, we're excited to again partner with Aveda salons and stores across the state to raise funds during Earth Month events, including the **4th Annual All for One Great Cause fashion show** at 21c Museum and Hotel on April 21 in Louisville.

On June 8th, we'll be celebrating in style with a **20th Anniversary Gala held at Christy Brown's Poplar Terrace in Louisville**. Watch our website later in the year for information about **Green River cleanups** and **events in Lexington and northern Kentucky**. Be on the lookout for events throughout the year to celebrate this momentous accomplishment.

So, as you are reading this, you are probably racking your brain thinking about how you can show your appreciation for an organization who has been dedicated to protecting the water that

you so cherish for the last 20 years. Well, you are in luck! We know exactly what we want for our birthday. **We want all of our supporters to show their love for KWA by sending your favorite Kentucky water pictures, videos, or stories from the past 20 years to [will@kwalliance.org](mailto:will@kwalliance.org)** Submission deadline is **March 29**.

Not only will this gift not cost you anything, but we will send a KWA gift basket to our favorite submission! Submissions may be used in KWA publications, so you may even get to see your name in print! You can learn more about this opportunity, and all of our celebratory events at [www.KWAlliance.org](http://www.KWAlliance.org).



## Wild & Scenic is back!

Mark your calendar! This year's 5th Annual Wild & Scenic Film Festival will be held on Saturday, March 2, at the Clifton Center in Louisville!

Thanks to the support of generous sponsors, we'll be kicking off our 20th Anniversary celebration in style with a VIP members-only reception beginning at 6:00. Appetizers will be provided by Wiltshire Pantry, wine courtesy of Old 502 Winery, and beer provided by Kentucky Ale. Not already a member? You can remedy that on the night of the event at the special Festival Rate of only \$10!

This year's lineup will be one of our best yet with award-winning films from New York to Washington, and everywhere in between. We'll also have local filmmaker Morgan Atkinson on hand to show a portion of his documentary, *Wonder*, and a Q&A session. Following the lives of Anna and Harlan Hubbard as they found deep meaning through living life on the water and on their own terms, *Wonder* details the daily life of the Hubbards, showing how their masterpiece in living came to be.

Films begin at 7:30 and last until 10:00. Tickets are only \$15 and can be purchased at the door or online at [www.KWAlliance.org](http://www.KWAlliance.org). While you're there, check out the entire film lineup and read a short description of the films. Sponsorships and tabling opportunities are still available, too, and information can be found on our site.

This year promises to be our best festival yet – hope to see you there!

## Climate Change and You...

### Message From the President

The most recent comprehensive climate change report is out for public review. Get access here:  
<http://ncadac.globalchange.gov/>

I recommend that you at least skim the executive summary. All of us who are concerned about water and the natural environment should recognize the profound threats to both that we will face in most of our lifetimes.

Globally, and even in parts of this country, the consequences of climate change are life threatening - both from extreme events like hurricanes and tornadoes, but more and more by health threats including extreme heat and an increase in water born diseases. I sometimes hear climate change skeptics and fatalists disavow any responsibility, saying "we can't do anything about it anyway." Still others can be overwhelmed by the scope and magnitude of the climate change impacts.

Here is a short and simple list of what we *can* do:

- Recognize the challenges of climate change at all levels - local, state, national, and global - and support leaders who are enlightened and proactive.
- Water stewards like KWA need your support and encouragement to be even more aggressive in protecting and preserving our water resources from known threats that are being exacerbated by known and unknown climate change influences.
- While most of the public funding for climate change related impacts will go to disaster relief, the natural environment needs much more support and we need to redouble our efforts to identify, acquire and protect watersheds, wetlands, and natural areas through conservation and enhanced stewardship. This has been an increasing priority for KWA working with our partner organizations and the Aquatic Resources Fund.
- And finally, we need to reduce our direct and indirect personal energy use and never forget that climate change is being driven by energy use and abuse at ever increasing levels including our own.

Investing some of your time and financial support to organizations that are advocates for action and change and making personal commitments to change what we do can as individuals will make a difference and can show the way for others.

On behalf of a healthier Kentucky,

*Gordon Garner*



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**Want to be in the know about water-related happenings?  
Visit our website at  
[WWW.KWALLIANCE.ORG](http://WWW.KWALLIANCE.ORG)  
to check out upcoming events in Kentucky!**

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.

## Thanks for a great 2012!

Here at KWA, we truly appreciate everything our members do for us. Without your help, we wouldn't be able to accomplish all of the great work we do. Here are just a few things your membership helped us do in 2012:

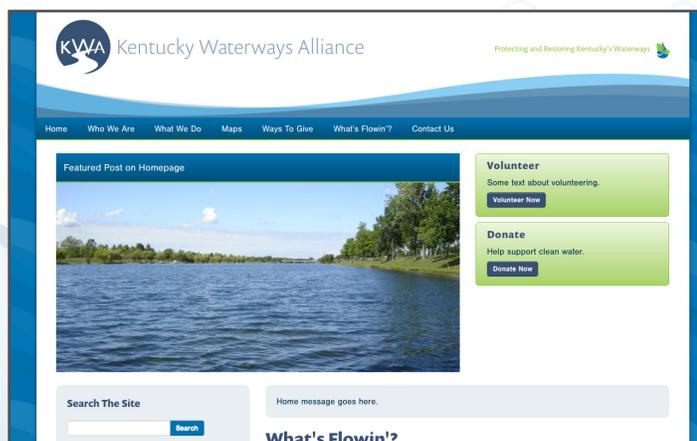
- ◆ Work with farmers in Bacon Creek to put Best Management Practices to work on the ground
- ◆ Hold cleanups on rivers and streams, bringing together hundreds of volunteers and removing tons of trash
- ◆ Speak at EPA coal discharge permit hearings in Frankfort and provide an op-ed for the Herald-Leader
- ◆ Continue work with the Kentucky Division of Water to examine past 401 permits for mitigation compliance
- ◆ Comment on 23 US Army Corps of Engineers Section 404 permit applications
- ◆ Comment on 12 Kentucky Division of Water Section 401 Water Quality Certification Applications
- ◆ Continue advocacy for a 5-year Farm Bill, including multiple op-eds in major newspapers
- ◆ Participate in the Floyds Fork Total Maximum Daily Load process
- ◆ Work with communities to preserve and protect their local waterways

## Volunteer Partnership with JCPS

In 2012, KWA partnered with Jefferson County Public Schools' VOICE program (Vocational Opportunities In Community Environments) to provide a volunteer work internship opportunity to a student with disabilities. We met 20 year old JCPS high school student Erinn last fall, and her weekly visits to our office have become something we all look forward to!

The VOICE program offers students who are in the early stages of career exploration a chance to discover their interests and abilities. Erinn has helped us with a number of light clerical duties around the office, including work to get our Newsletter out to you (pictured). But she says that her favorite thing she's done for us so far is to help label postcards to be sent out to residents of the Bacon Creek watershed. She told us that she enjoys coming to our office because "Everyone who works here is nice, and I get to listen to Beyonce Radio while I work!"

Erinn and her instructor, Peggy Wenker, certainly bring a smile to the faces of everyone here at KWA. Thanks, Erinn and Peggy, for all you do!



## We are getting a new website

The staff at KWA is very proud to announce the launch of our new website. We have been tirelessly working on updating our website to better serve our growing membership. The new site, being created by our friends at VIA Studio, is going to have a lot of new features that will make it easier for our users to navigate, will contain more resources for creating allies in our fight for water protection, and is developed for compatibility with mobile device users.

The new site is scheduled to launch in late February. We will make sure to tell all of our social media followers when the site officially opens to the public. Otherwise, make sure to check our site to see our renovations for yourself!

## Groups Sue Interior Department for Failure to Protect Streams

- broad coalition back in court challenging unlawful rule issued by the Bush administration -

KWA is part of a broad coalition that reopened litigation against the Department of Interior for its removal of a key protection for streams against mountaintop removal mining — the “Stream Buffer Zone Rule.” This rule, adopted under the Reagan administration in 1983, was designed to protect Appalachian streams from harmful practices used in surface coal mining by prohibiting surface coal mining activities from disturbing areas within 100 feet of streams.

On December 2, 2008, as President Bush was preparing to leave office, his Department of Interior (and the EPA) signed off on a controversial 11th-hour Office of Surface Mining repeal of the Stream Buffer Zone Rule. The repeal, which essentially removed the “buffer” from the rule, subsequently allowed coal companies to place massive valley fills and waste impoundments directly into streams, thus contaminating downstream ecosystems on which local communities depend.

A stream buffer zone rule will not end mining. Indeed, under the old rule KWA found that variances were routinely granted. In fact, between 2001 and 2006 in Kentucky alone, 71% of all surface mining permits received a variance to the 1983 stream buffer zone rule and 56% of those permits issued with a variance required no stream buffer zone. Ultimately, 40% of all surface mining permits issued in Kentucky allowed mining activities in the stream channel. This practice is itself unacceptable, but under the Bush era rule

mining companies do not even need a request for a variance! For four years now, mining companies have been free to bury streams with mining waste without reproach under the law administered by the Office of Surface Mining. Based on EPA estimates, mountaintop removal mining has destroyed or harmed 2,400 miles of Appalachian streams to date.

Judy Petersen, Kentucky Waterways Alliance executive director stated, “We don’t enter into this litigation lightly, but we know that dumping mining wastes into streams destroys the stream and has negative impacts for miles downstream. We were hopeful the Interior Department’s Office of Surface Mining and the Obama administration would do as promised and propose a rule change that would at least restore the rules in effect for decades. We can wait no longer while streams and the water that flows through our communities are destroyed and degraded.”

Because the administration failed to live up to its agreement to revoke the Bush rule and issue a new stream protection rule, the groups going to court to restore protections for Appalachian communities and streams. We need OSM and EPA to do their jobs and that means making sure mining doesn’t destroy our most precious natural resource – water. We held this legal action for four years waiting for the promised new rule. We will wait no longer.



MTR causes extreme devastation, as seen in the above pictures of McRoberts, Kentucky. The image on the left was taken in 1983, and the image on the right was taken in 2004. *Images courtesy of iLoveMountains.org*

## New Coal Ash Monitoring Website

For the first time ever, Kentuckians have access to a comprehensive tool that allows them to find specific information about coal ash impoundments near them. The site, [www.SoutheastCoalAsh.org](http://www.SoutheastCoalAsh.org), includes information on the health threats associated with this toxic waste from coal-fired power plants, safety ratings of the coal ash impoundments, and easy ways for citizens to advocate for strong federal safeguards.

Kentucky is one of nine states featured on the site, which is being launched four years after the massive coal ash dam in Kingston, Tennessee catastrophically failed. The disaster released a billion-gallon flood of coal ash slurry that poisoned some 300 acres,

destroyed two dozen homes and filled the Emory River with sludge. The coalition developed the website to call greater attention to the lurking dangers of coal ash in the South, where almost 450 impoundments hold roughly 118 billion gallons of the toxic waste.

Kentucky has more coal-fired power plants than any other state in the Southeast, and ranks 5th in the nation for the amount of coal ash generated, according to a EPA and Department of Energy report. This website offers concerned citizens in Kentucky a new and easy way to learn if their community or drinking water source is in danger from these largely unregulated coal ash impoundments.

## ~ Bacon Creek Watershed Council ~ Septic Update Grant Program

Great news for the communities of the Bacon Creek Watershed – a new septic system update program has been approved and funded by the Kentucky Division of Conservation.

What does this mean? It means that all residents of the Bacon Creek Watershed, from southern Larue County down to the creek's confluence with the Nolin River, are eligible to apply for funding to repair or replace residential septic systems!

Failing septic systems are a big contributor of bacteria to Kentucky's surface waters across the state. When a tank is not properly maintained or degrades over time, bacteria can leach into the soil and water and eventually reach nearby creeks or ponds. This type of bacteria can cause illness, especially in children or people with impaired immune systems.

In the Bacon Creek Watershed, it is also important to consider the groundwater network. Features like caves or sinkholes are connected with an extensive underground system that brings water to the surface and can be accessed by wells. Once groundwater

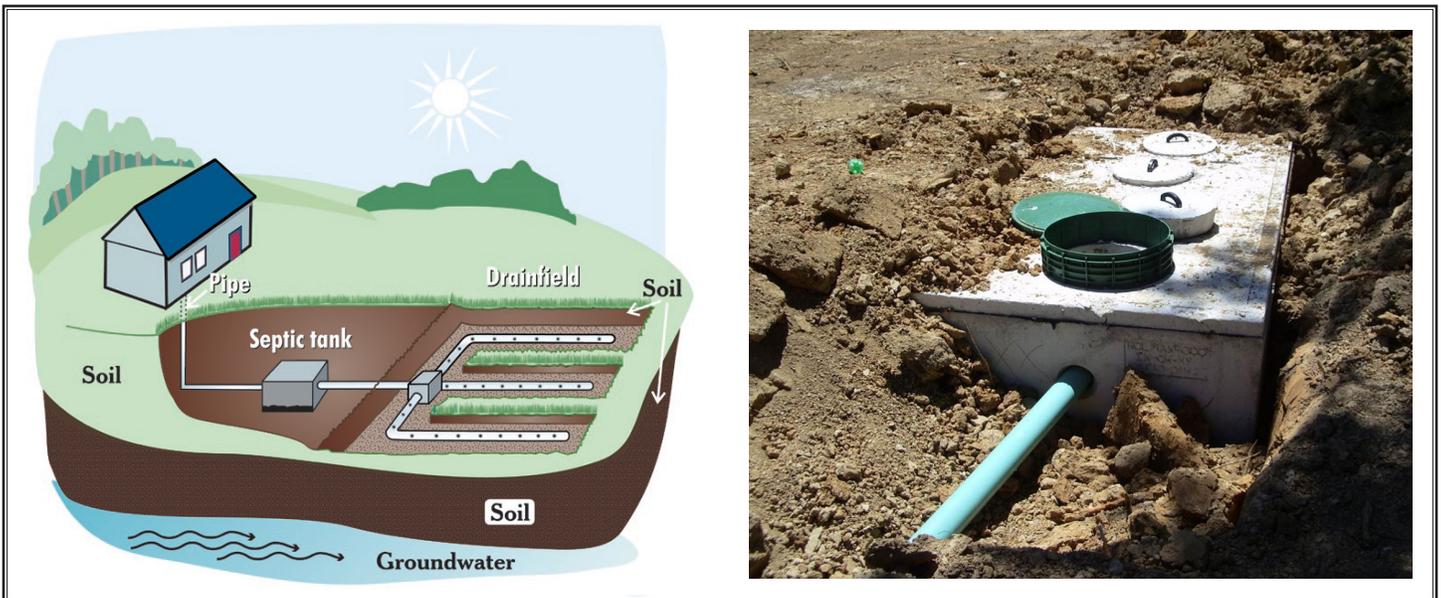
is contaminated, it is very difficult to mitigate. This project will be a boon to the health and the environment of the watershed.

The funding will come in the form of small grants with some financial input required by the home owner in a cost-share arrangement. Kentucky Waterways Alliance will pay up to 80% of the total cost of the work up to \$7000. Total project funding is \$25,000.

The Kentucky Cabinet of Health and Family Services Department for Public Health says that in order to protect the health and safety of Kentucky Communities and our environment, houses on septic systems should:

- Use water efficiently
- Not dispose of household hazardous wastes in sinks or toilets
- Have tanks inspected every 3 years and pumped out every 3 to 5 years

Those interested in the program should complete an application, which can be found on the KWA website's Bacon Creek page. An application can be sent out via mail or email upon request. Contact Tessa for more information at (502) 589-8008.



## Biological Diversity Protection Award

It's hard to pass up an opportunity to brag about our dedicated supporters. Three Western Kentucky University professors are sharing this year's *Biological Diversity Protection Award*. The Kentucky State Nature Preserves Commission honored Albert Meier, Ouida Meier and Scott Grubbs for their work in creating the Upper Green River Biological Preserve.

Ouida and Albert have been long-time KWA supporters, and we have always been amazed by their dedication to our environment. We are grateful that our Commonwealth has taken the time to recognize their dedication with this award.

The preserve is located on both banks of the Green River in Hart County, approximately two miles upriver of Mammoth Cave National Park. The mission of the Upper Green River Biological Preserve is to foster knowledge and protection of the river, which is

the single most important river in Kentucky for the conservation of rare native mussels and fish, hosting 109 fish species and nearly 60 mussel species.

A single mussel bed in the Green River is known to include five federally listed endangered mussels. This area is also significant due to an endangered bat species found on the preserve, and the riparian corridor which provides critical breeding and migratory habitat for neotropical songbirds.

Detailed information about the Upper Green River Biological Preserve can be obtained through the Western Kentucky University website: <http://greenriver.wku.edu>. To learn more about the Kentucky State Nature Preserves Commission, please visit their website: <http://naturepreserves.ky.gov>.

## KWA Works Everyday on Behalf of Our Families for Clean Water POLICY... IN BRIEF: what we're doing to protect your water resources

By Tim Joice, Water Policy Director

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.

### Wastewater Treatment Plants and Nutrients

Division of Water issues Clean Water Act permits, called Kentucky Pollutant Discharge Elimination System (KPDES) permits, to facilities that intend to release wastewater with pollutants into a waterway. To receive a KPDES permit, facilities have to reduce the pollutant amounts to levels intended to protect human and aquatic health. KPDES-permitted facilities include wastewater treatment plants or sewage treatment plants.

Recently, we discovered that the wastewater treatment plant in Campton, Kentucky, had proposed to remove their discharge limit for phosphorus, a nutrient that can cause water quality problems when present at unnatural levels. The big issue is that this plant had a history of violations for multiple pollutants, including phosphorus. Even more, the receiving stream, Swift Camp Creek, is impaired for unknown causes and unknown sources. This means the permit should be even more protective of human and aquatic health.

We were very disappointed with the removal of the phosphorus limit, so we submitted comments to DOW to express our concerns about that, the impairment, and about the facility's history of violations. Human and aquatic health must be protected, and discharge limits are necessary to accomplish that protection! Fortunately, we recently found out that DOW is planning to add the phosphorus limit back into the permit!



Stream showing effects of excess nutrients with algae blooms that may cause aquatic and human health risks.

### Floyds Fork

On that same topic, Floyds Fork, a historically and presently important stream and watershed encompassing east Louisville and several surrounding counties, is impaired from nutrient pollution. For the past year, DOW and U.S. EPA have been spearheading a process that will eventually help reduce the nutrient pollution in Floyds Fork, and allow it to be a fully functioning and healthy stream.

This process has included DOW water quality monitoring and testing, public meetings on the project, and even the development of a "Technical Advisory Committee" to provide local knowledge and expertise to help DOW, EPA, and the private contractor develop a stronger product. In recent months, the TAC has held several meetings, and while admittedly contentious at times, the process seemed to be moving in the right direction.

Then, Kentucky Agriculture Commissioner James Comer spoke out in *The Farmer's Pride*, and subsequently in the Courier Journal and Louisville's Public Radio station WFPL, about his concern with the project. He referenced the EPA's water testing for the project, and he cited concern about EPA potentially using the project to limit local farmers' fertilizing rates.

Commissioner Comer's remarks were concerning, firstly, because they varied from misstatements to complete falsities. The remarks were also concerning because it seems as though Commissioner Comer was using his political position to make false statements and spread misinformation, in order to build opposition to EPA, and to the project.

KWA believes strongly in this project, and hope it continues to move forward, despite Comer's remarks. We believe that residents, developers, farmers, business, industry and municipalities, all have an important stake in this project, and will eventually have to do their part to reduce the nutrient pollution, either voluntarily, or through requirements under the Clean Water Act. If you want to learn more about the Floyds Fork project, check out our blogs on it!

### Farm Bill

It seems over the last year, every *Newstream* has had a Farm Bill update, and here we are again! At least it's partial good news this time around. Congress, as part of the fiscal cliff deal, extended the Farm Bill another nine months. Congress has until the end of September to pass a full five-year bill. The current extension, unfortunately, did not address expiration of new funding for certain conservation programs, including the Conservation Stewardship Program. Early indications are that a full five-year Farm Bill continues to get pushed down the priority list, and may end up getting a short extension yet again, at some point during the year. We will continue to keep all our members informed about opportunities to speak out and take action on this important issue!

## Upcoming Events

### February 19 Floyd's Fork Watershed Public Meeting

Held at the Eastern High School Auditorium to discuss the development of the Total Maximum Daily Load water quality model.

### February 22-23 National Paddling Film Festival

This event, benefitting Bluegrass Whitewater Association in its 31st year, will be hosted by Buffalo Trace Distillery.

### March 2 Wild & Scenic film Festival

Join us for our 5th annual installment of the festival, once again held at the Clifton Center.

### March 12-14 Mississippi River Collaborative Meeting

The Collaborative's quarterly meeting will be held at the Seelbach Hotel in downtown Louisville.

### March 22 World Water Day

### March 23 Cincinnati REI Outdoor Expo

12-4, have the chance to meet outdoor groups from the area and learn how to get started in an outdoor activity, where to go, and what types of nature-related events and resources are in the region

### April (all month) AVEDA Earth Month

Participating salons and stores across the state will hold fundraisers throughout the month. All proceeds will benefit KWA.

### April 21 AVEDA Fashion Show

4th Annual All For One Great Cause Fashion Show at 21C Museum and Hotel in Louisville. Includes a silent auction, cash bar and cutting-edge styles presented by AVEDA.

### April 6 Kentucky Arbor Day

The Joint Highlands Arbor Day Committee will be handing out 1400 free, bare-root seedling native trees from 9:30am to 3:30 pm at the Douglass Community Center at 2305 Douglass Boulevard

### April 21 Harrods Creek Paddle

Back for another year, this event will give participants a great opportunity to paddle while learning about water quality issues at education stations throughout the trip.

### April 22 Earth Day

### May 17-20 River Rally

Annual gathering of water conservationists held this year at the St. Louis Union Station. KWA will be organizing ride-share opportunities, so if you are interested in attending please contact our office.

### June 1 Swift Camp Sweep

The Red River Watershed Team will host a cleanup of Swift Camp Creek around Campton, KY

### June 8 KWA Birthday Gala

Philanthropist Christy Brown will host a KWA 20th Anniversary Birthday Gala on her Poplar Terrace. We will be pulling out all of the stops for this momentous occasion

### June 15 Green River Fest

Annual cleanup centered around Munfordville, KY

### August 10 Clean the Green

Annual cleanup centered around Greensburg, KY

**WILD & SCENIC<sup>®</sup> FILM FESTIVAL**

**~ Raffle ~**

**Jackson Journey Kayak 13.5**

CELEBRATING **20** YEARS **KWA**

**\$10 each, 3/\$25**

Drawing at 9pm

Need not be present to win

Exemption: EXE001404

Provided by **QUEST OUTDOORS**

March 2 @ the Clifton Center

### Raffle tickets now on sale!!!

In conjunction with our annual presentation of the Wild & Scenic Film Festival, Quest Outdoors will be providing a kayak for a fundraising raffle. The kayak, a **13.5 foot Jackson Journey valued at over \$1000**, is designed for the touring paddler who seeks a boat to champion themselves into the next level of their adventures.

Tickets are \$10 each and can be purchased in our office or the night of the event.

See our website for details.

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

### INDIVIDUAL MEMBERSHIPS:

- \$ 25 Individual
- \$ 35 Family
- \$ 50 Supporter
- \$ 100 Watershed Guardian
- \$ 200 Watershed Steward
- \$ 500 Watershed Angel
- Other \$ \_\_\_\_\_

Your donations are tax deductible! Mail to KWA, 120 Webster St., Suite 217 Louisville, KY 40206

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