



## **GREAT RIVERS' ENVIRONMENTAL JUSTICE PROGRAM VICTORY!**

For two decades the Missouri Department of Natural Resources failed to issue an operating permit to Mallinckrodt, Inc., covering its air pollutants in North St. Louis. As a result of our work, the DNR agreed to issue the appropriate air pollution permit which will finally allow the residents of North St. Louis to comment on air pollution around them.



*This playground is located less than one mile from Mallinckrodt.*

## **GREAT RIVERS' WATER PROTECTION PROGRAM VICTORY!**

Great Rivers represents Missouri Coalition for the Environment in settlement with Worlds of Fun Amusement Park in Kansas City that will benefit the Shoal Creek Watershed and the Missouri River.

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# Letter from the President:



## Celebrating our Victories!

All people depend on having clean air, clean water and a habitable planet, in order to survive. The Clean Air Act, Clean Water Act, Endangered Species Act, and National Environmental Policy Act, as well as numerous other regulations at the federal, state, and local level, were enacted with the goal of protecting Americans' health and livelihood. When the air in St. Louis was black in the day-time due to the burning of coal, and the Cuyahoga River burned, people realized that pollution has consequences that the community cannot afford to pay.



In this post-election world, the environment is under attack, and the protections in place are threatened. The people who deny climate change are not stopping it from happening; their belief in climate science is no more necessary for it to continue than the belief in gravity is necessary for them to remain on the ground. Their denial is only slowing down a much-needed global response. This doesn't have to stop us from making progress.

As federal and state governments feverishly work to weaken protections for the environment, at Great Rivers we take heart in our accomplishments that serve to protect a few areas of our natural world, and the health of everyone who lives here. In this issue we discuss several victories that we had in the first months of 2017.

We owe our victories to our Friends, those of you who donate your time and treasure to Great Rivers to enable us to do our work. Without your support, we would not exist and be able to accomplish the things we do. These victories are yours; thank you for continuing to believe in us and allowing us to continue to fight for you.

Kathleen Henry



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

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

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*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' ENVIRONMENTAL JUSTICE, PUBLIC HEALTH AND CLEAN AIR PROGRAMS

### Victory in North St. Louis Work!



Bob Menees is Great Rivers' staff attorney working on water, wetlands and floodplain protection issues.

Great Rivers represents a North St. Louis resident in a settlement with Missouri Department of Natural Resources requiring the DNR to issue an Air Pollution

Permit to Mallinckrodt, Inc., after Mallinckrodt operated for twenty years without one. In February 2017, Great Rivers filed a complaint in the Administrative Hearing Commission alleging that the DNR had failed for twenty years to issue a Clean Air Act, Title V, Part 70 Air Pollution Control Operating Permit to Mallinckrodt, Inc. This failure prevented local residents from participating in the regulatory process and commenting on impacts to the air they breathe.

According to documents received by MDNR, Mallinckrodt submitted an application in 1997 to the agency for the permit, yet twenty years later, MDNR had never issued the permit. Mallinckrodt is one of the largest emitters of air pollutants in the City of St. Louis, including large



*Hyde Park is a popular park located less than a mile from Mallinckrodt*

quantities of sulfur dioxide (SO<sub>x</sub>), nitrogen oxides (NO<sub>x</sub>), particulate matter of 10 microns or less, particulate matter of 2.5 microns or less, carbon monoxide, volatile organic compounds,

hazardous air pollutants, and greenhouse gases. These pollutants can contribute to health problems such as asthma and cancer.

“We are pleased that after two decades, MDNR will finally allow the residents of North St. Louis to comment on air pollution that they breathe and that Mallinckrodt, one of the City’s largest emitters of air pollutants, will have the appropriate permit,” said Great Rivers Environmental Law Center’s Staff Attorney, Bob Menees.

## GREAT RIVERS' WATER PROTECTION PROGRAM

### Victory in Missouri River Water Quality Work!

On behalf of the Missouri Coalition for the Environment (MCE), in November 2015, Great Rivers 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, including chlorine, oil and grease, copper, pH, and total suspended solids. Worlds of Fun regularly exceeded its allowable limits, discharging pollutants into two tributaries of the Missouri River, including Shoal Creek. Worlds of Fun has also failed to adequately monitor and report its discharges.

In March 2017, MCE, Cedar Fair and Worlds of Fun reached a court-approved settlement agreement that resolved the lawsuit. The agreement requires Worlds of Fun to implement a Facility Compliance Plan to ensure the amusement park will meet the requirements of the Clean Water Act. The plan must be developed by a professional engineer and will include “green infrastructure” and an educational kiosk explaining how stormwater pollution

threatens water resources, and the benefits of restoring natural infrastructure to curb these negative impacts.

Worlds of Fun is also required to spend \$100,000 on supplemental environmental projects in the Shoal Creek watershed. These funds will be shared between Stream Teams United and Bridging the Gap, Inc., both Missouri non-profit organizations that work on environmental projects and water quality monitoring in the Kansas City area and throughout Missouri. Stream Teams United will use its share of the funds to create a Shoal Creek Stream Team to monitor water quality and conduct river cleanups in the watershed. Bridging the Gap will use its share of the funds to implement on-the-ground restoration projects to improve water quality within the watershed.

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 generation, 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

### Collaboration with NAACP Missouri State Conference on a Climate Change Initiative



Bruce Morrison is Great Rivers' General Counsel and is working to promote native landscaping.

Over the past three months, Great Rivers attorney Bruce Morrison has engaged in collaborative efforts with the Missouri State Conference of

the NAACP, working on the NAACP's climate change initiative, and evaluating conditions at two contaminated sites in the Kansas City area. Bruce serves as chairman of the Missouri State Conference's Environmental Justice Committee.

### Electric Cars are the Way to Go

Kansas City Power and Light (KCP&L) is building a network of 1,100 charging stations for electric vehicles (EVs). Ameren Missouri is asking the PSC for permission to do a pilot project building five charging stations along I-70 so that people can drive EVs longer distances. We represent the **Natural Resources Defense Council and Sierra Club** in supporting these projects.

The PSC has signaled that it does not approve of charging ratepayers for building this infrastructure. But the cost of EVs is coming down, their range is increasing, and they are cheaper to fuel than gasoline-powered cars. Furthermore, they emit none of the ground-level tailpipe pollution of gasoline cars. If only they could charge with renewable electricity instead of Missouri's coal-heavy power, they would be a major environmental benefit.

### Working for Wind Energy



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

Clean Line is a Houston company with plans to build wind-only transmission lines from the windy areas of the Great Plains to the

population centers near the coasts. One of these, the Grain Belt Express, would run from Kansas across northern Missouri and on to Indiana, dropping off 500 MW worth of

wind energy in Ameren's territory.

Great Rivers represents the **Sierra Club Missouri Chapter and the Natural Resources Defense Council** in support of the line at the Missouri Public Service Commission (PSC). The PSC denied Clean Line's first application last year, but now a number of municipal utilities want to replace coal power with this wind because it is the cheapest energy around. Many of our supporters also urged the PSC to replace approve the Clean Line. The days when renewable energy was too expensive are gone. Coal is not going to make a comeback.

## GREAT RIVERS' LAND USE PROGRAM

### Exciting News About Sustainable Gardening in Maplewood!

In early 2017, the City of Maplewood dismissed its case against our client Alice Hezel, allowing her, for the time being, to maintain native vegetation in her yard in Maplewood. The City's ordinance remains on the books, unfortunately, so we don't know how long it will be before we are back in court.

## GREAT RIVERS' WETLANDS AND FLOODPLAIN PROTECTION PROGRAMS

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

The Obama administration killed this project in its last weeks! We are hoping this victory stands! The New Madrid Floodway project would have wasted \$165 million and closed the last remaining connection the Mississippi River has to its floodplains in the state of Missouri, increase the potential for flooding in a dozen communities and harming fish and wildlife through the central portion of the Mississippi River.

## Outreach and Young Professionals Board



Sarah works around the state to keep our friends informed and involved.

Our **Young Professionals Board (YPB)** is an active group of people ages 35 and younger who are passionate about Great Rivers and its mission, and

who will bring their perspectives on environmental and public health issues to the staff and Board of Directors. Contact **Sarah Willey** at [sarah@greatriverslaw.org](mailto:sarah@greatriverslaw.org) if you would like to serve on the YPB, and check our Facebook page ([www.facebook.com/greatriversenvironmentallawcenter](http://www.facebook.com/greatriversenvironmentallawcenter)) for information on the events they're planning!

## Sharing Great Rivers' work in the Community

**Earth Day 2017 was a Big Success!** Great Rivers' Board Member Yusha Sager entranced children with his story-telling of the Lorax and playing a Lorax game he invented at the Great Rivers' Earth Day booth in Columbia, Missouri; while volunteers from the Young Professionals Board photographed people sharing their concerns for Missouri's environment at the Earth Day booth in St. Louis, Missouri. Check out photos on the back cover of this newsletter!

**We want to hear** from you about what concerns you with Missouri's environment and public health! If you would like to meet with the staff or a board member, or to have a staff attorney speak on an environmental issue, please contact Sarah Willey at [sarah@greatriverslaw.org](mailto:sarah@greatriverslaw.org) or by calling 314-231-4181.

## Lawsuit over Make-Up of Clean Water Commission

### Water Quality Program, continued

Early in 2017 the Clean Water Commission (CWC) had the gall to deny a permit to an applicant seeking to build a concentrated animal feeding operation (CAFO). The legislature retaliated by passing HB 1713, which changes the composition of the CWC. Instead of four members representing the public and no more than two representing industry, there must now be "at least two" industry representatives and "no more than four" for the public, so industry could make up the majority or even the entire Commission. This change was tacked on to a bill for the "regulation of water systems." On behalf of the Missouri Coalition for the Environment, Great Rivers filed suit in February 2017, arguing that this was unconstitutional legislative procedure since a bill is allowed to have only one purpose which is clearly designated in its title, and the original purpose cannot be changed. The case is in the trial court.



GREAT RIVERS



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### Photos from the Earth Day festivals in St. Louis and Columbia this year.

