

**Part III - Statement of Program Service Accomplishments**

**I. ENERGY AND AIR QUALITY PROGRAM**

An important part of our energy and air quality program involves monitoring actions taken by federal, state and local governments that will impact global warming and the quality of the air breathed by the citizens of Missouri and surrounding states. Great Rivers is frequently involved in matters that adversely affect air quality and global warming. Measures taken by Great Rivers include commenting on proposed rules, issuing position papers about hazardous air pollutants, and, as a last resort, handling litigation for clients seeking to improve air quality.

***A. Global Warming***

There are over 100 new coal-burning power plants proposed for the United States. If all are built, the reductions in emissions taken by the rest of the world pursuant to the Kyoto agreement will be undone by the United States alone. There are two new coal-burning plants proposed for Missouri—one in Springfield, Missouri and one in Platte County near Kansas City. In 2005, Great Rivers continued its assistance to the groups and individuals challenging these two plants.

**1. Challenging the Coal-Fired Power Plant Proposed for the Kansas City Area**

Great Rivers continued its representation of the Concerned Citizens of Platte County and the Sierra Club in an attempt to block the construction and operation of a new coal-fired electric generating plant being proposed by Kansas City Power and Light Co. on the eastern bank of the Missouri River near Weston, MO in Platte County, a short distance north of Kansas City. In 2005, we represented the groups at a formal hearing before the Public Service Commission in which we argued that the plant is ill-advised due to air pollution (mercury, CO<sub>2</sub>, toxics, ozone precursors) and environmental damage (destruction of natural wetlands, depletion of drinking water aquifer, landfilling of toxics-contaminated fly ash in the floodplain); therefore, the company's request for approval of the new plant should be denied.

**2. Challenging the Coal-Fired Power Plant Proposed for Springfield, Missouri**

Great Rivers continued its representation of the Sierra Club and an individual in their challenge to a new coal-fired power plant proposed for Springfield, Missouri. The Sierra Club and a nearby resident are concerned that the new plant will emit hazardous air pollutants that will cause increased cases of asthma and respiratory illnesses in humans, as well as emit CO<sub>2</sub>, the precursor to global warming. Great Rivers represented the plaintiffs in the filing of their complaint and the pre-trial work in 2005.

### **3. Intervention in AmerenUE's Integrated Resource Plan**

On behalf of four nonprofit groups—Association for Community Reform Now (ACORN), Mid-Missouri Peaceworks, Missouri Coalition for the Environment and the Sierra Club, Great Rivers intervened in the proceedings to be held before the Missouri Public Service Commission on AmerenUE's filing of its twenty-year plan. The plan was filed as "highly confidential," meaning the public could not know whether AmerenUE planned a new coal-fired or nuclear power plant or both.

## **II. WETLANDS AND FLOODPLAIN PROTECTION PROGRAM**

Our wetlands and floodplain protection program consists of challenging environmentally detrimental floodplain development and the over-engineering of rivers by means of levees and dams which destroy floodplains and aggravate flooding risk. We monitor permit applications to dredge and fill wetlands. Great Rivers issues comments on proposals and assists environmental groups and individuals in their legal challenges to protect wetlands. These activities affect all of the people who inhabit and work in the watersheds of the Missouri and Mississippi Rivers which drain major portions of the central and northwestern United States.

### ***Mississippi and Missouri Rivers Basins Watershed Project***

#### **Missouri River Protection**

#### **Opposition to Proposed Super-Levee in Jefferson City, Missouri**

Great Rivers continued its representation of the Sierra Club in its suit against the Army Corps of Engineers (the Corps) and the Federal Emergency Management Agency (FEMA) over their approval of a 1,000-year, "Super-Levee," in the Missouri River floodplain in Jefferson City, and the filling of 40 acres of wetlands. The wetlands at the site constitute a productive and valuable public resource. They serve significant biological functions such as feeding, nesting, spawning, rearing and resting sites for aquatic and land species. They also serve as valuable storage areas for storm and flood waters, which are purified as they slowly percolate through the soil to nearby water bodies or the groundwater below. The "super-levee" will cause increased flooding downstream, and impose hardships on neighboring communities. In addition, it will lead to further development on wetlands and floodplains. The case is before the 8<sup>th</sup> Circuit Court of Appeals.

## **III. WATER QUALITY PROGRAM**

Great Rivers seeks to protect and preserve the waters of Missouri and surrounding states. Our water quality program begins with monitoring proposed federal, state and

local actions that will adversely affect water quality. Great Rivers is frequently involved in matters that adversely impact water quality. This includes assisting environmental groups, citizens' organizations and individuals in their legal challenges designed to protect the quality of the waters.

### ***Concentrated Animal Feeding Operations***

Great Rivers represents the Sierra Club in its efforts to appeal the permits issued to companies to operate thirteen factory farms in Northwestern Missouri. The Sierra Club contends that the permits are inadequate in that they fail to protect ground and surface water. Pollutants are caused by the flushing of manure and urine into lagoons from thousands of hogs confined to large buildings. The waste from the lagoons is then sprayed onto nearby land. The Sierra Club believes the permits do not require sufficient monitoring to evaluate whether the waste is contaminating groundwater and freshwater lakes and streams in Missouri.

## **IV. LAND USE PROGRAM**

Our land use program consists of assisting environmental groups, citizens' groups and individuals in their efforts to preserve and protect open space, forests and wilderness areas. Great Rivers issues comments on proposed rules that may affect environmentally sensitive areas, and as a last resort, represents environmental groups in litigation to enforce the laws.

### ***A. National Forest Protection***

Great Rivers continued its representation of the environmental organizations Heartwood and Missouri Forest Alliance in their suit against the U.S. Forest Service over a proposed plan to clearcut hundreds of acres of the Mark Twain National Forest. The Forest Service allowed the project to proceed without first allowing the public access to full information about the project.

### ***B. Preservation of Open Space and Parks***

#### **1. Protection of Buehler Park in Rolla, Missouri**

Great Rivers represents Citizens for the Preservation of Buehler Park, a citizens' group in Rolla, Missouri, in its challenge to the City of Rolla over its scheme to sell and develop historic Buehler Park. The Citizens believe that Buehler Park was dedicated to the public for use as a park and may not be sold by the City for commercial development.

## **2. Protection of the Katy Trail**

Great Rivers represents several trail users in their challenge to Governor Matt Blunt and the Department of Natural Resources' decision to give-away the historic Boonville Lift Bridge to Union Pacific. The users believe the State's plan violates the Katy Trail's use agreement, which requires the Bridge to remain banked for potential rail use but allows Union Pacific to modify the bridge.

## **V. ENVIRONMENTAL JUSTICE PROGRAM**

Great Rivers is committed to monitoring permitting actions for sites proposed for development that will unfairly burden minority or low income populations. Great Rivers has evaluated proposed developments to determine whether permitting authorities have unfairly targeted disadvantaged populations. Great Rivers has asserted environmental justice claims against the City of St. Louis and the Missouri Department of Natural Resources.

## **VI. PUBLIC HEALTH PROGRAM**

Great Rivers seeks to protect the public health by preventing further deterioration of the region's air and water quality, and by reducing and preventing exposure to toxic substances. Our public health program consists of aiding organizations that seek legal assistance in connection with their work to protect the public health. Our work done Energy and Air Quality Program overlaps our Public Health Program.

### ***A. Assistance in Asbestos Removal Case***

Great Rivers represents Families for Asbestos Compliance, Testing and Safety (FACTS) in its legal challenge against the City of St. Louis and City of St. Louis Airport Authority over the illegal use of the "wet method" of asbestos removal in demolishing more than 300 homes in Bridgeton, Missouri. In this method, buildings containing asbestos are sprayed with water and then demolished. The neighboring residents do not believe that method adequately protected their health and they are seeking to have their health tested in future years.

### ***B. St. Louis Lead Prevention Coalition***

Great Rivers routinely provides legal services to the St. Louis Lead Prevention Coalition, an organization seeking to reduce and eliminate lead exposure in the St. Louis metropolitan area. The work of the St. Louis Lead Prevention Coalition affects thousands of people in the St. Louis metropolitan area.