2021 and 2022 were years of great change for Waterkeepers Chesapeake. Like many other nonprofits we entered uncharted territory during a global pandemic, and found new ways to reach people at home. We won our largest legal battle to date on Conowingo Dam, celebrated the 50th anniversary of the Clean Water Act, and we said goodbye to our longtime Executive Director Betsy Nicholas.

In the past year alone our Waterkeepers and partners held over 147 events, including our popular open mic poetry series Water Is Life with Busboys and Poets, the second Bay Paddle, and our own annual celebration of Waterkeepers, In Defense of Water. We collectively passed legislation in Maryland to improve enforcement of water pollution violations, require the use of an environmental justice screening tool in permitting, and restrict the use and disposal of toxic PFAS chemicals. The prior year, we passed three important bills on climate adaptation, citizen intervention, and environmental enforcement reporting. All of these bills will lead to stronger implementation and enforcement of the Clean Water Act. We are so very proud of what we have accomplished together and looking forward to the future with Acting Executive Director Robin Broder.

In the history of Waterkeepers in this region, we have never seen as much legislative and litigation advocacy from the member organizations as we are seeing today. Groups from the Assateague Coast to Upper Pennsylvania are holding polluters accountable, demanding more from our government agencies, and fighting for those whose voices have been left out of the process. Under Waterkeepers Chesapeake Board Chair Jesse Iliff, our work will continue in 2023 and beyond.

The pursuit of environmental justice is always an uphill battle. Our legal cases are long, lonely sagas in which we are consistently out funded, out muscled, and outnumbered. But we persist because we believe it is our job to speak for the rivers and our communities - because we are Waterkeepers. Thank you for being part of the team that never gives up.

Sincerely,                                    
Betsy Nicholas, Executive Director 2012-2022
Robin Broder, Acting Executive Director, 2023
Waterkeeper Members 2021-2022

Anacostia Riverkeeper Trey Sherard
Assateague Coastkeeper Kathy Phillips (2021) Gabby Ross (2022)
Baltimore Harbor Waterkeeper Alice Volpitta
Gunpowder Riverkeeper Theaux Le Gardeur
James Riverkeeper Jamie Brunkow (2021) Tom Dunlap (2022)
Lower Susquehanna Riverkeeper Ted Evgeniadis
Middle Susquehanna Riverkeeper John Zaktansky
Chester Riverkeeper Annie Richards
Choptank Riverkeeper Matt Pluta
Miles/Wye Riverkeeper Elle Bassett
Sassafras Riverkeeper Zack Kelleher
Potomac Riverkeeper Dean Naujoks
Shenandoah Riverkeeper Mark Frondorf
Upper Potomac Riverkeeper Brent Walls
South, West & Rhode Riverkeeper Jesse Iliff (2021) Elle Bassett (2022)
Patuxent Riverkeeper Fred Tutman
Severn Riverkeeper Sara Caldes
### Staff and Board 2021

Betsy Nicholas, Executive Director  
Robin Broder, Deputy Director  
Morgan Johnson, Staff Attorney  
Bernard Devlin, Communications & Outreach Associate  
Humon Heidarian, Fair Farms Campaign Manager  
Cindy Wallace, Administrative Manager / Bookkeeper  
Elizabeth Nellums, Grant Writer

### Staff and Board 2022

Betsy Nicholas, Executive Director  
Robin Broder, Deputy Director  
Alex Villazon, Climate & Justice Legal Fellow  
Devora Kimelman-Block, Agriculture Policy Specialist  
Sandra Franco, Legal Counsel  
Elizabeth Nellums, Grants & Programs Manager  
Cindy Wallace, Administrative Manager / Bookkeeper

Jesse Iliff  
Robert Gallagher  
Kathleen Liedy  
David Flores  
Jamie Brunkow  
Dean Naujoks  
Ted Evgeniadis  
Arjun Makhijani  
Elle Bassett  
Nina Beth Cardin  
Emily Franc  
Tim Hill  
Mark Frondorf  
Arjun Makhijani
Serving Our Members

Waterkeepers Chesapeake is focused on serving our 17 Waterkeeper members in everything we do. We highlight and lift up our Waterkeepers’ accomplishments through blogs, social media and press releases. We develop our legislative and advocacy priorities with Waterkeeper input, convening breakouts state by state and a series of planning meetings. These become the basis of our advocacy and communications campaigns. We provide direct support and services to Waterkeepers on communications, fundraising, nonprofit board development, and other capacity building and technical needs.

Every year, we highlight the results of our Waterkeepers’ annual water quality monitoring. In 2021, we provided 13 member training sessions with topics ranging from bylaws, fundraising, and new certification requirements. We organized a Waterkeeper team in the Bay Paddle and raised $9,835. In 2021, our annual Waterkeeper Outstanding Win Award went to retiring Assateague Coastkeeper Kathy Phillips. With the James Riverkeeper we began organizing for a new York River Steward, with the goal of building a Waterkeeper affiliate program in that important Virginia watershed. In 2021 and 2022, we continued to pivot our community engagement to online and hosted 5 virtual webinar opportunities for our Waterkeepers to participate in, on topics ranging from Conowingo Dam, toxic PFAS, and plastic pollution.

In 2022 we provided 14 training workshops for our Waterkeepers, and hosted meetings with them and Chesapeake Bay Program Director Kandis Boyd and EPA Region 3 Administrator Adam Ortiz to build critical relationships. With our Waterkeepers, we created the CWA50 Campaign, celebrating the power and promise of the Clean Water Act on its 50th anniversary. We amplified the results from the special PFAS sampling in May and June across the region that showed shocking levels of PFAS contamination. We provided over $75,000 in pass-through grant funds, non-cash support, and brokered grants in 2022, including a 5% Day at all MOM’s Organic Market stores in the region. Our annual Waterkeeper Outstanding Win Award went to Baltimore Harbor Waterkeeper Alice Volpitta. We became a beneficiary of the Bay Paddle and received over $17,000 from the event.
The 50th Anniversary of the Clean Water Act

A big focus of our collective efforts over the past two years has been our CWA50 Campaign, celebrating the purpose and promise of the Clean Water Act on its 50th Anniversary. We believe that all pollution is local. While the CWA is a federal law, it is delegated to the states to implement and enforce. States need to use and strengthen their Clean Water Act authority.

Most lawsuits under the Clean Water Act have been historically brought by Waterkeepers defending their local rivers and streams. We need to elevate the voices of people who have successfully used the Clean Water Act as well as those still fighting to protect communities from pollution, particularly frontline communities dealing with a legacy of environmental injustice.

To draw attention to the importance of this critical piece of legislation, and to ensure that it continues to protect against new and growing threats to clean water everywhere, Waterkeepers Chesapeake created the CWA50.org website to share resources, stories and event, and produced the Clean Water Act Playbook, an online toolkit to help communities fight pollution (CWAPlaybook.org). We also supported our Waterkeepers in providing community outreach and training, and sharing the stories of residents who made a difference in their neighborhoods.
Overview of the CWA Playbook

Center on impacted communities
Bringing local priorities into our work

Climate Change imperatives
Insisting on current precipitation and streamflow data

Clean Water Act strategies – plus…
Coordinating CWA tools with other federal laws and local requirements

Power and wisdom of the network
Investing in building capacity through monitoring

CWA50 Events Around the Region

167 total events
36 social/art/music

46 water events

17 advocacy

Press Event: Maryland’s Lack of Enforcement of Clean Water Act

24 conferences/other

42 educational

Cheers to 50 Years!

UPSTREAM, DOWNRIVER
Conowingo Dam: An Historic Win

Right as 2022 was drawing to a close, we received news about the outcome of our biggest Clean Water Act challenge - for over ten years, we’ve fought for a fair and protective license for Conowingo Dam. Through our partnership with the Lower Susquehanna and Sassafras Riverkeepers with representation by Earthjustice, we went up against a massive multibillion dollar company and a powerful Federal agency. And we WON!

Our legal efforts against Constellation Energy's operations of the dam are a true David and Goliath situation. The Conowingo Dam has been called “a loaded cannon pointing at the bay” because of the massive amounts of sediment that are trapped behind the dam, some of which are sent downstream in every major rain event. With climate change increasing the incidents of rain events, the dam is now the single largest threat to the success of the Chesapeake Bay cleanup plan. In December 2022, the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion vacating the Federal Energy Regulatory Commission's (FERC) licensing of the Conowingo Dam and remanded it back to FERC. In its decision, the court agreed with our argument that FERC exceeded its authority when it approved a 50-year license without including the Water Quality Certification that Maryland issued in 2018.

The Clean Water Act provides that no license or permit under section 401 shall be granted until certification has been obtained or has been waived by a state. The court agreed with us that “Maryland did not fail or refuse to act. Just the opposite. The state acted when it issued the 2018 certification.” Furthermore, the court stated that FERC cannot issue “a license based on a private settlement arrangement entered into by Maryland after the state had issued a certification with conditions but then changed its mind.” (cont’d).
In remanding Conowingo Dam’s license back to FERC, the court emphasized that states are the “prime bulwark in the effort to abate water pollution.” The court decision clearly shows that delays could have been avoided if Maryland and other parties involved had followed the law from the beginning.

This is only the third time that a court has ever fully vacated a FERC hydropower license, and sets national precedent that the Clean Water Act cannot be set aside. This means that water quality certifications cannot just be changed when, for example, a new governor prioritizes industry over environmental protection. This precedent goes well beyond hydropower issues and will apply in all circumstances where a 401 certification is to be issued by a state, such as pipelines.

Maryland’s 2018 certification identified the minimum steps necessary for the dam operations to protect the water quality of the Lower Susquehanna River and the Chesapeake Bay, including reducing the amount of nitrogen and phosphorus flowing from the dam, ensuring fish and eel passage, improving the dam’s flow regime to protect downstream habitats, controlling trash and debris, providing for monitoring and undertaking other measures. The inclusion of the certification water quality protections in the dam’s license will accelerate progress on the Chesapeake Bay cleanup plan (TMDL).

There is much work to do to ensure that this victory is maintained, including likely appeals and an ongoing administrative process that we will be following every step of the way. But for now, we are grateful for the success of a long-fought battle.
Strengthening Clean Water Protections

*Waterkeepers Chesapeake believes that legal advocacy works to protect clean water. Here are some of our steps forward and successes from 2021 and 2022:*

*Waterkeepers Chesapeake along with Potomac Riverkeeper Network, Blue Water Baltimore, Gunpowder Riverkeeper and others [Filed Suit Against the Flawed Maryland Industrial Stormwater Permit](#) to ensure protections for vulnerable communities.*

*The EPA [Pledged to Strengthen Standards on Slaughterhouses](#) in response to our lawsuit from 2019.*

*We [Petitioned EPA to Require Permits from Large Combined Animal Feeding Operations](#) to keep our waters clear of animal waste.*

*We joined Lower Susquehanna Riverkeeper, Middle Susquehanna Riverkeeper and others to [File a Lawsuit Against the Fish and Wildlife Service](#) seeking to reconsider listing the Eastern Hellbender as an endangered species - threatened by sedimentation and other water pollution.*

*We released a [Report on Changes Needed to Empower Maryland Citizens to go to Court](#) to ensure people have access to courts to protect themselves from environmental harm.*
Championing Strong State Policies - Maryland

Our legislative work is the heart of what we do at Waterkeepers Chesapeake. We are proud to be one of the few environmental organizations who focus on advocacy and policy, with the expertise and experience of the past ten years. We work throughout the year to educate decisionmakers, provide proposed language for legislation, and raise the voices of ordinary residents - farmers, watermen, and everyone who cares about clean water. Here are our recent successes:

2021

- Citizen Intervention bill (SB334/HB76) – gives people and communities who have been harmed by water pollution the ability to legally intervene in a CWA lawsuit brought by the state in state court.
- Climate Adaptation bill (SB227/HB295) – requires MDE to update stormwater design standards with the most recent precipitation data available.
- Environmental Enforcement Reporting Act (SB324/HB204) – enhances transparency by requiring Maryland to keep — and make accessible to the public — electronic records of enforcement and water pollution data.

2022

- Environmental Enforcement bill (SB492/649) – requires MDE to clear the backlog of “zombie permits” and update them by 2026, and to inspect facilities deemed in significant noncompliance.
- Environmental Justice Screening bill (SB818/HB1200) – requires disclosure of existing pollution sources when a permit is being requested for a new polluting facility, and that this information be provided to communities early in the permitting process.
- The George “Walter” Taylor Act (SB273/HB275) – restricts the use and disposal of PFAS.
- “The Patuxent River Commission Membership” bill (SB367/HB716) – reinstated the Patuxent Riverkeeper to the commission.
Championing Strong Policies - Virginia

2021

The Virginia General Assembly delivered a historic $200 million for clean water programs, including $100 million for upgrading pollution removal technology at wastewater treatment facilities, $69 million for the Water Quality Improvement Fund, $25 million for the Stormwater Local Assistance Fund, $12 million for the Department of Environmental Quality, and $60,000 to support a study of PFAS chemical contamination in drinking water by Virginia’s Department of Health (VDH).

The Balloon Release Ban bill (HB2159) prohibits the intentional outdoor release of balloons. The ban of EPS foam, aka Styrofoam (HB1902), as a food takeout container takes effect for food vendors and other entities starting in 2023.

2022

With the shift in political parties in the Virginia Governorship and the House, a main priority was preventing rollbacks in environmental, climate resiliency, equity and justice, and public participation policy, including opposing the nomination of Andrew Wheeler as Secretary of Natural Resources and defending citizen boards' authority. The water advocacy community in Virginia advocated for over 30 pieces of water policy this session, and successfully defeated a handful of bad bills which would have weakened water protections and diverted flood funding away from those who need it. Unfortunately, Governor Youngkin issued executive orders that will incentivize increased production of single-use plastics and slow the phase-out on single-use plastics from public agencies and institutions.

Championing Strong Policies - Pennsylvania

Pennsylvania’s new state budget – passed in 2022 with broad bipartisan support – brings an historic investment in programs and establishes the Clean Streams Fund, the first ever Agricultural Conservation Assistance Program, and a new Municipal Stormwater Assistance Program. In addition, after a decade-long effort, the Fertilizer Law of 2022 was signed into law.
Take Action to Restore Patuxent Riverkeeper to River Commission

We need to stop this!
At Waterkeepers Chesapeake, we recognize that the Chesapeake Bay watershed is a region of vibrant diversity. It is our policy to be inclusive and mindful of this diversity in our organizational policies, programs, and interactions with others. As an organization, we affirm all people regardless of their age, culture, disabilities, ethnic origin, gender, gender identity, marital status, nationality, race, religion, sexual orientation, and socioeconomic status.

In late 2019, WKC conducted a Diversity, Equity, Inclusion & Justice (DEIJ) audit to identify critical next steps in helping to improve our organization. Throughout the past two years we have continued to pursue these recommendations, including by holding a training for all WKC staff, changing our approach to annual reviews and staff development, and retaining Brenna Goggin of River Network to guide us through a team visioning session. We held DEIJ trainings for our Waterkeeper members at our last four retreats. This work has driven our strategic planning for the 50th Anniversary Celebrations to better highlight the stories of under-invested communities, in their own words. It also drove our commitment to working to pass the Environmental Justice Screening bill that protects communities unjustly burdened with a legacy of pollution by considering existing facilities in new permits, as well as ensures that the information is provided to communities early in the permitting process. At our annual In Defense of Water awards, Natasza Bock-Singleton received our 2021 Water Warrior Award for her perseverance and amazing volunteer community activism to bring attention to and solutions for sewage backups in homes in Baltimore.

WKC has led the effort for Waterkeeper Alliance to form a JEDI (justice, equity, diversity, and inclusion) committee within the Waterkeeper Council. A new standard was added to the initial 13 quality standards that Waterkeepers have to meet to get or keep their license. Waterkeepers Chesapeake and all of our Waterkeeper members are mapping Environmental Justice communities within their watersheds, so we can collectively focus our efforts on ensuring these residents are receiving the support they deserve, and our programs and advocacy are centered on these communities.
2021 Financials

### 2021 Expenses

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<th>Category</th>
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<th>Percentage</th>
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<tbody>
<tr>
<td>Program</td>
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<tr>
<td>Mgt &amp; General</td>
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### 2021 Revenue

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2022 Financials

2022 Expenses

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2022 Revenue

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Note: 2022 was the first year the value of pro bono legal services was included in In-Kind Revenue and in Expenses.
Thank you to all our individual donors at all levels! Your gifts make our work possible!

Corporate Partners 2021-2022
MOM’s
M&T Bank
Colonial Pipeline
Hardywood Craft Brewery
Amabile Designs
Go Play Outside
Conowingo Systems
IMB Giving
Willow Keep, Inc
CI Renewables
Maryland League of Conservation Voters
Blue Water Baltimore
High Street Strategies
Choose Clean Water Coalition
The Hatcher Group
Standard Solar
Chesapeake Legal Alliance
Energy Works
NextGen Strategies
Bay Paddle

Foundation Partners 2021-2022
Campbell Foundation
Munson Foundation
Virginia Environmental Endowment
Foundation for Pennsylvania Watersheds
France-Merrick
Abell Foundation
Rouse Family Foundation
National Healthy Soils Policy Network