

The Kaskaskian

Kaskaskia Group, Illinois Chapter, Sierra Club

October 2009

From the Chair...

The optimist versus the pessimist

Amy Funk
ExCom Chair



In this newsletter, we commend Belleville for becoming the first Cool City in St. Clair County. Mayor Mark Eckert, in the city's fall newsletter (<http://belleville.net/Newsletter/Oct%20Dec%202009%202.pdf>), states that the City's buildings are currently undergoing a complete energy audit and its individual departments are focusing on reusing and recycling. Belleville has committed to "going green" and taking action to help solve global warming.

This recent event has sparked a lively debate among some of our membership. On the surface, there appears to be two positions: The first being that this is an important step forward, and the second takes a more cynical tone. So, we are stuck in a debate between the eternal optimist and the disillusioned pessimist. While such exchanges between differing viewpoints can be frustrating, they can also be very constructive.

When one puts this recent event into context, I am extremely proud to have been a part of it. I moved here from Hawaii and found myself saddened by the lack of environmental initiatives in the area, along with an alarming number of climate change disbelievers.

We must assess our surroundings, recognizing that we are not in an area where environmental activism is embraced into the mainstream (such as California or Seattle). The fact that the mayor and city council of the largest city in St. Clair County voiced support for a climate change initiative is a noteworthy accomplishment. To all those who supported these efforts, you should be commended and proud and dare

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<http://illinois.sierraclub.org/kgroup>

Belleville becomes Cool City

Belleville Mayor Mark Eckert joined 950 mayors nationwide, by signing the U.S. Mayor's Climate Protection Agreement on Sept. 8.

The mayor has agreed to reduce Belleville's global warming pollution by implementing local energy solutions that save taxpayer dollars and reduce energy use making it the first Cool City in St. Clair County.



Belleville Mayor Mark Eckert prepares to sign the Cool Cities agreement Sept. 8 while supporters look on.

The Sierra Club's Cool Cities Initiative encourages mayors to sign the agreement followed by implementing smart energy solutions, such as greening municipal vehicle fleets, making buildings energy efficient and investing in safe renewable energy. The agreement pledges to reduce global warming carbon dioxide pollution in their cities to seven percent below 1990 levels by 2012.

Members from Kaskaskia Group, Local Earth Advocates & Friends (LEAF) and Get Up & Go attended the signing. LEAF was instrumental in establishing an amicable relationship with the city. Get Up & Go is a nonprofit group dedicated to encouraging healthy lifestyles throughout the community.

The Sierra Club commends Eckert for his willingness to move forward with innovative energy solutions to cut our dependence on foreign oil responsibly, benefit public health and save money while working to curb climate change. We look forward to working with the city in the months ahead and will need our membership's support.

Group salutes longtime friend

The Kaskaskia Group's recent social in Centralia Sept. 26 gave members an opportunity to meet and share their love for the natural world by listening to a presentation about the Shawnee National Forest and protecting it by making three areas within it Wilderness Areas.

The social also gave everyone a chance to honor the group's Conservation Chair, Kathy Andria. Kathy has been working hard for many years protecting the local environment. While it's impossible to properly thank her for her dedication to making the world a better place, she humbly accepted a certificate and round of applause.

It was a nice evening and very informative. Terri Treacy, Conservation Field Representative with the Illinois Chapter, gave a wonderful presentation. The group would like to thank Terri for coming to our local area to share her insights and wisdom about the Shawnee.

If you were unable to make this event but are interested in learning more about the Shawnee, Terri is looking for other groups to share this presentation with. For more information contact her at:

terri.treacy@sierraclub.org

618-683-2161

<http://illinoiswilderness.org>



ExCom Vice Chair Ted Horn looks on while Conservation Chair Kathy Andria accepts an award Sept. 26 for her years of dedication to the environment.

Breakfast hike through Stemler Woods

Sunday, Oct. 25: Meet at 10 a.m. in Millstadt for breakfast at a local place, then a short drive to Stemler Woods for a three-mile hike in St Clair County's Karst/sinkhole area. Afterwards a car tour to the unique Falling Springs waterfall. Good hike for beginners. Call Ted at 397-9430 or E-mail tjhorn49@yahoo.com for details.

Upcoming eagle outings, City Museum tour

Look in upcoming newsletters for eagle spotting trips during January and February and also maybe a group tour of the St. Louis City Museum sometime this winter.

ExCom meetings

Excom meetings are typically the first Monday of the month from 6:30 to 8p.m. All members are welcome to attend. Please check with Bonnie at bonnie@riverwarner.com or 236-2931 for more information.

Preorder 2010 calendars today

We will be selling the Wilderness (wall) Calendar for \$10.95 and the Engagement (desktop) Calendar for \$11.95. These prices are \$2 below retail price. The calendars will be available at all our socials and events starting in September. Don't forget to buy them for friends and family as well -- they make great holiday gifts! Preordering is not necessary, but if you would like to ensure the quantity and type of calendars you want, E-mail Bonnie Warner at bonnie@riverwarner.com.

Help needed to protect floodplains

The Illinois State Legislature adjourned its three-day veto session Oct. 16 without taking action on Senate Bill 1909, the STAR Bonds Financing Act that was given an amendatory veto by Governor Quinn.

The amendatory veto cut in half the amount of state sales tax that could be diverted to private developers for STAR bonds projects. (See special edition: <http://illinois.sierraclub.org/kgroup/newsletters/ekaskaskians.tar.pdf>.)

The bill (or a replacement) could still be voted on at the next veto session, Oct. 28-30. Please call your state representative and senator and tell them to vote NO on taxpayer subsidies for any development that could be built on floodplains and to also vote NO even if they take the floodplain requirement out of the bill.

STAR bonds projects could proliferate all over the state, diverting income from sales tax and sending the state even deeper in debt.

Watch for Action Alerts and visit our website (<http://illinois.sierraclub.org/kgroup/news.asp>) for updates.

Community Events

St. Clair County Health & Policy Summit for Active Living & Healthy Eating

Nov. 13, 9 a.m. to 2 p.m., Westview Church,
2500 Sullivan Drive, Swansea: Cost is \$10,
refreshments and lunch provided. Registration
begins at 8 a.m. The summit will bring
community leaders together to examine and
implement policies and environmental changes
that promote active living and healthy eating in
the organizations and communities where we
work, live, learn and play.

Environmentalist Bill McKibben McKendree University Speaker Series

Nov. 16, McKendree University:
Environmentalist and educator Bill McKibben will
be speaking about climate change. Tickets are
free and open to the public. Order tickets online
or through the Hett Box Office at 537-6863.

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I say--- optimistic!

To those that have fought many a battle and find themselves disheartened by irresponsible land management and environmental negligence in the Metro East, your experiences and wisdom remind us that there is a lot of room for improvement. Your voice, when put into perspective, helps us to stay grounded and focused, so that we are not blinded by idealism and naiveté.

When a city becomes a Cool City, does that designation ensure action will follow? No, but that is where our members can play an active role as we continue to engage other community groups and cities in a positive and productive manner.

Cool Cities is about working positively with local governments on ways they can reduce their greenhouse gas emissions. Such changes might not come as quickly as we would like, but I have confidence progress has and will continue to be made.

The optimist allows us to open doors that might otherwise be kept shut, at the same time the pessimist reminds us that there is much work to be done and we should not take everything at face value. Right now we have an opportunity to be part of the conversation. The alternative is to sit on the sidelines at a standstill. Therefore, I am asking for your help in holding cities that choose to become a Cool City accountable, but at the same time doing so in a respectful and constructive manner.

I would like to end with this thought by Albert Schweitzer: "An optimist is a person who sees a green light everywhere, while a pessimist sees only the red stoplight... the truly wise person is colorblind." So as we implement the Sierra Club Cool City Initiative, let us be colorblind and not bind ourselves to an either/or stance.

Bring old T-shirts to coffee night

Join us at Oregon Trail in Belleville Oct. 21 from 6 to 8 p.m. for our first of many (we hope) coffee house gatherings. This will be a relaxed event, even if you only have 15 minutes just stop in and say hello.

We will be collecting unwanted T-shirts for Newborns in Need (stained and/or full of holes are accepted, but please wash them). The shirts will be used to make caps for newborns. For more information about this charity, check out the website at <http://www.newbornsinneed.org/sowestill/index.html>.

This gathering will also be a great opportunity for our members to share thoughts and ideas as well as meet people with similar passions. Oregon Trail is located at 201 W. Main St. If you have questions or suggestions please call Bonnie Warner at 236-2931 or by E-mail bonnie@riverwarner.com.

We want to hear from you!

All members are encouraged to submit news, ideas, and editorials to be included in the newsletter. What are your concerns and ideas? How do you suggest we work together to tackle the numerous environmental challenges we are faced with locally? Do you have practical suggestions on how to live green? What positive steps are being taken locally to tackle local environmental challenges? Please E-mail jason.warner@illinois.sierraclub.org.

ExCom nominations needed

Members are still needed to run for the 2010 ExCom. The ExCom is the governing body for the local group and is made up of five to nine members, who alternate serving for a two-year term.

ExCom members choose among themselves the positions of Chair, Vice Chair, Treasurer, Secretary and other positions. Other members can serve on various committees. Deadline for nominations is Nov. 30.

If you would like to serve the environment or nominate a fellow member, please call Bonnie Warner at 236-2931 or by E-mail bonnie@riverwarner.com.

Kaskaskia Group Executive Committee

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Member spotlight

Local lawyer, ExCom member never stops cleaning-up

Kathy Andria, Conservation Chair

Penni Livingston is nothing, if not persistent. Livingston, who is a member of the Kaskaskia Group ExCom, is an attorney concentrating in the practice of environmental law. In 2002, she filed a lawsuit against ExxonMobil Coal on behalf of a private client, charging the company with air pollution and contamination of the Pearl Sand Aquifer at Germantown-Albers. Three years later, after the lawsuit was moved to federal court, she lost and lost again in the appellate court.

Then, she filed a second lawsuit against Exxon on behalf of some 200 people in the area for payment of their water bills because their wells were poisoned. Again, the lawsuit failed, largely because it was in federal court and deposition costs would have been prohibitive.

According to Livingston, Illinois EPA initially required Exxon to cap its coal waste impoundment with an impermeable cover, but Exxon resisted paying the \$10million for such a cap. IEPA then allowed Exxon to construct a permeable cover and coordinated with the Department of Commerce and Community Affairs (now Dept. of Commerce & Economic Opportunity) to pay \$2 million of Illinois state taxpayer monies to hook up an alternative supply of drinking water. Exxon, the world's largest and richest publicly traded oil company, paid only \$1 million. Livingston was outraged that under the agreement Exxon also obtained a "Covenant Not to Sue" from IEPA and the Attorney General's office even though Exxon's own groundwater model shows that the impoundment would continue to contaminate the underlying aquifer of coal waste pollutants for more than 500 years.

Not one to give up, Livingston filed again, this time in Clinton County, where the water pollution occurred, on behalf of a not-for-profit group of residents calling themselves Citizens Opposing Pollution (COP). This time, Livingston sued to enforce the Illinois Surface Coal Mining Conservation and Reclamation Act. In addition to ExxonMobil, she also sued the IEPA and the Illinois Department of Natural Resources (IDNR), which operates the mining program in the state. Because the

case was brought under Illinois statute, it cannot be moved to federal court.

IEPA was cited for issuing Exxon an illegal Groundwater Management Zone (GMZ), which is a regulatory mechanism allowing an entity time to bring groundwater up to water quality standards. IEPA is allowing Exxon to pump half a million gallons a day of contaminated water into a "mixing zone" in the Kaskaskia River, a potable water supply. Today's regulators have seemingly embraced the obsolete notion that "dilution is the solution to pollution."

IDNR was named for violating its own law — issuing a permit that doesn't meet the standards of Illinois statute or its own regulations: Both state and federal coal mining rules explicitly state that permanent coal mine waste impoundments such as Exxon's are not allowed.

Exxon was named for contaminating the groundwater and not being protective of groundwater as required by Illinois environmental law; for not returning land to its natural contours that existed prior to the mining activity; and for not returning the land to its prior use as prime farmland or to a higher and better use required under Illinois mining law.

And last, but most importantly, Exxon is alleged to have an illegal permanent impoundment. Under both federal and state mining laws, there can be no permanent impoundment of anything but clean water. Exxon not only has the illegal permanent impoundment of toxic liquid waste under the scrutiny of Livingston's lawsuit, but also operated a similar 100-foot high dam/impoundment at its only other Illinois mining facility. The latter "High Hazard Dam" facility is currently operating without a valid permit.

Livingston is proud of the fact she won expedited review in the Appellate Court for the current lawsuit despite Exxon's strong opposition. Briefs are now in the process of being filed. Ever the optimist, Penni Livingston expects a favorable decision — "before the next Earth Day."

Let us know of KG members working on environmental issues you think should be highlighted. Send your suggestions to Bonnie at bonnie@riverwarner.com or call 236-2931.

Help make your city a "Cool City"

The Sierra Club's Cool Cities initiative focuses on getting local communities to make commitments to curb global warming by putting smart energy solutions to work, such as greening municipal vehicle fleets, making buildings energy efficient and investing in safe renewable energy.

To encourage local municipalities to become Cool Cities, we need to build community support. If you belong to a church or other organizations that might be receptive to learning more about this initiative, please let us know. Let's work together at the local level to effectively meet the challenges of climate change. Call Amy Funk at 215-2011 or E-mail amymkfunk@yahoo.com. More information can be found at <http://www.coolcities.us>.

