

GREAT  
RIVERS



Spring 2016

# REPORTER

Great Rivers Environmental Law Center

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## **GREAT RIVERS' ENVIRONMENTAL JUSTICE PROGRAM HEATS UP**

Great Rivers Works to Protect Citizens of Cairo, Illinois,  
from New Madrid Levee Flooding



*Cairo, Illinois, is located at the confluence of the Ohio and Mississippi Rivers. The U.S. Army Corps of Engineers breached a levee in 2011 to save the town from flooding, but the proposed New Madrid levee would exacerbate flooding of Cairo.*

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# Letter from the President:



## Stories About Our Work!

At our Spring Party at the Busch Family Mansion in April, we had several clients come in from all across the state of Missouri: from Puxico to Salem to Tuscombria. One of our clients from Bridgeton addressed the guests and told them what a difference it had made in her life for her to be able to pick up the phone and call Great Rivers when she was served with a subpoena for speaking out about environmental and public health problems. Dawn Chapman and Robbin Dailey opened their doors at 8:30 pm one night to men knocking only to find themselves served with an order from Republic Services, a multinational waste company, to appear at a deposition and to hand over all emails, correspondence, website postings, social media posts, etc. This was a scary experience for them, Dawn told the guests. Republic sought their records in connection with a case people are bringing against it over odors that emanate from the Bridgeton landfill and make their homes unbearable to live in. Dawn and Robbin are not part of that lawsuit.



The next day Dawn and Robbin called Great Rivers where we were in a position to help them fight these orders to produce documents, thanks to the support of our Friends. The fight is still going on in court as of this writing.

Dawn and Robbin are “Just Moms” who happen to find themselves next to the radioactive wastes dumped in the 1970s into Westlake Landfill, which is right next to the Bridgeton landfill. The Just Moms STL group wants the radioactive wastes removed from the floodplains. Dawn and Robbin do not have the financial resources to pay for legal help to fight these subpoenas, and they provide a valuable service to the community which they do not want to abandon because of the subpoenas.

The attorneys at Great Rivers are fortunate to be in a position to be able to provide assistance to people like Dawn and Robbin, and that is due to the generosity of our supporters. Without your help, we would not be able to pay the bills to keep our phone ringing. We thank all of you who have supported us for your generosity.

Kathleen Henry

## BOARD NEWS

Great Rivers welcomes Cynthia Holmes and Sandy Rothschild to its Board of Directors. Cynthia is an attorney in St. Louis and Sandy is a businessman in St. Louis. We are grateful for their experience and commitment to our mission and look forward to their service.

## Great Rivers Environmental Law Center *Lawyers for the Environment*

(a 501(c)(3) tax-exempt nonprofit corporation)

### Mission Statement

*We provide free and reduced-fee legal services to citizens' groups, organizations and individuals who seek to protect and preserve the environment.*

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# GREAT RIVERS' WETLANDS AND FLOODPLAIN PROTECTION PROGRAMS

## Working to Stop the Ill-Advised Army Corps of Engineers Proposal to Build a Levee on the Mississippi River at New Madrid



Bruce Morrison is Great Rivers' General Counsel and he has devoted countless hours to working to stop the ill-conceived New Madrid levee.

In a David versus Goliath scene, in April, 2016, Great Rivers' attorney Bruce Morrison found himself on a riverboat with

government officials discussing the management of the Mississippi River and the proposed New Madrid Levee. Bruce was the only one who spoke up for the people in Cairo, Illinois, a predominately African-American community which faces more severe flooding if the New Madrid levee is built.

## GREAT RIVERS' LAND USE PROGRAM

### Great Rivers Files Suit to Prohibit St. Louis County from Selling Sylvan Springs Park



In December, 2015, Kathleen Henry of Great Rivers filed suit in the St. Louis County Circuit Court on behalf of three County taxpayers asking the Court to prohibit the

County from selling a portion of Sylvan Springs Park to the U.S. Department of Veterans Affairs ("VA"). Two plaintiffs are former employees of the St. Louis County Parks Department, and one of those two is also a former employee of the U.S. Department of Veterans Affairs and a veteran of the Vietnam Era.

The VA seeks to purchase 38 acres of the 70-acre Park to use as a cemetery. St. Louis County has owned and operated Sylvan Springs as a park since 1950, when the County purchased the Park from the U.S. General Services Administration.

The VA wants the Park because the Jefferson Barracks National Cemetery is running out of room. Even with the purchase of these 38 acres, the VA will run out of room at Sylvan Springs in approximately 17 years. Critics fear the VA will then seek the remaining 32 acres of Sylvan Springs, and even that would not be a long-term solution. There are other large sites that have been presented to the VA that would last the VA for the next century or more, including one in Jefferson County and one in Illinois.

The lawsuit alleges the sale is illegal because the federal government dedicated the park to the County when it originally sold it to the County, and because the County unlawfully used bonds and taxes dedicated to parks that St. Louis County residents approved at the ballot box. The County has maintained it and the public has enjoyed it as a park for 65 years.

## GREAT RIVERS' WATER PROTECTION PROGRAM

### Great Rivers Files Suit to Stop Amusement Park from Polluting Missouri River



Bob Menees is Great Rivers' attorney working on wetlands protection and environmental justice issues.

*Great Rivers Alleges Worlds of Fun Amusement Park in Kansas City is dumping Illegal Amounts of Chlorine and Copper into a Tributary of the Missouri River*

On behalf of the Missouri Coalition for the Environment (MCE), in November, 2015, Great Rivers attorney Bob Menees and co-counsel Earthrise Law Center of Oregon filed suit against Cedar Fair and a subsidiary for repeated and significant Clean Water Act violations at Worlds of Fun amusement and waterpark in Kansas City.

The facility's permit specifies pollution discharge limits for a number of pollutants. Worlds of Fun has regularly



*Some of the last remaining pallid sturgeons are found in the Missouri River.*

exceeded its allowable limits of discharges of chlorine, oil and grease, copper, pH, and total suspended solids, discharging pollutants into two tributaries of the Missouri River,

including Shoal Creek. Worlds of Fun has also failed to adequately monitor and report its own discharges.

The Missouri River flows over 500 miles through the State of Missouri. More than half of Missourians get their drinking water from the river and it is used for various other purposes, such as recreation, power plant cooling, and the provision of ecosystem services. The Missouri River also provides habitat for various fish and wildlife, including the endangered pallid sturgeon. Every corporation should do its part to keep pollutants out of it.

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## GREAT RIVERS' CLIMATE CHANGE, ENERGY AND CLEAN AIR PROGRAMS

### Great Rivers' Suit against Missouri's Joint Committee on Administrative Rules over Improper Rewriting of Renewable Energy Law Moves to the Missouri Supreme Court



Henry Robertson is Great Rivers' Energy and Climate Change Guru. He wrote the Renewable Energy Act that the voters overwhelmingly passed in 2008.

The Joint Committee on Administrative Rules (JCAR) is a standing committee of the Missouri Legislature that

thinks it can micro-manage how executive agencies like the Public Service Commission (PSC) enforce the laws with regulations. JCAR, at the behest of electric utilities, struck parts of the Renewable Energy Standard (RES) rule made by the PSC with the result that the utilities can dodge the RES by buying certificates from California and not bringing any renewable energy to Missouri.

In May, 2016, Great Rivers attorney Henry Robertson filed a brief in the Missouri Supreme Court in a long-running battle to right this wrong. We argue that JCAR violates

the separation of powers, which means that the legislature makes the laws but the executive agencies execute them. JCAR can't meaningfully critique the hundreds of pages of often highly technical rules that come out of the agencies each year, and in this case JCAR succumbed to the influence of special interests.

Great Rivers sued on behalf of the Missouri Coalition for the Environment, Missouri Solar Applications, and taxpayer Tom Sager.

Missouri is still the third most coal-intensive state in the country, after much larger Texas and Illinois. Confronted with this, Henry continues to be active in the PSC, pushing the utilities to cut carbon pollution with energy efficiency and renewables. Together with Renew Missouri he is now challenging the ways the utilities have so far managed to evade some of their duties under the Renewable Energy Standard.

## GREAT RIVERS' ENVIRONMENTAL JUSTICE, PUBLIC HEALTH AND CLEAN AIR PROGRAMS

### Helping Just Moms STL Disseminate Information to the Public

The Westlake Landfill has plagued the St. Louis area for decades and the radioactive wastes need to be removed. Radioactive materials used to make bombs for the Manhattan project were dumped into an unlined landfill in the Missouri River floodplain in the 1970s. These wastes present hazards to human health. Citizens have been fighting for their removal ever since the 1970s, but the fight took on new urgency after the discovery of an underground fire ("smoldering event") in the Bridgeton Landfill which is adjacent to the Westlake Landfill. Two women have courageously taken it upon themselves to disseminate information to the public, meet with EPA and DNR officials, and advocate for the removal of the wastes. These women are not scientists; they are "Just Moms," as they told the governmental officials when asked.

Great Rivers is assisting these women in fighting subpoenas for their records in a lawsuit they are not even involved in, but for a lawsuit brought by other residents over the foul odors which have ruined their enjoyment of their homes. We maintain the requests for their records are attempts to silence these courageous advocates.

### Fighting for Environmental Justice in North St. Louis

The totality of pollutants in North St. Louis exceeds that of major coal-fired power plants, yet the government imposes less stringent regulations since the pollutants are emitted by many smaller plants clustered in one area, rather than by one or two large plants. This is what is meant by environmental justice: putting the polluting plants in poor neighborhoods where citizens lack the resources to fight them. Great Rivers is filing a complaint to the Missouri Department of Natural Resources asking it to declare the area an environmental justice area and to not allow any more polluting plants to locate in it.



## GREAT RIVERS ANNOUNCES THE FORMATION OF YOUNG PROFESSIONALS BOARD!

If you are between the ages of 22 and 35, are philanthropically and professionally driven, and are dedicated to contributing to the mission and goals of Great Rivers, this opportunity is for you! Young professionals will have the opportunity to bring their perspectives on environmental and public health issues to the staff of Great Rivers and its Board of Directors. They will play an active role in educating the community, raising funds and developing partnerships between Great Rivers and the communities we serve. By joining, you will develop your leadership skills and your potential to join the Great Rivers' Board of Directors in the future.

You will learn more about Great Rivers' work and play a meaningful role in protecting Missouri's environment and promoting the health of its citizens. Finally, you will meet a passionate group of like-minded young people and have fun! Applicants from diverse backgrounds are encouraged to apply.

For more information, contact Kathleen Henry at [khenry@greatriverslaw.org](mailto:khenry@greatriverslaw.org) or at 314-231-4181.

Follow us on Facebook and Twitter for the announcement of the YPB's first event!

## EARTH DAY 2016 WAS A BIG SUCCESS!

In Columbia, Great Rivers' Board Member Yusha (Tom) Sager enthralled young visitors to his booth with his story-telling of the Lorax and the opportunity to play a tree-planting themed game of his own invention. His creativity took second place in Columbia's Earth Day Environmental Education contest and won \$100 for Great Rivers. Way to go, Yusha!

conclusion: our environment needs our attention and protection. It was great to hear from new and old friends alike! Visit us on Facebook to see more of our visitors' responses.

In Saint Louis, volunteer Linden Mueller asked people at Forest Park's Saint Louis Earth Day to share why protecting Missouri matters to them. Those who stopped by offered a variety of creative reasons but all arrived at the same



# JOIN GREAT RIVERS FOR ITS ANNUAL AWARDS PARTY ON SEPTEMBER 25, 2016!

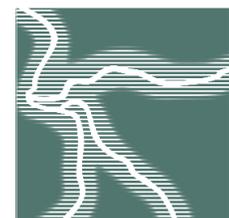
Our Fall Awards Party will be held on a replica of a showboat at the Mesker Estate, a beautiful setting on the Missouri River. You can actually dip your toes into the river! Someone who came to our party at this setting two years ago said this: "That was such a vividly surreal event that I hope to tell my grandkids about someday." Purchase your ticket online at [www.brownpapertickets.com](http://www.brownpapertickets.com), or by calling us at 314-231-4181.



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