



Protecting Illinois' Rivers for People, Fish, and Wildlife

## THE CLEAN WATER ACT AT 40

### UNDER ATTACK BUT ALIVE AND STILL KICKING

BY KIM KNOWLES

It's hard to imagine today, but forty years ago Congress passed a bill revolutionary in the scale of protections it promised the nation's waters. The Clean Water Act passed both houses with overwhelming bipartisan support with the promise not only of eliminating all forms of pollution but of restoring and maintaining the health and integrity of our waters. The sense of urgency expressed at the time is extraordinary:

*"The 1970s absolutely must be the years when America pays its debt to the past by reclaiming the purity of its air, its waters and our living environment. It is literally now or never."*

--President Richard Nixon



President Nixon with Bill Ruckelshaus, being sworn in as first EPA Administrator.

*"Can we afford clean water? Can we afford rivers and lakes and streams and oceans which continue to make possible life on this planet? Can we afford life itself?"*

--Senator Ed Muskie

It was at this time that President Nixon created the Environmental Protection Agency and gave it the noble mission of protecting human health and the environment. The foresight of the 92nd Congress and President Nixon in recognizing the need for a strong federal law and an empowered federal agency to enforce that law seems remarkable today. Such foresight is in striking contrast to the approach of our current Congress. The differences are alarming.

With the passage of the Clean Water Act in 1972, Congress in essence transformed the legal status of our waterways. No longer were rivers to serve as open dumping grounds for pollution. The Clean Water Act made it illegal to discharge pollutants into waters without a permit. It also gave citizens the right to challenge government decisions affecting the

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health of rivers and lakes and to sue rogue polluters and agencies reluctant to fulfill their duties under the Act.

Thanks to the Clean Water Act, rivers and lakes that were once toxic cesspools are now safe for people and for fish. Thanks to the Clean Water Act, our understanding of aquatic ecology and the threats to healthy waters has increased exponentially. And thanks to the Clean Water Act, cadres of citizens throughout the nation are empowered and working together to combat water pollution.

//continued on page 6//

### Happy 40th Anniversary Clean Water Act Happy 45th Anniversary Prairie Rivers Network

Sept 1967 - Grassroots organizers form what is now Prairie Rivers Network

Dec 2, 1970 - Official formation of the Environmental Protection Agency (EPA)

Oct 18, 1972 - Congress passes Clean Water Act

Today - Our dedicated members continue to work towards clean water and healthy rivers. Thank you for your support. Learn more about our 45 year history at [www.prairierivers.org/about/history](http://www.prairierivers.org/about/history)

## GREETINGS FROM GLYNNIS

As this newsletter went to press, we got some great news on a long-standing clean water fight.

The operators of Industry Mine have been polluting illegally, and flagrantly, for years. The company's own records show over 600 violations of the Clean Water Act – illegal pollution dumped into several local creeks and ultimately the La Moine River, over an eight-year period. Our arguments that Springfield Coal Company's other proposed mines should receive special scrutiny given this history were unsuccessful because the violations hadn't been settled through a judicial procedure.

The good news is that we finally have the judgment we need. The Illinois Pollution Control Board ruled that Springfield Coal Company did indeed violate their water pollution permit at the Industry Mine 624 times. The rogue operator behind this illegal pollution will be brought to justice. State regulators can now consider the illegal pollution when acting on pending permit requests by Springfield Coal for two new strip mines.

The Pollution Control Board came to consider the case only after Prai-

rie Rivers Network and our partners threatened legal action in 2009. This prompted the Illinois Attorney General's Office to file an enforcement case, with our three groups participating in the case as interveners.

Why did it take the threat of legal action by outside groups for the state to take this illegal pollution seriously? Why hadn't the Illinois EPA referred this case to the Attorney General's Office for enforcement action long before 2009? Why did Illinois DNR continue to renew the mine's permits even though it was aware of these violations? These are a questions we are asking Governor Quinn and state lawmakers, and we hope you will too.

This case will help us win better policies on Clean Water Act enforcement so that other serial polluters are stopped before they start new operations.

Congratulations and thanks go to our partners and our members. Working together we can take on and prevail in the long-term fight to protect clean water and healthy rivers.

With warmest wishes for a joyous holiday season,




**How far would you walk or run for clean water...**

**3 miles, 6 miles, 13 miles, 26 miles?**

Join in the fun and support Prairie Rivers Network. Your help is needed.

[PrairieRivers.org/Run](http://PrairieRivers.org/Run)

## prairieriversnetwork

...strives to protect the rivers and streams of Illinois and to promote the lasting health and beauty of watershed communities.

By providing information, sound science, and hands-on assistance, Prairie Rivers Network helps individuals and community groups become effective river conservation leaders.

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GLYNNIS COLLINS  
Executive Director

TRACI BARKLEY  
Water Resources Scientist

ELLIOT BRINKMAN  
Habitat Conservation Specialist

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Staff Attorney

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## ANNUAL DINNER ROUND UP

Thank you to all of you who attended our 14th Annual Dinner and 45th Anniversary celebration in October. The staff and board of directors had a wonderful time visiting with our members and celebrating the successes you made possible. We invite you to view pictures from the dinner at: [www.flickr.com/photos/prairieriversnetwork](http://www.flickr.com/photos/prairieriversnetwork)

### River Steward Award

Brenda Dilts

Each year, we recognize and celebrate outstanding river conservationists and their actions on behalf of Illinois' rivers and streams. This year, Prairie Rivers Network honors Brenda Dilts as our 2012 River Steward.



Brenda chairs the grassroots group, Canton Area Citizens for Environmental Issues. In 2006, when Brenda and others learned that a coal company wanted to open a thousand-acre strip mine just upstream of Canton Lake, they were appalled. Canton Lake provides drinking water for all of Canton's residents and surrounding communities. Because of the area's extensive history of strip mining, they knew the threat to their water supply this mine posed.

But rather than resigning in the face of a dirty industry that always seems to get what it wants, Brenda helped local residents do something powerful: organize. Thanks to her leadership, Canton Area Citizens for Environmental Issues has built and sustained a successful grassroots campaign that has become a model for organizing efforts in Illinois communities faced with the threat of coal mining.

This is the difficult work that has to be done to protect our water resources; we are grateful to those who take it up. And so, although there is still a long road ahead in the fight to protect Canton Lake, we thank river advocates like Brenda and all the members of Canton Area Citizens for Environmental Issues, for your work on behalf of clean water in Illinois.

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### A Living Document: The US Constitution and Clean Water

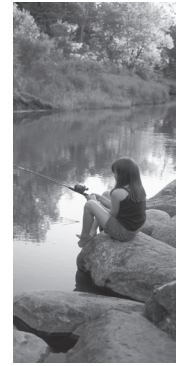
Keynote Speaker Richard Lazarus

Urbana native and University of Illinois alumnus Dr. Richard Lazarus is distinguished among conservation advocates for the many environmental law cases he has argued before the U.S. Supreme Court. As Prairie Rivers Network's honored guest speaker for our 45th Anniversary Annual Dinner, Dr. Lazarus applauded the environmental protections achieved in the last forty years, protections that were the result of revolutionary new federal laws that recognized how essential water, air, and land are to this country's future prosperity (see our pg 1 article on the Clean Water Act).

Still, the road from environmental legislation to a cleaner world may involve significant detours. And unexpected challenges can present themselves in the form of nine robed figures who have the final say on interpreting the laws of the land.

Posing the question "what does affordable health care have to do with the environment?" Lazarus illuminated how Supreme Court decisions in "non-environmental" cases can impact the reach of federal environmental law protections.

Congress has often relied on the Commerce Clause of the US Constitution for its authority to regulate clean air, land, and water. //continued on page 6//



## 2012 Accomplishments



### Protecting Natural Areas Along our Rivers

Prairie Rivers Network is working with local residents and other organizations to **fight a dirty and destructive sand mine right on the doorstep of Starved Rock State Park**. Our efforts have raised the visibility of the issue and garnered the support of Lieutenant Governor Sheila Simon and the Illinois River Coordinating Council.

*Next step:* Explore legal options to achieve needed reforms in permitting process.



Future River Advocates Enjoying Starved Rock State Park

Our work keeps paying dividends long after the victories are won. One example is **the return of bald eagles to the Middle Fork of the Vermilion River**. Thirty years ago, activists (including Prairie Rivers Network founders) fought a plan to dam the river and later won protections that allowed 11,000 acres along 17 miles of the river to begin recovery from a legacy of coal strip mining. Today, a nesting pair of bald eagles has returned to the Middle Fork for the third year -- they have hatched five chicks so far!

*Next step:* Proper closure of Vermilion Power Plant ash ponds currently leaking into Middle Fork of Vermilion River.



One of the Middle Fork bald eagles. See photographer David Hale's account, including more great shots, at [prairierivers.org](http://prairierivers.org)

Prairie Rivers Network and Friends of the Big Bureau Creek Watershed launched a successful farmer outreach campaign in the Big Bureau Creek Watershed in north-central Illinois. As a result of our efforts, **many farmers have signed up for Farm Bill conservation programs that reduce erosion and nutrient runoff**.

*Next step:* Develop and implement policies to increase the use of these practices across Illinois.

### Bringing Voices of the People to Elected Officials

Prairie Rivers Network has **launched a collaborative effort to separate the Great Lakes and Mississippi River basins**. Separation will protect the Great Lakes from Asian carp, improve the Chicago River, and protect both basins from infestation by other invaders via Chicago's canal system. People and organizations are signing on to the coalition's principles, letting us show Governor Quinn and other elected officials the existing broad-based public support for definitive action on the carp crisis.

*Next step:* Expand the coalition and engage Chicago in planning for separation.



Restoring the natural divide between the Mississippi and Great Lakes basins is a long-term effort

**Our campaign in Vermilion County is empowering local residents to fight a new coal mine that threatens their water and their communities**. With the legal and technical support of Prairie Rivers Network, local residents understand and influence the backroom deals and bureaucratic processes behind such projects.

*Next step:* Challenge water deal between coal mining company and local municipality that threatens water supplies.

### Holding Polluters Accountable

A new Illinois law requires factory farm owners to pay a fee to the Illinois EPA for water pollution permits. All other polluting facilities have paid permit fees for years. Through the permit fees, **factory farm owners, rather than the taxpayers, will finally support the state's program to regulate their pollution**. Prairie Rivers Network first proposed such a law last year, and has worked with concerned residents, lawmakers, and the Illinois EPA to get it passed.

*Next step:* Strengthen Illinois laws to further reduce factory farm pollution.



Governor Quinn signing new factory farm permit fee into law

The coal industry is working hard to strip the EPA of its authority to protect groundwater from coal ash pollution, a by-product of burning coal. This Spring, industry supporters in Congress attached a rider to a transportation bill that would have forbidden EPA from passing new protective rules. Prairie Rivers Network mobilized our members, our partners and residents living with coal ash pollution to ask Senator Durbin for help in bolstering the wavering resolve of some colleagues who were facing intense industry pressure.

**In the final hours, the bad coal ash rider was removed from the transportation bill**. We thank Senator Durbin for his pivotal work.

*Next step:* Continue to wage a multi-pronged state and national campaign for safer coal ash rules.

## Your Staff at Prairie Rivers Network

### GLYNNIS COLLINS, EXECUTIVE DIRECTOR

gcollins@prairierivers.org

Glynnis oversees Prairie Rivers Network's strategic vision in coordination with the Board of Directors. She works with our staff, funders, and partners to address the most pressing clean water issues that face Illinois' rivers.



### KIM KNOWLES, STAFF ATTORNEY

kknowles@prairierivers.org

Kim leads our efforts to use legal tools to stop illegal pollution and strengthen clean water laws. While she is currently focusing on strengthening state and federal rules on nutrient pollution, she provides legal support in many other program areas as well.



### TRACI BARKLEY, WATER RESOURCES SCIENTIST

tbarkley@prairierivers.org

Traci leads our coal pollution program. Illinois' history as a coal mining state has led to a too-cozy relationship between the industry, lawmakers, and regulators. Traci is working to bring accountability to coal mining and coal ash disposal in Illinois, so that the industry is held to the same water pollution control standards as other industries.



### VICKIE NUDELMAN, OPERATIONS MANAGER

vnudelman@prairierivers.org

Vickie leads our fundraising activities including our Annual Dinner and Run for Your Rivers fundraising events and contributes to our communication outreach efforts. Vickie also leads our in-house graphic design work and manages day-to-day office operations and financial management.



### ELLIOT BRINKMAN, HABITAT CONSERVATION SPECIALIST

ebrinkman@prairierivers.org

Elliot is advancing our work in riverside habitat restoration and conservation. Even if we were able to remove all pollution from Illinois' rivers, they would not be healthy without native plant and animal communities alongside them. Our initial efforts have supported public and private landowners in cooperative conservation planning efforts along the Vermilion and Mississippi Rivers.



### BRIAN PERBIX, GRASSROOTS ORGANIZER

bperbix@prairierivers.org

Brian works with Illinois residents, helping them influence decision-making surrounding coal mines and coal ash disposal where threats to clean water and water supplies exist. He is also educating voters and lawmakers about the many subsidies and fee exemptions Illinois taxpayers provide to the coal industry.



### ROBERT HIRSCHFELD, WATER POLICY SPECIALIST

rhirschfeld@prairierivers.org

Robert leads our Stop Asian Carp campaign. The high visibility of this issue provides the opportunity to address a long-standing problem: the man-made connection between the Mississippi River and the Great Lakes in Chicago's canal system provides a two-way superhighway for invasive plants, fish, and parasites to be transferred from one system to another.



### SARAH SCOTT, ADMINISTRATIVE ASSISTANT

sscott@prairierivers.org

Sarah assists with our fundraising and communications efforts and supports program staff. Sarah maintains our RiverWeb email list, archives our media news coverage, maintains our online events calendar, and records all of our member donations.



### STACY JAMES, WATER RESOURCES SCIENTIST

sjames@prairierivers.org

Stacy's primary focus is policy reform to reduce pollution caused by farming Illinois' incredibly productive land. Polluted runoff from our farmland is the biggest statewide pollution problem and also is a major contributor to the Gulf of Mexico Dead Zone. Stacy also leads our workshops on how to build rain gardens.



### CECILY SMITH, WATER RESOURCES SPECIALIST

csmith@prairierivers.org

Cecily is leading our effort to influence state and federal policies for managing the Upper Mississippi River. Prairie Rivers Network is working with partners throughout the basin to change how we (people, lawmakers, and institutions) think about, live, and manage this dynamic river system.



*The staff at Prairie Rivers Network are very thankful for the generous support of our members that allows us to do the job we love to do: protecting our rivers and streams for our community and families. Thank you for your trust.*

ANNUAL DINNER ROUND-UP: A LIVING DOCUMENT *continued from page 3*

But Courts have long interpreted the Commerce Clause as granting Congress only “limited” and “enumerated” powers. A recent U.S. Supreme Court case (NFIB v. Sibelius) concerned the federal Affordable Care Act, also known as Obamacare. The issue in this case was not whether affordable health care is good or bad. The question for the Court was whether the Act’s provisions for expanding Medicare exceeded the federal government’s power over the states.

The Affordable Care Act provided additional Medicaid funding to states, but if a state refused to implement the Act’s provisions to expand Medicaid, that state would lose all of its Medicaid funding. The Supreme Court ruled that this specific condition was not an allowed “incentive” provided by the federal government, and would have to be re-written.

The Supreme Court’s decision in NFIP v. Sibelius is relevant to protecting our environment because many federal environmental regulations provide “incentive”

funding for states to implement federal regulations. For some environmental programs, if states fail to comply with federal pollution standards, they lose federal funding. Legal scholars such as Dr. Lazarus are evaluating the possibility that the Supreme Court may in the future apply its Commerce Clause reasoning in the Affordable Care Act case to invalidate funding provisions in federal environmental laws. This would in effect weaken federal laws that we have counted on for decades to protect individuals, communities, and wildlife.

In closing, Dr. Lazarus stressed that Prairie Rivers Network members play an essential role in protecting the rivers and streams we know and love. The protections we win through local and statewide efforts are less vulnerable to changes in the interpretive style of the Supreme Court. Supreme Court Justices come and go, but individual, local groups and other members of the river communities like ours instill, grow, and pass on the passion that will ensure clean water and healthy rivers for current and future generations.//

THE CLEAN WATER ACT AT 40 *continued from page 1*

In Illinois, Prairie Rivers Network has used the Clean Water Act to promote innovation in sewage treatment, to reduce polluted stormwater runoff to streams, to control coal pollution and factory farm pollution, to protect wetlands, and to make rivers safer for recreation. We need the Clean Water Act. Without it, we’d have no voice in a myriad of decisions that impact the health of our waters. Despite the Clean Water Act’s obvious and far-reaching benefits to society, today’s House of Representatives is determined to dismantle the legacy of its forebears in the 92nd Congress. Over the last four years, we have seen unprecedented and vicious attacks on the US EPA and on some of the very linchpins of the Clean Water Act. In various dirty water bills, Representatives Mica, Inhofe, Rahall, and others have sought to strip EPA of essential oversight and enforcement authority, and of much needed funding. If the House was to have its way, EPA would no longer have the power to limit the amount of pollution that can be dumped in waterways. The House would take away EPA’s

authority to veto egregiously harmful projects, and EPA’s authority to regulate pesticides and toxic coal waste in our water. The House has also sought to prevent EPA from protecting headwater streams and wetlands that are the very cornerstones of healthy river systems.

Thus far, the Senate has held the wolves at bay. But it has been a tough series of battles that take precious time and resources from groups like Prairie Rivers Network. We clearly still have some champions of clean water, including Representatives John Dingell, Tim Bishop, Jim Moran, and Senator Barbara Boxer. Our own members of Congress, Senator Dick Durbin and retiring Representative Tim Johnson, have shown important support for clean water. But the battle to save the Clean Water Act will surely continue. We hope you’ll be there with us as we fight to keep it strong. The Clean Water Act is a landmark piece of legislation that should make us proud. Let’s look forward to celebrating its 50th. //

## INTRODUCING: HEALTHY WATER SOLUTIONS

Illinois coalition formed to stop Asian carp, protect and improve state's waters

*Make no little plans. They have no magic to stir men's blood and probably themselves will not be realized. Make big plans; aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing insistency. Remember that our sons and grandsons are going to do things that would stagger us. Let your watchword be order and your beacon beauty. Think big.*

--Daniel Burnham, Chicago architect. (1846-1912)

BY ROBERT HIRSCHFELD

Daniel Burnham, famed Chicago architect, made many grand plans in his lifetime, though perhaps none so great as his vision, ultimately realized, of the Chicago lakefront as an open, public space for the whole city to use, enjoy, and benefit from. That vision still helps define what Chicago is today. The great city on the lake.

The consequences of other land use decisions, made around the same time in Chicago, are also still with us today. And not all of these plans have been as wildly successful as the lakefront. In the late 1800s, an artificial canal was built, connecting Lake Michigan to the Mississippi River basin. This allowed Chicago to send its sewage problem downstream. It also opened up a pathway for invasive species to move between these two great waters. Both problems still exist today, along with a host of others that are the result of old and crumbling infrastructure.

***Invasive species are animals, plants, even diseases, that have been transplanted from their native habitat to a new one where they flourish and become pests by overrunning local animals or plants.***

[HealthyWaterSolutions.org](http://HealthyWaterSolutions.org)

The threat of an Asian carp invasion, through the canals and into Lake Michigan, has brought renewed scrutiny to this connection, and a need to re-imagine how Chicago's waterways function.

Prairie Rivers Network has joined with more than a dozen organizations and businesses to form a new coalition committed to stopping the two-way transfer of invasive species—including Asian carp—between the Great Lakes and Mississippi River basin. The new coalition, Healthy Water Solutions, will work within Illinois to link the ongoing threat of invasive species to the need for water infrastructure investments and improvements throughout the state, but especially within the Chicago River system.

Healthy Water Solutions is driven by the need for big solutions to big problems, in the tradition of Daniel Burnham. Stopping Asian carp and other invasive species is an economic and ecological imperative itself, with billions

of dollars at stake in the fishing and recreation industries across the region. But addressing invasives is just one piece of a greater plan for better water quality, flood control, recreation, and transportation in Illinois.

Healthy Water Solutions exists to complement the work of federal and state agencies, while recognizing the importance of local action to help move issues like invasive species forward. There is no time for intra-regional conflict over this issue. Illinois needs to cooperate with the rest of the region to fashion a modern solution to the growing problems of invasive species and decaying water infrastructure.

Healthy Water Solutions will advocate for reinvestment in the Chicago River system, a critical piece of infrastructure that affects the waters of the entire state. The Chicago River system is a remarkable piece of civic engineering, but it was designed and built

in the 1800s. It will need significant improvements in order to meet the needs of the 21st century.

There has been significant interest within Illinois in remaking these waters for the broad benefit of all residents and visitors, just as was done with the lakefront. Chicago Mayor Rahm Emanuel wants the Chicago River to be the next frontier of recreation, a new phase of Burnham's original plan. The state of Illinois, with its Millennium Reserve project, is thinking big about how to reinvigorate the communities along the southern canal, opening large areas of green space to recreation and new, sustainable growth.

The Chicago River system has infinite potential. It can be so much more than a conduit for wastewater. It can be a resource for all residents and visitors, attracting people, wildlife, and economic development. Healthy Water Solutions and Prairie Rivers Network are thinking big about how to do this, and will be encouraging Illinois policy makers to do the same.//



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HAPPY 45TH ANNIVERSARY PRAIRIE RIVERS NETWORK

# Happy Holidays



## GIFT MEMBERSHIPS

Looking for the perfect gift?

A membership to Prairie Rivers Network is the perfect gift for hikers, anglers, paddlers, birders, or anyone who enjoys spending time on Illinois rivers and streams. A one-year gift membership includes newsletters, action alerts, and the knowledge that you are helping to protect the environment of Illinois. We will send a card announcing your gift membership and a Prairie Rivers Network hat.

Contact Vickie at [vnudelman@prairierivers.org](mailto:vnudelman@prairierivers.org) for more information.

## EARN MONEY FOR PRAIRIE RIVERS WHILE YOU SHOP AT SCHNUCKS



Prairie Rivers Network participates in Schnucks' eScript Customer Card Program.

If you are already using a Schnucks Customer Card for Fuel Rewards, you may also register that card to earn money for Prairie Rivers Network by calling (800) 931-6258. Your Schnucks card may be used to generate both contributions to PRN and Fuel Rewards. Prairie Rivers Network's group ID for the Schnucks' program is 500024645.

## MARK YOUR 2013 CALENDAR

### RUN FOR YOUR RIVERS AND WALK FOR YOUR STREAMS

Illinois Marathon Races  
April 26-27, 2013

### PRAIRIE RIVERS NETWORK'S ANNUAL DINNER

October 11, 2013

### CHECK OUR ONLINE EVENTS CALENDAR FOR UPCOMING EVENTS



Prairie Rivers Network is the Illinois Affiliate of the National Wildlife Federation.



If you participate in a workplace giving campaign, look for ESI and designate Prairie Rivers Network to receive your contributions.

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Hank Erdmann, 4  
David Hale, 4  
Jason Lindsey, masthead, 4, 5  
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Jennifer Walling, 4