

Bay Journal

With river in his blood, Fred Tutman stands his ground wholeheartedly

Patuxent Riverkeeper not afraid to step on toes when pursuing environmental justice.

By Rona Kobell on April 11, 2014



Fred Tutman stands on his dock, the Patuxent and its spatterdock in the background. He's hoping for federal funds to repair the dock and get more schoolchildren on the water. (Dave Harp)



Fred Tutman's office's backyard features a postcard-perfect view of his beloved Patuxent River. Clumps of brown spatterdock are turning tan, creating a lovely marshy look as the late afternoon sun dips. Boats glide through the channel, their captains waving as they pass. The first osprey of the year surges past the purple martin birdhouses on its dive for a fish.

But the longtime Patuxent Riverkeeper looks deeper and sees something disturbing: a continued assault on Maryland's longest river — a waterbody that can't speak for itself — from development and industry, as well as a history of injustices in which the wealthiest communities receive the best environmental protection.

For the last decade, Tutman, 56, has tried to speak for the river he knows so well — his family has owned a farm in Upper Marlboro since 1926. But it is not an easy job. He has angered industry, sparred with state officials and even broken ranks with fellow environmentalists. And it is a job that leaves him little time to himself between filing lawsuits, attending community meetings and speaking to legislators in Washington, DC, and Annapolis. He also teaches a law class at St. Mary's College.

"This work demands so much of you that it will teach you who you are," Tutman said. "And it's not complete work if you're not working for the whole community."

Some environmentalists support compromises and seek to work with those accused of polluting, careful not to offend. Tutman speaks his mind, whether he's addressing reporters, senators or funders.

That kind of forthrightness is increasingly rare in the environmental movement, said Scott Edwards, who worked with Tutman when Edwards was the attorney for the Waterkeeper Alliance.

“In the national environmental community, there’s a lack of fight going on. A lot of groups are more concerned with access and political deal-cutting and not angering people in power,” said Edwards, now of Food and Water Watch. “But we’re not here to make friends. We’re here to fight for what’s right, and I think Fred does a great job of that.”

For example, other watershed groups, including the Chesapeake Bay Foundation, have not taken a position on Dominion Resources’ plans to export natural gas at Cove Point, which sits on the Chesapeake Bay. Tutman, in contrast, has been demanding that the company share more information about its plans and excoriating politicians for offering tax breaks, zoning waivers and non-disclosure promises.

His most painful break with environmentalists came over nutrient trading. Two years ago, the Chesapeake Bay environmental community agreed it would not mount a legal challenge to the practice of creating a pollution credit exchange, which is a part of the Chesapeake Bay Total Maximum Daily Load. Environmental attorneys worried that a legal challenge to trading could be yoked to the American Farm Bureau Federation’s lawsuit challenging the entire Chesapeake Bay pollution diet. They did not want to ruin the Bay’s best chance in decades at a comprehensive cleanup, so they refrained from challenging trading.

Under a trading scenario, a polluter can discharge more than its permit allows if it balances that overage with credits purchased from another entity that has reduced more pollution than required and therefore has “credits” to sell.

Some advocates think the buyers of credits will likely be wastewater plants or power plants already in an area with poor air or water quality. For that reason, some advocates fear trading will lead to environmental injustices.

Tutman feared that, if trading came to pass, one of the towns on his river would suffer.

“Honorary townspeople”

Eagle Harbor, MD, is a pretty, quiet hamlet of about 60 residents along the Patuxent. Founded nearly 100 years ago by Washington area African-Americans who were barred from visiting white beaches, it incorporated in the 1920s and is one of Maryland’s smallest municipalities. Nearly every street in town is named for famous African-American writers, scientists, educators or abolitionists.

In the 1960s, the town got a new neighbor, the Chalk Point power plant. It hasn’t always been a good one.

Fourteen years ago, a ruptured pipeline sent more than 100,000 gallons of oil into the Patuxent River, killing hundreds of ducks, terrapins and muskrats and damaging wetlands. Over the years,

town-plant relations were “amicable,” said Mayor James Crudup, though plant officials didn’t think the town had much power.

Tutman helped townspeople understand the science behind the plant’s discharges, how temperature swings in the discharged cooling water could kill fish and how emissions could harm residents’ health. When the plant, owned by NRG energy, announced a plan to reduce discharges from a plant it owned along the Potomac River and increase them along the Patuxent, Tutman declared his plans to sue. The company didn’t pursue the trade. Tutman has since filed several legal actions against the company over permit violations.

“It was hard to make that stand, but I had to,” Tutman said. “We’re here to protect (the people) from illicit discharges, not to sell their ecological future. And I don’t just stand for the river, but the communities on the river. I could put a face to it.”

Crudup appreciates that dedication so much that he has declared Tutman an “honorary townspeople.” His friendship with Tutman, Crudup said, has emboldened him to challenge Chalk Point management at meetings.

“Before Fred, we didn’t have anyone that we could turn to and find out what was going on in our environment with regard to pollution, especially in the waterways,” Crudup said. “Fred has allowed our discussions with the plant to be on a higher level. He enhances my understanding...I wouldn’t want to be without him.”

Tutman has also helped the town secure grants to preserve its history and build a waterfront park. He has talked to Crudup, an engineer, about stormwater improvements and putting in solar panels.

Recently, Tutman has partnered with the National Parks Service to make his office an official Gateways site on the Patuxent. His office moved from a barn on his farm to a county-owned property that houses a 19th-century schoolhouse.

To bring in revenue, the Patuxent Riverkeeper rents kayaks and canoes and offers guided trips. His property also has a boat launch, and he is trying to rebuild a dilapidated dock to provide better access for school groups.

He’s exactly the sort of advocate the Patuxent needs, said Kathy Phillips, the Assateague Coastkeeper and a longtime friend.

“He’s got boots on the ground and he’s out in the community every single day. That’s what works, and it definitely works in his watershed,” she said. “I see what he’s doing with the Patuxent Riverkeeper and I’m just so proud.”

Phillips knows the loneliness of unpopular stances — many of her fellow Riverkeepers did not support her during her three-year legal battle against Perdue Farms and one of its growers for allegedly discharging pollutants into a Pocomoke tributary. Phillips understands why many of

her fellow environmentalists prefer the pragmatic approach. But that's not her, she said, and it's not Tutman either.

"There are those who get him, and there are others who don't get him, and quite frankly, that is their loss," she said. "He thinks deeply about everything."

Those thoughts focus not just on the environment but also on the socioeconomic side of pollution. Tutman has been pushing the Bay community to think more deeply about environmental justice issues, and he helped form the DMV Environmental Justice Coalition with Sacoby Wilson of the University of Maryland.

Lawsuit not always an option

It's not just theoretical. On a recent March day, Tutman pulled his Honda Accord into the Hallowing Point trailer park on the Calvert/Prince George's border. Last winter, teachers from Barstow Elementary School told Tutman that children had stopped coming to school, unable to bathe because they had no water or heat. Septic lines froze, resulting in waste spills. Calvert County declared several trailers uninhabitable and moved residents to a hotel while management fixed problems.

Calvert County Health Officer Larry Polsky also ordered Hallowing Point's management to install new holding tanks on the property and to pump them out regularly. But Polsky acknowledged that step likely doesn't go far enough — the drainage fields are not adequate to contain the waste.

Walking along Hallowing Point's beach, the Chalk Point plant looming in front, Tutman outlined his options. He could file a lawsuit against the owners. But if the trailer park closed, its residents would be homeless — many came to Hallowing Point because they had no options. Tutman decided to focus on discharges from Chalk Point, because they are bigger and he knows the parent company can pay. But a day or two after the visit, Hallowing Point still haunts him.

He wishes a funder would buy out the owners, resettle the residents and close the park. But he knows that's not how it works.

"It seems myopic to work on the world's clean water problems while ignoring environmental suffering," he said.

Macy Nelson, an environmental attorney who has represented the Patuxent Riverkeeper in several cases, said he admires that passion.

"Everyone's looking for the money. But not him," Nelson said. "He's a believer and he's a fighter, and that's why he and I get along so well."

Recently, the pair won a victory in Maryland's highest court. They established that individuals and organizations could have standing to challenge developments in court if they had an aesthetic or recreational interest. Previously under Maryland law, a person or group had to be an

adjacent property owner to have standing. Without Tutman, Nelson said, “there would have been no case.”

Tutman may not be comfortable standing out, but he’s certainly used to it.

History of activism

He is the only African-American Riverkeeper in the nation, and the only one to have ever served on the board of the New York-based Waterkeeper Alliance. He was the first African-American to integrate his elementary school in the early 1960s. After that, his father became a director in the Peace Corps and the family moved to Sierra Leone, where his school attendance became sporadic. Tutman’s father, he explained, “wanted me to learn in the lab of life.” It was in Sierra Leone, Tutman said, that he began to appreciate rivers — even though the ones there at that time were thick with trash and sewage.

Like his sisters, Tutman became a journalist in his 20s, traveling the world as a producer and editor but always returning to the farm. He moved there permanently 23 years ago and became more involved in cleaning up the river.

One day, at a tributary strategy meeting, a man walked into the room and suddenly everyone paid attention. The man was Fred Kelly, the Severn Riverkeeper. Tutman learned the Patuxent didn’t have a Riverkeeper and sought to become its first. He was ready to leave journalism, he said — “I wanted to change the world, not report on its misery.”

Tutman picked a river with a history of activism. It was on the Patuxent, nearly 40 years ago, that three Southern Maryland county executives sued the EPA, arguing that the agency allowed upstream sewage plants to discharge too much sewage into the river. Led by Bernie Fowler, of Calvert County, and Walter Boynton, a young scientist who risked his job to speak out, the ragtag coalition won. The parties later crafted an agreement that became the template for the modern-day Chesapeake Bay Program.

Both Boynton and Fowler sit on the Patuxent Riverkeeper’s board. Tutman consults them often, especially Boynton, on matters of science.

With no science background and a few credits shy of a law degree, Tutman admits he initially felt guarded when he spoke about the river’s health, unsure he had the authority. Not anymore. The lab of life, it seems, has schooled him well.

“I really feel like I’m channeling my river. I’m talking from my heart,” Tutman said. “After 10 years of Riverkeeping, I feel like my river is talking through me.”