



# Illinois Environmental Briefing Book

2005 – 2006



A project of the Illinois Environmental Council Education Fund

## **The 2005-2006 Illinois Environmental Briefing Book**

is a publication of the Illinois Environmental Council Education Fund. It is intended to provide information to the public, legislators, state officials and media representatives on a number of current environmental issues.

Views expressed on a particular issue are not necessarily shared by all the Illinois Environmental Council member groups or other participating organizations.

This publication was made possible by the generous support of the Joyce Foundation.

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The Illinois Environment Council Education Fund (IECEF) is a 30 year-old organization that promotes sound environmental laws and policies, provides a forum for environmentalists and facilitates a statewide activist network. IECEF engages in legislative monitoring and analysis; outreach, organizing and coalition building; and communication and education.

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**Welcome** to the 2005-2006 edition of the *Illinois Environmental Briefing Book*. Published by the Illinois Environmental Council Education Fund, this document outlines a unified, two-year vision for environmental and conservation policies in Illinois.

The Illinois Constitution states that “*The public policy of the State and the duty of each person is to provide and maintain a healthful environment for the benefit of this and future generations.*” In practical terms, every resident of Illinois should be able to drink uncontaminated water, breathe air without pollutants, raise children without exposing them to any number of toxic substances, and enjoy the natural heritage of our State.

Each article in this *Briefing Book* is dedicated to helping us achieve a piece of that vision. As you turn these pages, you will read about the environmental problems facing Illinois, and you will also learn about the solutions.

Illinois voters care about their environment. They routinely approve local ballot measures that increase funding for additions to park and forest preserve districts. Environmental issues consistently rank near the top of voters’ concerns in election-year polls. Unfortunately, our political leaders have not always heeded public concern for environmental protections. Emissions from old coal-fired power plants have been linked to 1,700 premature deaths annually, pregnant women have been warned against eating mercury contaminated fish, and two-thirds of Illinois’ rivers and streams are rated either fair or poor quality. There also is an increasing burden on state legislators and regulators as the federal government continues to roll back environmental protections, leaving state government to step up and protect its citizens.

The *Briefing Book* articles were compiled by a coalition of environmental organizations. The coalition worked together to develop the agenda of priority issues that are written about here. The *Briefing Book* provides specific expertise on these important issues from organizations and individuals that are knowledgeable on subjects like wetland protection, energy efficiency and water pollution. It also contains a directory of organizations and contacts for further information.

The overview of issues presented in the *Briefing Book* is a compilation of the most urgent natural resource and community health issues facing Illinois. It clearly expresses the importance and timeliness of addressing these problems while maintaining sensitivity to the state's fiscal limitations. Tough decisions will be made about what the state's priorities are. The book can be used as the environmental community's tool to effectively highlight our priorities and open debate on these issues.

Many thanks to the following organizations and individuals who contributed to this project:

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Environmental Law and Policy Center, Barry Matchett  
Illinois Environmental Council Education Fund,  
Jonathan Goldman, Kappy Laing and Jennifer Sublett  
Illinois PIRG, Rebecca Stanfield  
Illinois Stewardship Alliance, Mark Beorkrem  
Midwest Energy Efficiency Alliance, Alecia Ward and Becky Wigg  
The Nature Conservancy, Claudia Emken  
Openlands Project, Richard Acker and Joyce O'Keefe  
Policy Solutions, Ltd., Ann McCabe  
Prairie Rivers Network, Jean Flemma  
Safer Pest Control Project, Rachel Rosenberg and Kim Stone  
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Best Regards,



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# Clean Air and Energy

On ozone alert days in San Francisco last summer, citizens rode Bay Area Rapid Transit free. The program was so successful, the region's lead transit-planning agency is debating whether to expand its "Spare the Air" program region-wide to include, for example, commuter rail. At an expected price tag of just \$4 million, the region avoids the risk of losing billions in federal funds due to non-attainment of air quality goals.

Such innovative plans are one instance of a trend, according to the National Council of State Legislatures: air quality is the pollution issue currently receiving greatest federal and state attention.

## Feds, states target power plants and vehicles

Federal action in 2005 includes designation of ozone and fine particulate matter "non-attainment areas" by U.S. Environmental Protection Agency. The states have acted, as well. Wisconsin implemented in July 2004 a mercury rule that caps mercury emissions from power plants beginning in 2008 and requires future reductions thereafter. In Connecticut, legislation in 2004 to reduce toxic emissions from cars, SUVs and light trucks beginning with model year 2008 passed the Senate unanimously and the state House 143-1.

Energy-efficient consumer products, alternative energy sources such as wind, and other measures will reduce air pollution. But the single most effective way to clean our air and enhance efficiency is improving environmental controls on power plants and vehicles.

Much has already been done thanks to the federal Clean Air Act. But we can further reduce the major airborne pollutants—primarily sulfur dioxide, nitrogen oxides, mercury, and greenhouse gas emissions—to minimize environmental and public health damage.

Priority issues of concern to Illinois' environmental community include:

**Coal:** Illinois' 23 coal-fired power plants were built more than 25 years ago, and a grandfather clause in federal law allows these plants to avoid the tighter pollution controls required for newer power plants. As a result, these outdated plants are the largest single source of pollution in the state, and are significant contributors to unhealthy air pollution levels in areas where the majority of Illinois residents live.

**Diesel:** New standards will drastically reduce pollution potential of diesel vehicles, including off-road construction equipment. But these standards leave untouched millions of diesel-powered vehicles already in use. Retrofitting these vehicles is economically feasible and can have dramatic impact on breathability of our air.

**Energy efficiency:** Existing minimum energy efficiency standards for appliances will save U.S. consumers \$186 billion dollars and 341 kilowatt hours a year by 2030 and cut annual carbon dioxide emissions by 65 million metric tons by 2010. Applying such minimum energy efficiency standards to new appliances and enhancing buildings' efficiency will contribute further to the health and economic benefits to Illinois.

**Renewable energy:** Seventeen states have instituted 'renewable portfolio' standards that typically require all energy suppliers to use renewable energy for a portion of their energy supply; Illinois' use of wind turbines is a first step down this path which we should follow up by enacting a similar portfolio standard.



## LIMIT CLIMATE CHANGE

Heat-trapping, or “greenhouse” gases in the atmosphere are causing our climate to change. These gases are released when humans burn fossil fuels such as coal, gas and oil, and cut down forests. To reduce the emissions of heat-trapping gases like carbon dioxide (CO<sub>2</sub>), methane, and nitrous oxide, we can:

- curb consumption of fossil fuels;
- use technologies that reduce the amount of emissions wherever possible; and
- protect the world’s forests.

**By 2030, Illinois summers may resemble those of Oklahoma or Arkansas in terms of average temperature and rainfall. By the end of the century, however, the Illinois summer climate will generally resemble that of current east Texas.**

### Global warming effects on Illinois

The mainstream scientific consensus on global warming is very clear: changes in our climate are real, they are underway, and they will have serious consequences. Climate change can lead, for example, to more frequent and severe storm events, flooding and property destruction, challenges for agriculture, and greater potential for heat-related illnesses and deaths.

By the end of the century, maximum daily temperatures in the Great Lakes region could rise by 5 to 12 degrees in winter and 5 to 20 degrees in summer. Seasonal precipitation in the region will shift over time, with less precipitation in the summer and more in the winter. The frequency of heavy

downpours, already on the rise during the past 30 years, will continue to increase and may double by the year 2100. At the same time, drought frequency will likely increase due to the combination of hotter summers, evaporation, runoff from flooding, and a decline in summer precipitation.

As the graphic at right shows, by 2030 Illinois summers may resemble those of Oklahoma or Arkansas in terms of average temperature and rainfall. By the end of the century, however, the Illinois summer climate will generally resemble that of current east Texas.

### Strategies for combating climate change

The most direct approach to limiting the effects of climate change is to reduce emissions of greenhouse gases. Reducing the demand for energy production through energy efficiency while increasing the amount of energy generated from renewable sources are ideal strategies. Other options can include increased use of alternative-fuel vehicles, and geologic and terrestrial CO<sub>2</sub> sequestration projects that trap carbon dioxide and keep it out of the atmosphere.



Several states and regions have implemented greenhouse gas registries. These registries allow companies to report their emissions levels for greenhouse gases and to track reductions over time. Instituting such a registry in Illinois would create an inventory of Illinois sources of greenhouse gases, building a baseline for future policies and planning. A registry would also ensure that voluntary emission reductions are publicly recognized, and for those companies that make reductions, set the stage to potentially enable tradable credits.

Illinois could build on the work of other states and regions such as the Northeast and California. Eventually, a cap-and-trade program could be established regionally, as planned in the Northeast, or nationally. The Chicago Climate Exchange is a voluntary program that creates a financial incentive for cutting greenhouse gas emissions. The members of the Exchange include leading businesses such as Motorola, IBM, and Ford Motor Company and other institutions such as the City of Chicago and the University of Iowa. They have all committed to making voluntary reductions in their emissions of greenhouse gases. Members who exceed their reduction goals get credits they can sell to members who fail to meet their goals.



#### RECOMMENDATION

### **Establish a state greenhouse gas emission registry.**

A registry will create an inventory of greenhouse gas sources in Illinois and provide for public recognition of emissions reductions.

**Sequester carbon by converting marginal lands into native forest** or planting riparian zone buffer strips with native trees and grasses such as switchgrass.

**Pass a Renewable Portfolio Standard.** In his 2005 state-of-the-state address, Governor Rod Blagojevich announced a goal for each electric utility to generate 8 percent of its electricity from renewable sources such as wind and solar.



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## CLEAN UP COAL-FIRED POWER PLANTS

Illinois' 23 coal-fired power plants were built more than 25 years ago. A grandfather clause in federal law allows these plants to avoid the tighter pollution controls required for newer power plants. As the largest single source of pollution in the state, our outdated plants are significant contributors to unhealthy air pollution levels in areas where the majority of Illinois residents live. These plants are also the largest source of mercury, a dangerous neurotoxin that has already contaminated our lakes and streams.

### State action needed

Federal proposals including the "Clear Skies" initiative would allow more pollution than existing Clean Air Act requirements and create loopholes Illinois' biggest polluters could use to avoid installing modern pollution controls. Illinois, either alone or in concert with other Midwest states, must address pollution problems created by its aging coal-fired power plants to protect citizens' health and the state's natural resources.

**Illinois is falling behind other states by failing to clean up older coal-fired power plants and considering permits for new plants that fail to employ the best available pollution control technology.**

Air pollution from the state's coal-fired power plants kills 1,700 Illinoisans each year and causes an estimated 33,000 asthma attacks. It poisons fish in Illinois' lakes and rivers with mercury that threatens everyone's health, especially that of unborn children. Every river, lake, and stream in Illinois now carries a health warning because of mercury pollution from coal plants.

### New plants expected

The prospect of building new coal-fired power plants holds the potential for utilizing the latest, cleanest technologies available, such as Integrated Gasification Combined Cycle (IGCC) technology. IGCC technology can reduce air pollutants by 95 to 99 percent, compared to conventional technologies, making electricity generated by coal nearly as clean as that generated by natural gas.

Unfortunately, new plants recently proposed for Illinois, such as plants proposed by Indeck adjacent to the Midewin National Tallgrass Prairie near Elwood, and the proposal by Peabody for the Prairie State Energy Campus in Washington County, would not utilize the cleanest possible technologies like IGCC. While cleaner than older plants, these new plants will still add more than 36,000 tons of additional deadly smog and particulate air pollution to Illinois skies, as well as more than 370 pounds per year of toxic mercury. Illinois should use the subsidies and other incentives offered these and other projects to leverage the cleanest possible generation methods for our state.

These new plants, while cleaner than older plants, fail to utilize cleanest possible technologies like coal gasification, and will add thousands of pounds of new pollution to Illinois' air if built. That will be allowed to add over 36,000 tons of additional deadly smog and particulate air pollution to Illinois skies, as well as over 370 pounds per year of toxic mercury.

### Benefits of pollution control

Using existing technology, Illinois power companies could capture or eliminate most of the pollution they emit. Illinois is lagging behind several other states that are pushing forward with standards to reduce power plant pollution.

Strong pollution controls on coal power plants would also create high-paying jobs in Illinois in pollution control technology manufacture, installation, and maintenance. New limits, particularly on mercury pollution, would also improve the competitive position of Illinois coal, which emits less mercury when burned than coal from the western United States. Currently, more than 80 percent of the coal burned in Illinois is from western states.

Another area where greater pollution control needs to be exercised is coal mines, which can have a negative impact on water quality if the Clean Water Act is not enforced when permitting and regulating these facilities.

The need to improve our state's coal-power policies was highlighted by a September 2004 report issued by the Blagojevich administration. Three years in the making, the report was intended to propose lower emissions standards in order to protect public health. While acknowledging that cleaning up the plants would benefit public health, the report recommended doing nothing other than continuing to study the issue.

## RECOMMENDATION

**Require major sources of air pollution** to engage in pollution prevention planning as part of the permit process.

**Require older coal-fired power plants** to utilize modern pollution control equipment and cleaner technologies.

**Restrict the use of state coal development subsidies** and other incentives to projects that use coal gasification technologies.

**Work with other Midwest states** to offer stronger alternatives to federal initiatives to weaken the Clean Air Act.

**Ensure strong enforcement of Clean Water Act safeguards** for new, existing, and proposed mining operations.

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## CUT DIESEL EMISSIONS TO CLEAN THE AIR

High-energy diesel fuel and efficient, durable diesel engines power nearly all school and transit buses, trucks, locomotives, and construction and farm vehicles in Illinois. But the black soot and other chemical components of diesel exhaust pose a major threat to public health by degrading air quality, playing a powerful role in causing cancer, heart attacks, and premature deaths, as well as increasing the severity of existing asthma cases. Diesel soot is blamed for nearly 900 premature deaths, 1200 heart attacks, and more than 19,000 asthma attacks in Illinois every year, according to a report by the Clean Air Task Force issued in February

2005. Federal rules will reduce diesel exhaust in future vehicles, but do nothing about vehicles likely to be on state roads for decades.

Nationwide, diesel exhaust accounts for nearly a quarter of the nitrogen oxide emissions that form dangerous and deadly ozone smog and fine particulate matter (PM). Direct carbon-based soot emissions also contribute to fine PM. Only 5 percent of all on-road vehicles in the U.S. are powered by diesel, yet diesel-fueled vehicles produce 79 percent of all on-road vehicles' particulate emissions.

**Although diesel fuel is efficient and runs in durable engines, diesel soot is blamed for nearly 900 premature deaths, 1200 heart attacks, and more than 19,000 asthma attacks in Illinois every year, according to a report by the Clean Air Task Force issued in February 2005.**

Harmful gases and solids mix to create diesel exhaust, which contains 40 air pollutants deemed toxic by the U.S. Environmental Protection Agency. These pollutants can cause eye, skin, lung, kidney, nervous and respiratory system damage as well as cancer. Illinois ranks 10th nationwide in cancer risks from airborne toxics, according to the national study *Dangers of Diesel* (US PIRG Education Fund, October 2002). The USPIRG further estimates 87 percent of Illinois' total cancer risk is due to diesel soot.

### **Diesel-generated PM degrades minimal air standards**

In December 2004, U.S. EPA designated the entire metropolitan Chicago and Metro East areas, where two-thirds of Illinois residents live, as failing to meet minimal air quality health standards due to high levels of fine PM. Attaining fine PM air quality standards will bring substantial public health benefits, according to the EPA: reducing asthma attacks and preventing acute and chronic bronchitis cases.

### **Diesel-related health risk: Cancer**

- Breathing fine particulate matter in the most polluted U.S. cities, such as Chicago, poses the same risk as living with a smoker, according to a 2002 study in the *Journal of the American Medical Association*.
- More than 30 scientific studies demonstrate diesel exhaust increases cancer risk.
- Diesel exhaust poses the greatest air toxics cancer risk in the U.S., according to a national estimate of cancer risk from hazardous air pollutants by the Clean Air Task Force in 2005.

### **Diesel-related health risk: Asthma**

- In Illinois, more than 10 percent of adults have asthma, and the state has one of the highest asthma death rates in the nation. In some Chicago neighborhoods, more than 25 percent of children under age 12 have asthma, which is more than double the national average. In Cook County alone, about 440,000 people have asthma.
- In 2000, estimated direct expenditures for asthma in Illinois were \$1.4 billion, which include emergency room visits, hospitalizations, and medications.

- Diesel exhaust may cause asthma in addition to triggering asthma attacks, a recent study by University of California at San Francisco School of Medicine and Natural Resources Defense Council shows.

### Federal Impact

Beginning in 2007, federal rules mandate that new heavy-duty diesel trucks and buses produce 90-95 percent less diesel emissions. Tighter federal pollution rules for new non-road vehicles such as construction equipment are set to take effect several years later.

Unfortunately, the new requirements will not cover millions of diesel vehicles manufactured prior to 2007 already on the road. If nothing is done, both diesel vehicles used on the road and in non-road capacities today will continue to emit deadly pollution for decades to come because diesel engines typically last 25 years or more.

### Solutions exist today

Effective and relatively inexpensive technology to reduce diesel PM by up to 90 percent exists today. Older vehicles can be retrofitted with pollution-control devices at a fraction of the cost of buying a new vehicle. Another cost-effective strategy to reduce diesel emissions is to implement a statewide no-idling policy. Vehicles that idle needlessly emit dangerous pollutants into the air and waste money and fuel. Idling school buses consume approximately one-half gallon of diesel fuel for each hour of idling, and large trucks burn a gallon per hour. By reducing idling time, government and private companies can save thousands of dollars in fuel costs. Less idling also means less wear on engines and lower engine maintenance costs.



#### RECOMMENDATION

**Implement a statewide no-idling policy** for vehicles over 6,000 lbs., including but not limited to trucks, transit and school buses, government vehicles, and construction equipment.

**Allocate funds to retrofit diesel vehicles** such as school buses and off-road diesel equipment with best-available pollution-control technology. Retrofitting existing government and private diesel vehicles is a smart strategy for reducing local air quality related health problems.

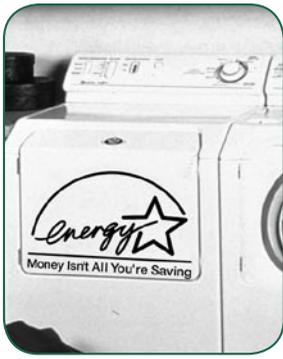
**Allocate funds for best-available pollution-control diesel exhaust retrofits** as a component of any 2005 (and future) Illinois General Assembly funding allocation increases for CTA, Pace and Metra.



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# RAISE ENERGY EFFICIENCY STANDARDS

In 1974, California Governor Ronald Reagan began a long tradition of states taking the lead in setting energy efficiency standards for appliances to reduce electricity demand and save consumers money. Other states followed suit by instituting minimum efficiency standards for both appliances and buildings. The federal government eventually created national standards, but states continue to lead the way.

## Energy Efficiency Funding

Illinois has historically under-invested in energy efficiency programs. While other states are investing as much as 3.3% of utility revenue, Illinois invests only 0.02% in energy efficiency. As the state considers the future of electric deregulation, it needs to set effective energy efficiency funding levels and cost-recovery mechanisms for both natural gas and electric utilities. The Energy Efficiency Trust Fund created during electric industry restructuring in 1999 is funded by the state's electric utilities at a rate of \$3 million per year. This low level of funding is inadequate, and additionally, in FY 2005 the entire fund was raided to help balance the state budget, essentially halting all programs.

Governor Blagojevich's Sustainable Energy Plan, announced in February 2005, includes an Energy Efficiency Procurement Requirement and increased investment in the Energy Efficiency Trust Fund—a huge step in the right direction that will save Illinois consumers, businesses and industry money.

## Appliances

Existing minimum energy efficiency standards for certain appliances, adopted by many states in the 1970s and 1980s and then federally through the National Appliance Energy Conservation Act of 1987, will save U.S. consumers \$186 billion dollars and 341 kilowatt hours a year by 2030 and will cut annual carbon dioxide emissions by 65 million metric tons by 2010.

Federal standards are now outdated. Many new appliances have higher-than-necessary energy costs even though advances in technology could cost-effectively increase appliance efficiency. The Department of Energy is contemplating additional standards, but progress has been slow. The National Petroleum Council identified standards as necessary to move forward in current energy policy, and standards were one of the “to dos” for the Bush administration. The federal process of adopting new standards, however, has become bogged down, and Illinois can not afford to wait for federal action.

**Each year, Illinois sends \$7 billion to other states and to Canada to import natural gas. Promoting energy efficiency will lead to cleaner air, higher profits, and greater economic productivity in Illinois.**

A number of states are moving forward to adopt new appliance efficiency standards. In 2004, Maryland, New Jersey, Connecticut and California adopted updated appliance efficiency standards. Minnesota, Oregon, New York and Massachusetts are considering adopting appliance efficiency standards.

## Buildings

Buildings consume 40 percent of all primary energy in this country and 70 percent of all electricity. Building codes specify energy efficiency minimums, either for specific components or for the building system as a whole. The national standard is the International Energy Conservation Code (IECC) developed by the International Code Council. In 2003 Illinois made significant progress by adopting the IECC as the statewide standard for commercial buildings, but Illinois is still one of only 10 states that does not have a statewide code for residential buildings.

## Energy efficiency saves money

If Illinois set new efficiency standards for 18 common appliances, by 2020 consumers would save more than \$2.5 billion in energy costs, according to a recent study by the American Council for an Energy Efficient Economy. These energy savings would meet the needs of 850,000 homes and would allow the state to build nine fewer power plants by 2020.

Such savings would be welcome in Illinois, where energy consumption outpaced population growth by 30 percent between 1960 and 2000, and where the price of electricity is 5.5 percent higher than the national average, costing Illinois citizens more than \$9 billion per year. Schools are spending more money on energy costs than on books and computers combined. This is money consumers can save or pump back into the economy by purchasing other goods.

## Energy efficiency reduces air pollution

Saving energy also benefits the environment. Fossil-fueled power plants are the largest industrial source of soot and smog in our air, mercury contamination in our lakes and the carbon dioxide emissions that cause global warming. In addition, nuclear power plants create stockpiles of deadly radioactive waste that will remain hazardous for thousands of years.

Energy efficiency standards will reduce the need to build additional power plants. Setting energy efficiency standards for 18 common appliances in Illinois would avoid 650 million metric tons of carbon dioxide pollution, according to the American Council for an Energy Efficient Economy.



### RECOMMENDATION

**Illinois should pass legislation** setting minimum efficiency standards for common appliances sold in our state. Products for which standards would produce a high level of cost-effective energy savings include: ceiling fan light kits; commercial clothes washers; commercial refrigerators and freezers; commercial unit heaters; dehumidifiers; digital cable and satellite boxes; digital television adapters; exit signs; external power supplies; commercial ice-makers; incandescent reflector lamps; large commercial packaged air conditioners and heat pumps; low and medium voltage dry-type distribution transformers; metal halide lamp fixtures; pre-rinse spray valves; torchiere lighting fixtures; and traffic signals.

**Illinois should adopt the International Energy Conservation Code** as the statewide residential energy code. This can lead to a number of benefits including an estimated annual savings of between \$208 and \$261 per home and cumulative savings of more than \$2.5 billion by 2020. A uniform statewide standard facilitates ease of compliance and avoids inconsistent local standards.

**Illinois should implement Governor Blagojevich's Sustainable Energy Plan** including the Energy Efficiency Portfolio Standard.



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## DEVELOP RENEWABLE ENERGY

While scientific innovations have transformed Illinoisans' lives, our electrical industry relies on an outdated fleet of polluting and unreliable coal and nuclear plants. Illinois cannot afford to be left behind in the race to develop the energy of the future: clean, renewable energy resources.

Illinois can create jobs and secure a sustainable energy future through the increased production of power from renewable sources such as solar and wind.

Currently, less than one percent of Illinois' energy comes from renewable sources, yet wind energy alone could provide 15 percent of the state's total energy generation, according to the National Renewable Energy Laboratory.

**Developing Illinois' renewable energy resources would result in billions of dollars of investment and the creation of thousands of jobs. Wind power is a particularly attractive policy for Illinois' farmers, who can receive up to \$5,000 per turbine each year for land leased to wind power producers.**

### Mandates create new opportunities

There is a unique window of opportunity to revamp Illinois' energy policies. The City of Chicago has pledged to buy 20 percent of the electricity needed for city buildings, streetlights and subways from renewable energy sources within five years, spurring development of a new wind farm in Bureau County.

Under executive order, Illinois' state agencies are required to purchase 15 percent of their electricity from renewable resources by 2020, and the Illinois General Assembly has set a renewable generation goal for Illinois of 5 percent by 2010 and 15 percent by 2020.

During his 2005 State of the State Address, Governor Blagojevich called for a Renewable Portfolio Standard that would require electricity suppliers to provide 2 percent renewable energy to their Illinois customers by 2006, increasing to 8 percent by 2012. This would mean that nearly 4,000 megawatts of power would be generated from renewable sources by 2012, enough energy to serve one million Illinois households. At least 75 percent of the renewable energy would be generated by wind power.

### Illinois' energy policies are unhealthy

Unfortunately, Illinois' utilities have not taken up the challenge. Illinois is now left with a legacy of health problems and high, sometimes volatile, energy prices. That legacy includes:

- Oil- and coal-burning power plants that create 20 percent of water-contaminating mercury emissions and 30 percent of all carbon dioxide (CO<sub>2</sub>) emissions, which contributes to global warming;
- Fine soot from coal-burning power plants that triggers tens of thousands of asthma attacks and shortens the lives of an estimated 1,700 Illinois residents; and
- Nuclear power plants that produce 99 percent of high-level radioactive waste, which increases security, disposal, and public health risks.

### Illinois' energy policies are costly to consumers and unsustainable

In recent years, natural gas and home heating oil prices have skyrocketed, with more increases on the horizon. Natural gas and oil prices will always be uncertain. Ten companies sell 42 percent of the

nation's electricity. Every year the industry becomes more consolidated, making it more difficult to prevent companies from manipulating prices through abuses of market power.

Clean renewable energy has become increasingly cost competitive and lacks the pollution problems of conventional energy generation. The American Wind Energy Association estimates that the cost of electricity generated from utility-scale wind systems has dropped by more than 80 percent over the last 20 years. Developing Illinois' renewable energy resources would result in billions of dollars of investment and the creation of thousands of jobs. Wind power is a particularly attractive policy for Illinois' farmers, who can receive up to \$5,000 per turbine each year for land leased to wind power producers.

In addition to the economic benefits, increasing the amount of renewable energy used in Illinois will help create a more reliable energy system that is less vulnerable to price spikes. The 2001 California energy crisis was in part the result of a sharp rise in the cost of natural gas, which in turn led to spikes in wholesale electricity prices. Renewable energy producers are not subject to commodity price spikes. A more diverse energy portfolio that includes renewable energy would help insulate energy prices from the volatility of the fossil fuel market.

Illinois' energy generation policies have broad impacts and lasting influence on our economic and environmental well-being. We should not allow short-sighted decisions to prevent long-term, responsible development. The Illinois General Assembly should take responsible steps to move our state toward a smarter, cleaner energy future, harnessing the state's untapped renewable resources and encouraging technological innovation in Illinois.



#### RECOMMENDATION

**Institute a Renewable Portfolio Standard.** Illinois should join 17 other states, including Arizona, California, Connecticut, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Texas and Wisconsin, and adopt a renewable portfolio standard. This standard would require all energy suppliers in Illinois to sell at least 3 percent of their total energy sales from renewable sources in 2007 and 10 percent in 2012.



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# Clean Water

Maintaining water quality—and quantity—are both issues in Illinois. The latter in particular has been the focus of legislative and regulatory attention throughout the U.S., from increased attention in the Northeast to riparian (i.e., riverbank) rights to high-level discussions on use of Colorado River resources in that body's six-state watershed area. Water quality is a multi-faceted issue, with attention needed on challenges that range from restoring the 273-acre Illinois River watershed to refining private and public wastewater treatment permits and processes.

Illinoisans have a relatively sophisticated understanding of water quality issues, with 96 percent knowledgeable about where their drinking water comes from. The datum comes from a 2003 survey by the Human Dimensions Research Program of the state's Illinois Natural History Survey. In the survey, 59 percent of some 1,200 mostly non-urban state residents rated water quality as the issue of greatest importance to them on a list of 10 community issues. This study cites another 2003 survey of Illinois residents that found even greater support for addressing water quality issues.

Among the issues that need to be addressed:

**Wetlands:** The destruction of wetlands leads to higher costs from flood damages and loss of species diversity among other harmful effects. Setting aside more wetlands from development, minimizing the impact on wetlands that development does affect, and requiring higher-quality mitigation of restored wetland sites can reduce flood damages as well as enhancing the environment.

**Facility planning areas:** Under the Clean Water Act, the state has jurisdiction to rule on facility plans, water quality management plans, waste treatment management plans, and polluted runoff management programs. Current plans to tighten up the application process provide an opportunity to reduce water pollution, protect fish and wildlife, and enhance recreation.

**Septics:** Tens of thousands of private septic systems that discharge onto the ground are producing millions of gallons of raw sewage in Illinois. Many states have banned such systems, but Illinoisans still use them in part because of geological factors related to soil's absorption rates. Nevertheless, we can reduce the number of such systems being installed by encouraging use of viable alternatives.

**Water Quantity:** Water management policies need to be changed to reflect the fact that Illinois' finite water resources are growing scarcer, in order to avoid future conflicts and possible shortages.

**Nutrient pollution:** This is Illinois' most widespread water pollution problem. An overload of phosphorus in freshwater ecosystems, in particular, leads to unsightly algae blooms that kill local wildlife. Intensifying ongoing efforts to step up a variety of pollution controls will lead to progress on this issue.

**Confined animal facilities:** Hog waste in high quantities and densities such as those produced at large animal feedlots can be toxic in addition to its noxious odor; more safeguards should be applied to how this waste is stored and when and where it may be used as manure on others' fields.

**Great Lakes:** The time is now to codify and reform the rules under which state and other government agencies can decide how to share the freshwater in the Great Lakes in order to restrict diversions to elsewhere in the United States and around the world, a process in which Illinois must join other Great Lakes states and Canadian provinces.



## PROTECT THE GREAT LAKES

Fresh water becomes scarcer and more precious every year. The Great Lakes, with 20 percent of all fresh surface water on the planet and 95 percent of all fresh surface water in the United States, are a coveted supply of fresh water. Lake Michigan is the second largest lake by volume with 1,180 cubic miles of water. Illinois takes about 2 billion gallons per day out of Lake Michigan at Chicago, supplying fresh water to 6 million people in Illinois, or about half of the state's residents.

By 2025, worldwide estimates show 48 countries will be severely short of water. Estimates also show 50 percent of people on Earth will lack access to clean water. Billions of people will wish to use international trade laws to pierce the thin protections we now rely on to prevent diversion and export of Great Lakes water. Judges who rule on those cases are unlikely to come from the region.

States and provinces in the Great Lakes Basin have a historic opportunity to enact an agreement protecting Great Lakes water from being depleted. A pending proposal by the Council of Great Lakes Governors would restrict diversions of Great Lakes water to places elsewhere in the United States and around the world. This is a major step forward in protecting the waters of the Great Lakes.

### History of Great Lakes agreements

The Great Lakes States and Provinces signed the 1985 Great Lakes Charter in response to earlier proposals to divert Great Lakes water. The charter protected common water resources and established as a priority the need to pass laws governing large-scale water withdrawals totaling more than 2 million gallons per day. In 1986, Congress supported the Great Lakes Charter by passing the Water Resources Development Act. The Act ensures that all Great Lakes governors retain their respective rights to veto an out-of-basin diversion of Great Lakes water.

**A pending proposal by the Council of Great Lakes Governors would restrict diversions of Great Lakes water to places elsewhere in the United States and around the world. This is a major step forward in protecting the waters of the Great Lakes.**

But the vast majority of the United States' people and their congressional representatives live outside of the Great Lakes basin, many of them in so-called "thirsty states." The Water Resources Development Act could be amended, repealed, or struck down by a court, leaving the Great Lakes without adequate protections.

A second round of intergovernmental agreements was begun with the Great Lakes Charter Annex 2001 process. The process envisions a Great Lakes Compact to clarify and strengthen conditions for export and diversion of water by Great Lakes States and Provinces. Draft recommendations released in July 2004 include a legally binding interstate compact among the eight Great Lakes states and a good-faith agreement between the United States and Canada to protect and manage Great Lakes waters against harmful diversions and withdrawals.

If adopted by the governors, Congress and the region's state legislatures, the compact would codify Great Lakes protections in a number of ways by requiring that any water diverted from the basin be returned, and calling for greater water conservation and improvements to the Great Lakes ecosystem.

These agreements represent a formal change of mindset by recognizing that the availability of clean water is a problem requiring a regional solution. Long-term thinking about how each community develops its land and uses its water is needed to ensure sustainability of the entire Great Lakes basin.



## RECOMMENDATION

### **Support a Strong Final Compact and Agreement**

through the Council of Great Lakes Governors. Governor Blagojevich should work with the region's other governors to ensure that the final proposal is as strong as possible.

**Ratify the Annex Compact and Agreement** and enact any implementation laws arising from the process. The Illinois General Assembly should approve the agreement when it comes to them for consideration.



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## REGULATE LIVESTOCK INDUSTRY WASTE

Nearly 80 percent of the 4.5 million hogs produced annually in Illinois come from confined animal feeding operations (CAFOs). Confined feedlots threaten the health of hogs, which have little room to move and no exposure to the outdoors, the health of workers and neighbors, and the environment. Illinois laws need to be strengthened to protect the neighbors and communities surrounding such facilities and to protect the environment.

A single facility can produce as much waste as the population of a city the size of Galesburg. Hog waste contains more concentrated organic matter than human waste, including nitrates, copper, antibiotics, and other chemicals harmful to humans in large doses. Yet none of the safeguards and regulations applicable to the smallest city waste disposal system applies to hog factory lagoons.

Millions of tons of livestock waste are generated and applied each year to Illinois farm fields. Tens of thousands of gallons of runoff from these fields enter Illinois waters each year, ruining the environment for miles from the source.

**A single confined feedlot facility can produce as much waste as the population of a city the size of Galesburg, yet none of the safeguards and regulations applicable to the smallest city waste disposal system applies to hog factory lagoons.**

### **Confined facilities produce noxious, unhealthy waste**

Hog waste at a CAFO either is pumped into a huge outdoor waste pond, drops through slats in the floors below the hogs to a lagoon, or is stored in concrete pits. Hog factories flush manure into holding tanks, dump it into open lagoons up to 30 feet deep, and spray it on open fields.

Confined feedlots may cause as much as 13 percent of all water-quality impairment in rivers and streams, according to an estimate reported by the Illinois Environmental Protection Agency in its 1991 report *Understanding the Pollution Potential of Livestock Waste*.

Other than installing monitoring equipment, there is no way to detect when below-ground pits begin leaking and seep into groundwater supplies. If monitoring is not required, then such facilities should be banned due to the risk to groundwater supplies from hog waste.

### **Governing law provides inadequate protections**

The Livestock Management Facilities Act, which governs construction of confined feedlot waste storage structures, requires CAFO operators to file minimal plans such as might be expected of any other large construction project. No applicant who filled out the paperwork correctly has been turned down for cause since 2000, no matter how imprecise the information on their application.

Another gap in the Act is a lack of any requirement for waste treatment or waste disposal monitoring. While permit applicants must file a waste disposal plan, they are subject to neither monitoring nor registration of each application of waste to farm fields, nor regulation of off-farm movement of the waste. Nor is licensing of third-party waste haulers required. The simple fact is that Illinois has no regular inspection program for waste lagoons or pits at all. These gaps are especially troubling given the history of problems with confined feedlots elsewhere. In North Carolina, for example, an emergency inspection of CAFO lagoons found problems at one in five inspected lagoons.

## Numbers, size of CAFOs growing

Recently a movement has begun to “restore” numbers of Illinois livestock—animals, but not necessarily farmers—to the land. Spearheading this movement is the Illinois Livestock Development Group, composed of representatives from Illinois Pork Producers Council, Illinois Beef Association, Illinois Milk Producers, Illinois Corn Growers Association, Illinois Soybean Association, and Illinois Farm Bureau.

The Livestock Development Group is working to weaken the few existing laws and programs that protect citizens from the excesses of CAFOs. Their work ranges from loosening the requirements for permits to shrinking instead of strengthening mandated waste storage at each facility, to upgrading weight limits for rural township and county roads.

The trade groups’ efforts to weaken environmental protections include: changes to a CAFO National Pollution Discharge Elimination System (NPDES) permit; revision of Title 35 of Illinois agriculture regulations, begun in December 2004; gaining a “safe harbor agreement” from U.S. Environmental Protection Agency for CAFOs that agree to participate in a study allowing them to avoid penalties for violating the Clean Air Act, for example by emitting ammonia, hydrogen sulfide, and Volatile Organic Compounds, VOCs, and lobbying to limit or end neighbors’ rights to sue a farm over nuisance occurring from water, air, or noise intrusions.



### RECOMMENDATION

**Pass legislation** to improve the Livestock Management Facilities Act to protect citizens and air, land and water. Significant loopholes in the Act regarding public input into a CAFO’s creation and continued operation, oversight of waste treatment and disposal, and other issues need to be addressed to avoid problems that have plagued other states.

**Incorporate oversight of manure transfer and application** into National Pollution Discharge Elimination System and Title 35 environmental regulations. The state must close gaps in the process that allow for under-documentation of third-party transfer of manure and off-site land application. While both the permits and the regulations are under review, the process and public comment on these items needs to be transparent and open.

**Reject legislative attempts** to take away neighbors’ rights to sue over nuisances occurring from water, air, or noise intrusions. Defeat legislation that would limit or exempt farms from some ‘nuisance’ lawsuits related to air and water pollution.



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## REMOVE NUTRIENT POLLUTION FROM SEWAGE AND RUNOFF

While aquatic life in our rivers, lakes, and streams requires some level of nutrients such as phosphorus and nitrogen, an overload of these nutrients can kill off such life quickly. Nutrient pollution, particularly overabundance of phosphorus in freshwater ecosystems, is Illinois' most widespread water pollution problem.

Wastewater discharges from sewage treatment plants and fertilizer runoff from lawns and farm fields are the most significant sources of nutrient 'overload.' Such overload fertilizes algae in the water, and in turn exploding algae populations deprive fish and other aquatic life of life-sustaining oxygen. The algae cause unpleasant odors and impediments to boating and fishing, and can turn water an unsightly pea-green color.

### Sources of phosphorus

Approximately 60 percent of phosphorus discharged from wastewater treatment plants comes from human waste, with about 10 percent resulting from home-use products and about 30 percent from commercial/industrial uses, according to the Metropolitan Water Reclamation District of Greater Chicago.

Although Illinois like most other states has limited nutrient pollution by removing phosphorus and phosphate compounds from many household products, a loophole allows continued use of phosphates in detergents for dishwashing machines. Studies have shown that these phosphates can be a significant proportion of the total amount in wastewater, despite the availability of effective substitutes. Phosphorus used in dishwasher detergent is estimated to be approximately 7 percent of the inflow at Illinois wastewater treatment plants.

**Nutrient pollution, particularly overabundance of phosphorus in freshwater ecosystems, is Illinois' most widespread water pollution problem.**

All states allow dishwasher detergents to include a certain amount of phosphate, although non-phosphate products are available. Scientific research on how much phosphorus is too much is still being done, but many observers believe that a lower limit, or elimination of this chemical from dishwasher detergent, would be the best solution.

### Illinois lags on improvements, but some progress made

Illinois has long lagged other states in limiting levels of nutrients that can be discharged into waters of the state. In the past 30 years at least 25 states have enacted legislative bans on the use of phosphorus in cleaning agents, typically by limiting phosphorus content in household laundry products.

Under the Blagojevich administration, the Illinois Environmental Protection Agency is moving forward with a two-step approach to address nutrient pollution coming from wastewater treatment plants and other "point" sources. The first step is to require new or expanding domestic sewer and wastewater treatment facilities to implement basic controls for phosphorus. Facilities that discharge more than 1 million gallons of water a day will have to reduce phosphorus content to 1 milligram per liter of discharged water. The same limit will apply to a limited number of industrial facilities.

These new pollution controls will help maintain good water quality in fast-developing areas. In addition to this interim safeguard, as a second step studies are underway to determine a water quality standard for phosphorus by 2007, and appropriate pollution controls for all dischargers of phosphorus statewide.

Other effective ways to reduce polluted runoff include reducing fertilizer use, providing vegetated buffers along waterways and protecting wetlands. Also, IEPA should expedite the completion of cleanup plans, known as Total Maximum Daily Load studies, for waters known to be polluted with nutrients. These plans will provide a tool for watershed planning efforts to address these problems.



## RECOMMENDATION

### **Finalize interim requirement for phosphorus controls**

on new or expanded wastewater plants. Continue efforts by IEPA and the Pollution Control Board to adopt a definitive standard.

### **Adopt a statewide water quality standard for phosphorus.**

Illinois should follow other states' lead in requiring appropriate pollution controls for existing dischargers. A reasonable timeline would have us accomplish this goal by 2007.

**Help growing communities plan** to meet future wastewater treatment needs with adequate pollution controls and minimal impact on local streams.

### **Ban dishwasher detergents containing phosphates.**

A ban on sale and use of dishwasher detergent products containing phosphorus compounds would eliminate some 1,200 tons per year of phosphorus from wastewater entering municipal wastewater treatment plants in Illinois, the Metropolitan Water Reclamation District of Chicago estimates. Adding commercial versions of this product to the ban would increase the eliminated load by about 50 percent.

**Expedite the preparation of cleanup plans** for waters suffering from nutrient pollution. Such plans will take advantage of the administration's use of the Total Maximum Daily Load evaluation process, which pinpoints potential pollution sources and identifies strategies to address them.

**Encourage natural and sustainable techniques** to avoid nutrient pollution. For example the state can support steps to protect wetlands and riparian corridors along waterways to absorb runoff, promote sustainable agriculture techniques that use less chemical fertilizer, and advance a greater use of native landscaping in urban and suburban environments to reduce the need for fertilizers and to absorb more rainwater.



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## END RELIANCE ON PRIVATE SURFACE SEPTIC SYSTEMS

Despite a significant public health risk and the threat of federal action under the Clean Water Act, the state currently has little regulatory oversight of private surface discharge sewage systems. Such septic systems represent a substantial minority of the state's private sewage systems. At least 130,000 surface systems are currently in use, with some 6,000 new systems installed each year, say officials at Illinois Environmental Protection Agency.

Homes with *surface* septic systems discharge sewage directly on to the surface or into a collection tile, drainage way, or body of water (Private *subsurface* systems discharge waste into a drainage field underground, where bacteria can process the pollutants in the sewage before it reaches groundwater). In certain regions of the state, such as the Marion and Edwardsville areas, a surface septic system may be the only viable choice due to the local soil's poor absorption qualities. But while surface septic systems can be safe when they operate correctly, these systems pose severe public health risks when they fail, as many do.

**Between 20 and 60 percent of Illinois' surface discharging septic systems are failing or have failed, resulting in the potential for 14 million to 42 million gallons of raw sewage to be discharged each day.... Most states have banned the use of surface discharging septic systems due to the public health risks associated with their failure.**

Current studies suggest between 20 and 60 percent of Illinois' surface discharging systems are failing or have failed, resulting in the potential for 14 million to 42 million gallons of raw sewage to be discharged *each day*. Failing systems have severe consequences for water quality and public health. Waste may contain organisms associated with gastroenteritis, salmonella, hepatitis A, or leptospirosis. Pooling water from surface discharging systems also carries the threat of attracting mosquitoes, the primary vector for West Nile Virus in Illinois.

### Federal and state permitting

The Clean Water Act of 1972 requires a National Pollution Discharge Elimination System (NPDES) permit for anyone who wishes to discharge pollution to surface waters. Many private surface septic systems in the state therefore violate the Clean Water Act, placing homeowners with these systems at risk of being sued in federal court for discharging wastewater without a permit.

Unlike most other states and some Illinois counties, we currently do not require permits for homes with private surface septic systems. Indiana, Michigan, Missouri and Wisconsin all prohibit surface discharging systems. Grundy, Lake, Madison, McHenry and Sangamon counties have voluntarily addressed surface discharging systems within their jurisdictions in some manner.

Of further concern, the Clean Water Act anti-degradation policy adopted by the IEPA in 2002 allows discharges to surface waters only if no practicable alternatives are available. Such an analysis is not consistently required before these systems are used. In many cases, other practicable alternatives do exist.

### Some health regulations in place

The Clean Water Act of 1972 requires a National Pollution Discharge Elimination System (NPDES) permit for anyone who wishes to discharge pollution to surface waters. Many private surface septic systems in the state therefore violate the Clean Water Act, placing homeowners with these systems at risk of being sued in federal court for discharging wastewater without a permit.

Some counties have banned the systems outright or limited their use, but no consistent policy across the state limits their use only to situations when no practical alternative exists.

### **Collaborative efforts to solve problem**

Staff at the IEPA and the Illinois Department of Public Health as well as other stakeholders have been working to address the overuse and failure of private surface septic systems.

In 1997, the Legislature created an Advisory Commission on Private Sewage Disposal to advise IDPH on these issues. The Commission, a broad stakeholder group with strong industry representation, recently proposed legislation that would reduce the number of new surface discharge systems. The legislation would also require permits for all surface discharging systems, monitoring of discharges, and the establishment of criteria for the systems' maintenance and operation.



#### RECOMMENDATION

**The IEPA should issue a general National Pollution Discharge Elimination System permit** for private surface septic systems to bring them into compliance with the Clean Water Act, specifying allowed discharge levels and outlining specific monitoring and maintenance activities. The IEPA should require an NPDES permit for anyone installing such a system, implement a tracking system to ensure monitoring of all installed systems for compliance, and stipulate that these systems be used only if no practical alternative exists. Since legislative authority is not needed to implement an NPDES permit program, the IEPA should move forward as quickly as possible.

**Legislation should be passed to give the IDPH authority to establish a uniform system for local public health departments** to enforce the requirements of the NPDES program and monitor installation, operation, and maintenance of surface discharging systems. The legislation should also require the IDPH to establish criteria for determining when units may be installed and ensuring these systems are used only if no practical alternative exists. The law should allow the IDPH to collect reasonable fees to fund administration of the monitoring and enforcement program.



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# SECURE ILLINOIS' WATER SUPPLY

Surface and ground water in Illinois is owned by the people collectively, and managed by the state for the good of all. The state applies several tests to water use in its management of surface and groundwater issues.

## Current law: Surface Waters

Illinois grants limited-use rights to owners of land that abut rivers, lakes, and other surface water bodies according to the common law doctrine of riparian rights. Landowners are authorized to use the waters in watercourses that flow across or adjacent to their land for any uses that are deemed “natural,” such as drinking, household purposes, and watering barnyard animals.

All other uses, including commercial, industrial and agricultural uses, aside from barnyard stock watering, are deemed “artificial” and are allowed only so long as the water use is deemed “reasonable.”

Reasonableness of use is determined by considering competing uses for the water, the suitability of the use, and other relevant factors. Illinois legal decisions that clarify the meaning of “reasonableness” are few

in number and provide modest guidance on what factors are relevant and how competing water uses would be weighed.

## Current law: Groundwater

Groundwater water-use rights are governed by the Water Use Act of 1983, which employs the common-law reasonable use principle for groundwater withdrawals. The Act defines reasonable use as “the use of water to meet natural wants and a fair share for artificial wants.”

The Act allows regulation of groundwater withdrawals, but only during emergency periods. Under the Act, persons who create new points of withdrawal producing 100,000 gallons of water a day or more are required to notify the appropriate soil and water conservation district. Existing well owners are also required to register.

In addition to the Water Use Act, the Water Authorities Act gives local authorities the power to reasonably regulate the use of water and during any period of actual or threatened shortage to establish limits upon or priorities as to the use of water.

These groundwater statutes supplement the law of reasonable use, but do not establish a comprehensive regulatory regime for controlling groundwater use.

## Inadequacies of current water laws

Rapid development, irrigation, and other commercial uses place increasing demands on water resources, and existing law offers only a vague approach to regulating water use. Among the inadequacies of current water laws:

- Uncertainty of water use rights. Parties who claim an infringement on or harm to their water use rights must litigate their claims in court, subjecting themselves to the uncertain results of a decision based on a vague legal standard of what is “reasonable use.”
- Underprotection of non-consumptive water uses. The current water law regime in Illinois does not have an established minimum in-stream flow requirement and does not provide adequate protection for the many water uses and public benefits that require water to be left in the stream or in the ground, including the protection of aquatic ecosystems, navigation, and the protection of water quality.

**Illinois' finite water resources are growing scarcer. Revising current policies and laws related to water use will address this reality and avoid future conflicts and possible shortages.**

- No relationship between water quantity and water quality. The lack of minimum in-stream flow requirements can also impact water quality. If polluters are allowed to discharge a certain amount of pollutants into a watercourse, the effects of those pollutants is in part determined by the amount of stream flow. Decreases in stream flow may increase the potential for adverse effects from discharged pollutants.
- No relationship between surface and groundwater. Current water law does not recognize the relationship between surface water and groundwater supplies. Many groundwater systems are hydrologically connected to surface water systems and changes in withdrawals or use of one can affect the quantity or quality of the other.
- No recognition of natural changes in water supply. In recent years, several areas throughout the country, including traditional riparian regime states like Illinois, have experienced changes in water supplies as a result of reduced rainfall. When reductions in supply affect the ability to exercise one's right to water, disputes among riparian users, as well as public interest uses, are inevitable, and current law in Illinois is not adequate to balance those uses and disputes.
- Changes in types and place of water demand. Several factors affect the level of demand placed on a particular water supply, including population, the pattern of land use, and the different uses of a watercourse. Changes in these factors, and new demands for water frequently affect water uses already in place, and again current law is not adequate to balance these uses and disputes that will likely grow over time.
- Activities of governmental bodies. Illinois law gives several agencies and government entities—including the Illinois Department of Natural Resources, the Nature Preserves Commission, drainage districts, and others—responsibilities and authorities related to watercourses. The law does not address the fact that this multitude of authorized activities can seriously affect water uses and the quantity and quality of available water and the fact that some authorities may be in conflict.



## RECOMMENDATION

**Illinois needs a comprehensive water law regime** and a comprehensive planning process for state water resources. Without proper planning, increasing demands on our water resources will result in inevitable conflict.

**A comprehensive regime must address a number of issues.** Necessary features include healthy aquatic ecosystems, including fish and wild-life habitat; reliable water quality for drinking and other purposes; recreational opportunities, including boating, fishing and hunting; low cost navigation and transportation; water supplies for rural communities and agriculture; compliance with federal and state requirements for protecting endangered species, and water supplies flexibly available to meet the changing needs of municipalities and local economies.



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## STRENGTHEN WATER, SEWER PLANNING TO CLEAN LAKES AND RIVERS

The federal Clean Water Act of 1972 reduced water pollution, protected fish and wildlife, and enhanced recreation. However, work remains to clean up the 40 percent of Illinois rivers and streams and 60 percent of Illinois lakes that, according to a 2004 report issued under the auspices of the Clean Water Act, suffer from “fair” or “poor” water quality.

One mechanism for improving water quality that the Clean Water Act gave states was use of a Facility Planning Area (FPA) process to review where communities can offer centralized sewer service. The FPA process is a permitting and review system. The Illinois Environmental Protection Agency or its delegate, such as the Northern Illinois Planning Commission in the six-county Chicago region, rules on facility plans, water quality management plans, waste treatment management plans, and polluted runoff management programs before water treatment agencies can implement these plans.

**The Facility Planning Area process gives the state power to rule on facility plans, water quality management plans, waste treatment management plans, and polluted runoff management programs.**

Illinois EPA recently proposed new rules that would be a first step toward strengthening the process to meet Clean Water Act goals.

### Thorough evaluations needed

When municipalities seek to expand their wastewater and sewer treatment plants, IEPA has not always thoroughly evaluated the water quality impact of such FPA expansions. For years, Agency staff failed to pursue the FPA process vigorously, for example by focusing more

on cost than on safeguarding environmentally sensitive land. Although the Northeastern Illinois Planning Commission requires that ordinances be in place to provide some level of protection to environmentally sensitive lands, those safeguards have usually not been required in the rest of the state.

In a typical year, IEPA approves more than 20,000 acres of FPA expansions. Specific development plans are often the impetus for an FPA expansion. Applications come from towns and cities where development is occurring, since FPA expansions make it easier for an area to urbanize.

### The FPA process has:

- ensured that communities plan for adequate wastewater treatment and sewer service;
- prevented the duplication of wastewater facilities; and
- protected state and federal investments in pollution control facilities.

But the process falls short in other areas. FPA expansions have led to the loss of large areas of farmland and imperiled vast areas of environmentally sensitive lands, such as wetlands and floodplains that control flooding and clean pollutants from water.

### New rules proposed

New rules would address some, though not all, of these issues. Illinois EPA should adopt strong FPA regulations quickly and implement them thoroughly in order to protect water quality.



## RECOMMENDATION

### **Examine and mitigate the impact of urbanization on water quality**

when considering FPA amendments. Urbanization of a watershed is known to cause considerable harm by increasing stormwater runoff, decreasing groundwater recharge, reducing wetland and floodplain areas, and increasing pollutant loadings. Illinois EPA should analyze the applications and require FPA expansions to present steps to minimize harmful impacts.

### **Analyze alternatives to FPAs**

that offer greater environmental protection. Although the State currently asks applicants to consider wastewater treatment alternatives, this requirement is widely ignored and seldom enforced. The State should require a more methodical analysis of alternatives from applicants.

### **Prohibit extension of sewer lines into environmentally sensitive areas.**

Illinois should use the FPA process to exclude sewer lines from any area such as wetlands, floodplains, groundwater recharge areas, and areas with highly erodible soils that would harm water quality if developed. Clear, up-front definition of areas closed to wastewater treatment offers certainty to developers, municipalities, regulators, and other stakeholders.

### **Coordinate FPA process with other Illinois water quality programs.**

FPA expansions sometimes conflict with Illinois' anti-degradation program, designed to protect waters that are cleaner than water quality standards. FPA agencies should ensure that increased effluent discharge from any FPA expansion conforms to state anti-degradation standards.

### **Coordinate FPA process with other local plans.**

FPA expansion requests often contradict existing plans for farmland preservation, watershed protection, or sensible growth. The State should require expansions be consistent with local land use and resource protection plans.

### **Coordinate with the Illinois Department of Natural Resources**

on the impact of FPA amendments on sensitive habitats, aquatic life, and threatened or endangered species. Applicants for FPA amendments currently provide little to no information on the effect of FPA amendments on sensitive habitats, aquatic life, or threatened and endangered species. Regularly consulting DNR will ensure better protection of these resources.

**Avoid boundary wars.** The FPA process is frequently burdened by time-consuming "border wars" between municipalities seeking to exert influence over unincorporated areas by expanding their FPAs to include them. Illinois EPA regulations should suspend review of FPA applications where there is a local government conflict and resume consideration only when the conflict has been resolved.



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# SAVE OUR DISAPPEARING WETLANDS

Although wetlands are one of the state's most valuable natural resources, they are also among the most imperiled. About 90 percent of Illinois' wetlands have vanished, giving us one of the highest loss rates in the country. More than 150,000 of our remaining wetland acres are especially vulnerable due to a 2001 United States Supreme Court decision, according to a recent estimate by officials at the Illinois Department of Natural Resources.

Illinois wetlands have not been in such danger since the days before the Clean Water Act was passed. No official figures are available, but evidence suggests hundreds of wetlands have been destroyed in Illinois each year following the January 2001 Supreme Court decision.

## Economic, environmental benefits of wetlands

The economic benefits of preserving wetlands are high, especially in terms of these land features' ability to mitigate flood-related costs. Flood damages in northeastern Illinois alone average almost \$40 million annually, much of this due to destruction of wetlands. Studies across Illinois have shown

that, on average, every 1 percent of a watershed that is in wetlands reduces peak flows after heavy rains by almost 4 percent and increases low flows during dry periods by almost 8 percent. Climate and topography cause these figures to double in the northern Illinois region.

In addition, more than 70 percent of Illinois' threatened or endangered mammals, reptiles, and birds rely on wetlands for at least part of their life cycle. Significant percentages of our threatened and endangered fish, amphibians, and plants are also affected.

**Flood damages in northeastern Illinois alone average almost \$40 million annually. Studies across Illinois have shown that, on average, every 1 percent of a watershed that is in wetlands reduces peak flows after heavy rains by almost 4 percent and increases low flows during dry periods by almost 8 percent.**

## Wetlands:

- Reduce flood damages by absorbing, storing, and conveying peak flows from storms;
- Protect water resources and help recharge rivers, streams, and underground water supplies, thus recharging aquifers and ensuring minimum flows which are key to the biological health of streams and rivers;
- Help protect shorelines from water erosion;
- Improve water quality by serving as sedimentation and filtering basins and as natural biological treatment areas;
- Offer breeding, nesting, forage, and protective habitat for threatened and endangered plants and animals; and
- Provide open space aesthetic values as well as recreational opportunities for hunting, fishing, boating, hiking, bird watching, photography, and other uses.

## Far-reaching cost of losing wetlands

When wetlands are destroyed, the impact can be far-reaching. Downstream property owners may suffer more flooding, area residents may be subjected to degraded water quality, and birdwatchers, hunters, and fishermen may have fewer recreational opportunities. Those that rely on well water may find their water supply is no longer being fully recharged.

It is important for Illinois to protect these newly vulnerable wetlands. The establishment of a strong state-level program would save these wetlands, help clean the state's waterways, lower flood damage, help safeguard our endangered and threatened species, and benefit all Illinois residents.



### RECOMMENDATION

## Establish a statewide program to protect wetlands.

Several counties in northeastern Illinois have implemented countywide programs, and the Illinois General Assembly should pass legislation for a statewide program to protect wetlands in the rest of the state. Such a program should include the following features:

- **Maintain the authority of counties with existing wetlands programs** to continue their programs. These counties have taken the lead to protect wetlands in their communities and should not be stripped of their local control.
- **Foster cooperative administration by DNR and the IEPA.** A state-level wetlands program should capitalize on the respective strengths of the DNR and the IEPA by establishing a cooperative program where the DNR receives, reviews, and issues wetlands permits, and the IEPA certifies that all permits comply with state water quality standards.
- **The program should be established with its own funding source.** Models exist that set permit fees at levels adequate to cover administrative costs of the program; Illinois should adopt such an approach.



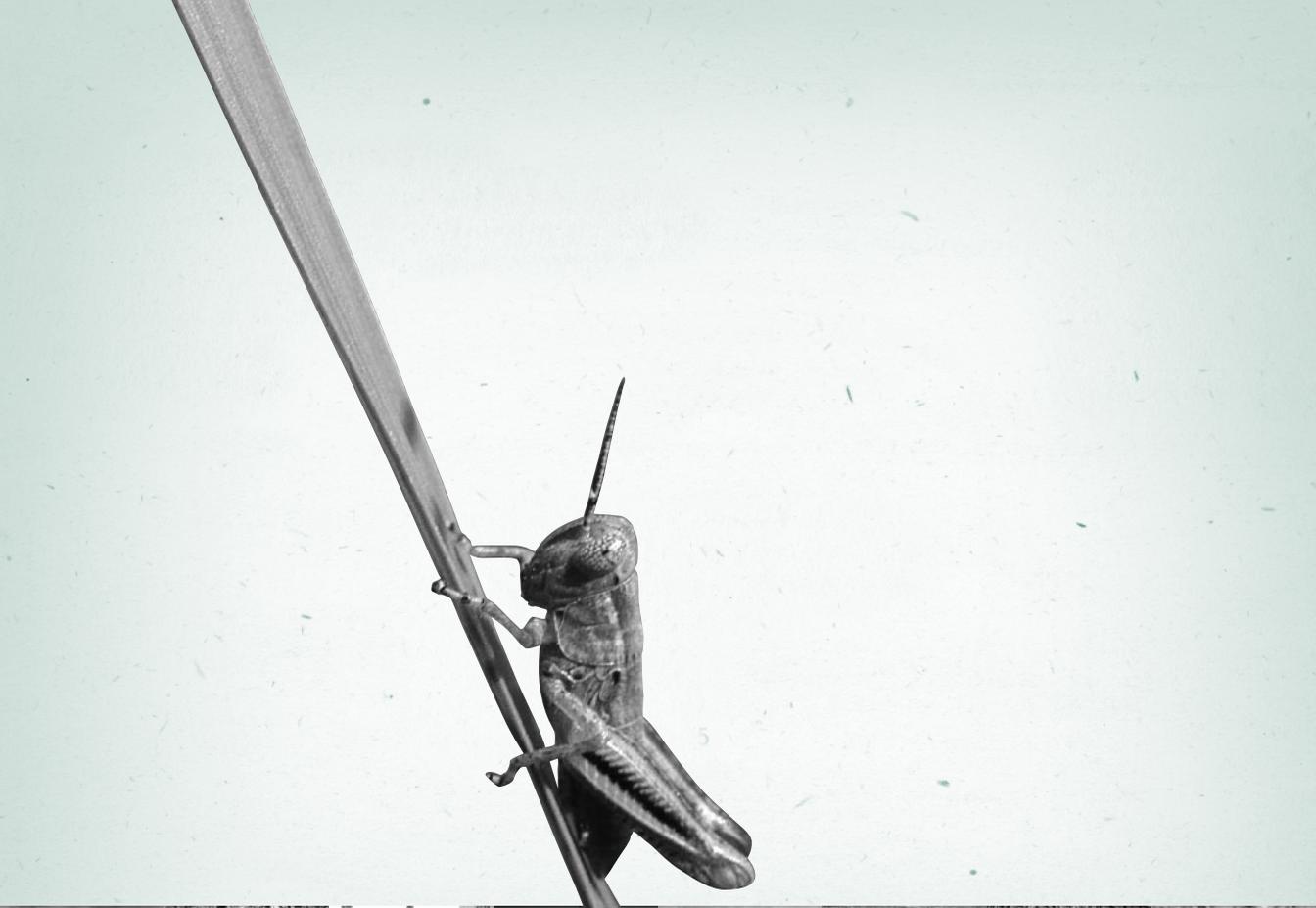
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# Land Use

Protecting wildlife habitat, preserving open space from development, and ensuring a good quality of life are the three key reasons to implement sound land-use strategies. Setting aside land from urban and suburban development is vital. Government agencies, private parties, and non-profit organizations are also finding ways to achieve preservation goals alongside development projects.

On the rural side, these range from voluntary farmland easement programs such as the federally funded Conservation Reserve Enhancement Program to consumer-supported agriculture, in which consumers pay a monthly fee to a farmer in return for high-quality fresh produce delivered to their homes. On the urban side, innovations include low-environmental-impact design, managing for open space, and even rooftop gardens.

## Open space benefits and support

Even relatively small improvements can have large benefits. For example, the number and size of trees in Chicago, which has grown with the city and was not planned as an urban greening initiative, nevertheless covers approximately 11 percent of the city's total land area. This is enough to remove 15 metric tons of carbon monoxide, 84 metric tons of sulfur dioxide, 89 metric tons of nitrogen dioxide, 191 metric tons of ozone, and 212 metric tons of particulate matter from the air annually, thereby saving approximately \$1 million annually in traditional pollution mitigation efforts (according to a report from the Northeastern Illinois Planning Commission and the Campaign for Sensible Growth).

Public support for open-space acquisition in Illinois is strong, perhaps reflecting the low priority state government has given to this issue in the past. Illinois ranks sixth out of seven Midwestern states in terms of percentage of state-owned recreation lands, a 2003 Illinois Department of Natural Resources study found. With only 25 acres of open space per 1,000 people, Illinois is seventh out of seven on a per capita basis. By comparison, Ohio and Indiana have 42 and 56 acres per 1,000 people respectively (Michigan, the regional leader in open space, has 1,223 acres per 1,000 people). The DNR reported that 38 percent of 5,000 Illinoisans across the state responded to their survey. When asked, "Do you support or oppose the state establishing a fund to pay for acquisition of additional open space?" 45 percent said yes compared to only 19 percent who disagreed.

Specific recommendations for the next two years from the environmental community include:

**Conservation Reserve Enhancement Program:** This is one of the most successful voluntary, incentive-based restoration programs in the nation. Illinois can receive up to \$242 million from the U.S. Department of Agriculture if we re-start our CREP, but we must spend a minimum of \$10 million to do so. No new enrollments have happened since fall 2001. A request for \$10 million was proposed in 2004, but not approved. Time is running out and USDA has indicated it will likely pull the federal money if state money isn't appropriated in 2005.

**Open space:** Despite the key environmental and recreational roles open space plays in Illinois and the value citizens put on it, programs that fund state and local government acquisition of open space are being shortchanged. Illinois recently ranked 47th out of the 50 states in the amount of state and federally protected lands, and among Midwestern states, ranks last in the number of state-owned acres per person. Land without protection is being lost at a staggering rate. Between 1992 and 1997 alone, Illinois lost more than 292,000 acres of cropland, forest, and other open spaces to urban development -- an area slightly larger than Lake County, according to the US Department of Agriculture.



## PRESERVE ILLINOIS' OPEN SPACES

Although Illinois is known as the Prairie State, less than one-tenth of one percent of the state remains in prairie. Only about 10 percent of wetlands remain intact in Illinois, and Natural Area Inventory sites continue to be degraded through lack of management or conservation protection. The estimated cost of meeting the open space and recreational land acquisition needs identified by local and state units of government total nearly \$1.2 billion.

Open space serves important environmental purposes such as improving water quality, recharging aquifers, limiting air pollution, and maintaining natural systems. Preserving open space makes economic sense because it lowers government expenditures on service infrastructure like sewer lines and roads and reduces flooding. Studies have even shown that open space can reduce stress and lower blood pressure. Open space is also a popular attraction—Illinois' state parks alone attract nearly 44 million people annually, 35 percent more than all of Chicago's professional sports teams, cultural attractions, and Grant Park festivals combined.

**Despite the key environmental and recreational roles open space plays in Illinois and the value citizens put on it, programs that fund state and local government acquisition of open space are being shortchanged.**

Illinois has a surprising abundance of biological diversity in numerous pockets of open space around the state. Rare species are found in the scattered prairie remnants and wetlands, and local park districts and state agencies are recognized across the country for their work in offering open space and recreation opportunities for Illinois citizens.

Unfortunately, Illinois recently ranked 47th out of the 50 states in the amount of state and federally protected lands, and among Midwestern states, ranks last in the number of state-owned acres per person. Land without protection is being lost at a staggering rate. Between 1992 and 1997 alone, Illinois lost more than 292,000 acres of cropland, forest, and other open spaces to urban development—an area slightly larger than Lake County, according to the US Department of Agriculture.

### **Funding vehicles threatened**

The Open Space Land Acquisition and Development fund (OSLAD) provides grants to local units of government—park districts, forest preserve and conservation districts, and municipalities—to fund local land acquisition and the development of park and forest preserve district facilities. This funding has helped countless local governments meet their residents' open space needs, and is a primary source of funding for park districts and forest preserves across Illinois.

The Natural Areas Acquisition Fund (NAAF) is the state's program for acquiring and protecting premiere natural areas, including high quality wetlands and habitats for the state's threatened and endangered species. Funding through NAAF has enabled the acquisition of more than 20,000 acres of natural lands for Illinois citizens and supports professional employees in the Natural Heritage

Program and the Illinois Nature Preserves Commission. The Illinois Nature Preserves Commission is responsible for dedicating selected high quality natural areas and endangered species habitats across the state, giving these lands the strongest legal protection for open space in Illinois.

The Open Land Trust (OLT) program was created in 1999. Backed by a broad coalition of conservation-minded organizations, it was the first time in Illinois history that such a large amount of money was made available for purchasing natural areas and open space in the state. Since its inception, the OLT has received about \$200 million for land acquisition and more than 28,000 acres of land have been acquired by public agencies utilizing the program. Funding for the program dropped from \$40 million in FY 2003 to \$5 million in FY 2004.

 **RECOMMENDATION****Preserve the dedicated funding for OSAD and NAAF**

without diversions or fund raids.

**Identify a permanent funding source** for additional land acquisition.

The Open Lands Trust or a similar program needs to be fully funded on an ongoing basis to meet Illinois' needs for preserving open space.

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## SUPPORT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM

A federal-state partnership program to improve water quality and save natural habitat can bring local economies four federal dollars for each dollar the state spends. Despite a strong record of success, in FY 2005 the state failed to allocate any new money for the program. Illinois can bring home up to \$242 million through 2007, but we need to appropriate at least \$10 million in the FY 2006 budget in order to begin accessing these funds.

The Conservation Reserve Enhancement Program, CREP pays farmers and other landowners to retire part or all of their land from row crop production. The goals of the Illinois Conservation Reserve program are:

- Reduce total sediment loading of the Illinois River by 20 percent;
- Reduce phosphorus and nitrogen loading in the Illinois River by 10 percent;
- Increase populations of waterfowl, shorebirds, and state and federally listed species by 15 percent within the project area, and
- Increase native fish and mussel stocks by 10 percent in lower reaches of the Illinois River.

### How Conservation Reserve works

Landowners in the Illinois River watershed who own land within the floodplain or land that possesses wetland qualities have the opportunity to enroll in the Illinois Conservation Reserve Enhancement Program. Eligible landowners can enroll in a federal CREP contract, and can choose additional

incentives and cost-share benefits by applying for state 15-year, 35-year, or permanent conservation easements to restore land to native vegetation.

No new bureaucracy was created to run the program; instead overall leadership is provided through an interagency organization, the CREP Advisory Committee. The Illinois Department of Natural Resources provides overall coordination for the program along with USDA's Farm Services Agency. Local Soil and Water Conservation Districts have primary responsibility for

implementing the state side of the program at the local level and hold the conservation easements. Illinois Department of Agriculture, Illinois Environmental Protection Agency and DNR provide additional technical and administrative support to the Districts to implement the program.

### Results

Since Illinois' Conservation Reserve Enhancement Program began in 1998, 110,000 acres of floodplain have been restored and 74,000 acres have gone into state conservation easements. More than 30,000 acres of wetlands have been restored and permanently protected. The state has provided \$51 million, which has leveraged \$271 million in federal dollars.

**The Conservation Reserve Enhancement Program is one of the most successful voluntary, incentive-based restoration programs in the nation, and Illinois can receive up to \$242 million from the U.S. Department of Agriculture if we re-start our CREP, but we must appropriate a minimum of \$10 million in the FY 2006 budget to do so.**

## Need to re-start the program

The federal Farm Bill of 2002 raised the cap on program acreage and the U.S. Department of Agriculture, which administers the program, has already appropriated and set aside for Illinois \$242 million for matching funds. These funds would allow Illinois to put additional acreage into the program through December 31, 2007.

To fully access the federal funds, Illinois would need to spend \$58 million, but if the Program does not receive at least \$10 million in funding in FY 2006, the minimum amount required to re-open the program under a 2002 Memorandum of Agreement with the federal government, the state will lose access to all federal dollars. There is a huge demand for CREP acres nationwide. Other states, like Pennsylvania, Ohio and Michigan would like to have more acres for their active enrollments. If we do not re-start the program and Conservation Reserve funds are included in the federal Farm Bill of 2007, Illinois will be in a poor position to receive future funds to improve our water quality and save natural habitat through this program.



### RECOMMENDATION

## Illinois should appropriate and spend \$10 million to re-start the CREP.

No new enrollments have happened since fall 2001. A request for \$10 million was proposed in 2004, but not approved. Time is running out and USDA has indicated it will likely pull the federal money if state money isn't appropriated in 2005.



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# Environmental Health

Lead poisoning, asthma and exposure to toxics from adjacent industrial and waste-disposal sites are examples of health threats that disproportionately affect people of color. While Illinois' environmental community has prioritized action on these and other public health risks, the state also has a tradition of environmental justice embodied by presidential medalist Hazel Johnson of Chicago's Altgeld Gardens complex and other key figures.

In 2000, more than 20,000 Illinois children had an elevated blood lead level, according to the Illinois Department of Public Health. Among children tested, 1 of every 17 children in areas outside of Chicago and 1 of every 6 children tested in Chicago had an elevated lead level. These statistics may underestimate the Illinois problem because many children do not have their blood tested for lead, nor are they assessed for risk of poisoning.

Missouri recently mandated that all children younger than age 6 be tested or screened for possible lead poisoning, according to the National Council of State Legislatures. The risk of lead poisoning falls disproportionately on low-income children; the United States General Accounting Office estimated that one in 12 children on Medicaid had an elevated blood lead level. National data demonstrate that minority children are at high risk.

With regard to asthma, African Americans experience higher rates of emergency room visits, hospitalizations, and deaths than other ethnic groups, a Centers for Disease Control and Prevention report from February 2004 found. States are increasingly making it possible for children who need inhalers to carry them wherever they are needed (including draft legislation in Illinois in the 94th General Assembly), and increasing screening programs.

Other issues of concern to Illinois environmentalists include:

**Flame-retardant chemicals:** To prevent further contamination of our environment with harmful PBDEs that already show up in U.S. women's breast milk in concentrations on average 10 to 100 times higher than breast milk tested anywhere else in the world, we need to follow the lead of other states and replace these flame retardants with viable alternatives.

**Mercury:** The hazards of mercury stand out more and more as our state and others take action to combat mercury contamination. Mercury is a heavy metal found in the environment from both natural and human sources. However, human activities are leading to excessive and unnatural amounts of the metal in our environment. The largest source of mercury is fossil-fueled power plants which burn mercury-containing materials such as coal. Other large sources include municipal waste combustion and industrial/commercial sources. Mercury is a potent neurotoxin which can cause damage to the central nervous system, especially in infants and young children. Mercury contamination is not only a threat to humans, but to the environment as well. It can harm the reproductive health of wildlife and already is found in every lake and river in Illinois.

**Toxic pesticides:** The greatest impediment to reducing children's exposure to pests and pesticides is lack of knowledge of Integrated Pest Management (IPM). Few existing resources on IPM are geared to the needs of those who operate schools and childcare facilities. Connecticut, Georgia, Hawaii, Michigan, Nebraska and New York introduced bills related to pesticide exposure and children in 2004, according to National Council on State Legislatures. Michigan enacted a bill that provides no pesticide may be used at a school unless the school has adopted an IPM program.



## PROTECT CHILDREN FROM PESTICIDES

Many of the facilities where children spend six or more hours each day, such as schools and childcare centers, unnecessarily expose children to pesticides. Illinois has shown national leadership over the past decade in restricting this exposure through its passage of legislation mandating use of Integrated Pest Management (IPM) in these facilities.

We can go further to reduce pesticide use in schools and childcare centers by ensuring proper implementation of IPM as required by law and by providing information and training designed for school and childcare staff. In addition, IPM regulations that currently apply only to school and childcare buildings should be extended to cover their grounds as well, to further protect children from pesticide exposure.

**The greatest impediment to reducing children's exposure to pests and pesticides is lack of knowledge of Integrated Pest Management (IPM). Few existing resources on IPM are geared to the needs of those who operate schools and childcare facilities.**

Integrated Pest Management is a proven, method of pest control that emphasizes simple prevention practices that cause the least harm to people and the environment. IPM focuses on eliminating the cause of pests by minimizing their access to food, water, and hiding places. Existing pest problems are addressed using the least hazardous strategies in order to minimize pesticide use and exposure. Because IPM involves simple, common-sense measures, it is an effective and economical strategy that is easily taught and readily implemented.

### Pesticide-related health risks

Pesticides are poisons by definition, designed to affect vital biological processes that in most cases are not unique to the intended target pests. Scientific studies have linked pesticide exposure with cancer, birth defects; neurological, behavioral and immune system disorders, and asthma. Studies show:

- The use of professional pest control services at any time from 1 year before birth to 3 years after was associated with a significantly increased risk of childhood leukemia (Environmental Health Perspectives, 2002);
- A four-fold increase in risk of children developing non-bony tissue cancer (soft tissue sarcoma) results from exposure to lawn pesticides (American Journal of Public Health, 1995);
- Exposure to any pesticide within the first year of life increases the risk that a child will develop asthma by age five (Environmental Health Perspectives, 2004). Asthma is the leading cause of hospitalization for children in Illinois (Illinois Health Care Containment Council 1997.)

Children are more vulnerable to the health risks of pesticides due to their fast metabolisms, and the rapid rate at which their organs develop. Children's bodies may retain toxins for longer than adults, since their filtration systems are not fully developed. Also, children tend to play on or near the ground, where pesticide residues concentrate, and frequently put their hands and other objects in or near their mouths. Children have a longer life expectancy in which to develop diseases with longer latency periods (for example, if a 70-year-old and a 6-year-old are exposed to a carcinogen with a 40-year latency period, the child has a much higher lifetime risk of developing cancer).

## Illinois' track record with IPM

Since 1994 the Legislature has enacted a series of laws to reduce children's exposure to pesticides. Illinois was seventh in the nation to mandate use of IPM in school buildings and fifth to extend this mandate to all licensed childcare facilities. Current state law requires facilities to notify parents and staff before pesticides are applied in school or childcare facilities, or on school grounds. The law also requires childcare facilities to remove objects handled by children prior to pesticide applications. Schools are not currently required to use IPM on school grounds..

The greatest impediment to reducing children's exposure to pests and pesticides is lack of knowledge of IPM. When school and childcare staff are educated about the dangers of pesticides and the accessibility of safe alternatives such as IPM, many are willing and ready to change their approach to pest control. But few existing resources on IPM are geared to the needs of those who operate such facilities.



### RECOMMENDATION

**Pass legislation requiring schools to practice Integrated Pest Management on school grounds.** By extending the use of IPM to the entire school facility, the state will adequately protect children from pesticide exposure.

**Fund continuing education and training on IPM.** Illinois schools and childcare centers would benefit from a funding mechanism that enables the state to hire an IPM coordinator to provide ongoing assistance and training to school and childcare staff.

**Monitor compliance with existing state law** and create enforcement mechanisms. Enforcing laws already on the books will ensure that IPM use remains a priority for Illinois schools and childcare facilities.



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## REDUCE MERCURY CONTAMINATION

The hazards of mercury stand out more and more as Illinois and other states take action to combat mercury contamination. Mercury is a heavy metal found in the environment from both natural and human sources. However, human activities are leading to excessive and unnatural amounts of the metal in our environment. The largest source of mercury is fossil-fueled power plants which burn mercury-containing materials such as coal. Other large sources include municipal waste combustion and industrial sources.

Mercury is a potent neurotoxin which can cause damage to the central nervous system, especially in infants and young children. Mercury contamination is not only a threat to humans, but to the environment as well. It can harm the reproductive health of wildlife and already is found in every lake and river in Illinois.

### Mercury-related hazards widespread

Health hazards from mercury seem to be everywhere in our environment. The U.S. Environmental Protection Agency announced in early 2004 that more than one child in six born in the United States could be at risk for developmental disorders because of mercury exposure in the mother's womb. The U.S. EPA and Food and Drug Administration have issued an advisory for pregnant women and young children to limit fish and shellfish to two to three meals per week.

**Illinois has been successful during the last few years at reducing potential sources of mercury in our environment, but has a long way to go to control the largest sources such as coal-fired power plants and cars.**

In addition to these warnings, U.S. EPA recently released their *2003 National Listing of Fish Advisories*, which reports that 48 states had issued fish advisories in 2003. The Illinois Department of Public Health has issued a special mercury advisory which covers all lakes and rivers in Illinois. The advisory states the most sensitive populations—pregnant and nursing women, women of child bearing age, and children younger than 15—are advised to have no more than one meal per week of predator fish from Illinois' waters.

### Sources of mercury

Illinois has been successful during the last few years at reducing potential sources of mercury in our environment, but has a long way to go to control the largest sources. New laws have been created that:

- Ban sale and manufacture of mercury fever thermometers in the state;
- Forbid sale or distribution of most mercury-added thermostats, switches, and relays found in many consumer products; and
- Prohibit schools from purchasing elemental mercury and chemical mercury compounds for classroom use.

In addition to Illinois, 32 other states are currently considering mercury product legislation.

Coal-fired power plants in Illinois contribute 6,000 pounds of mercury to the environment each year, and are the largest source of mercury emissions. The Blagojevich administration has the authority under current law to propose rules to limit this pollution but has not taken action, deciding instead to

further study the problem. Emission reductions need to be implemented and are necessary to achieve critical public health benefits.

Cars are another major source of mercury. Mercury switches in cars include switches for convenience lighting—trunk and hood lights—and some anti-lock brake applications. When these cars are crushed or flattened at the end of their life, the mercury in these switches is released into the environment. The Clean Car Campaign estimates that 217 million switches were installed in vehicles from 1974 to 2003, for a total of 493,000 pounds of mercury. The Campaign also estimates that 18,000 pounds of mercury enter the environment from this source every year, including 800 pounds released annually in Illinois.



## RECOMMENDATION

### **The Illinois General Assembly should enact legislation**

that requires the removal of any mercury-containing switches from vehicles before they are crushed, shredded, flattened, or otherwise used for scrap metal.

### **The Illinois Environmental Protection Agency and Illinois Pollution Control Board should enact tighter standards**

that require power plants and other emitters to reduce mercury pollution 90% by 2010.

### **The Illinois General Assembly should enact legislation**

to ban the sale or distribution of thermostats that contain mercury switches.



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## REPLACE PBDES WITH SAFER FLAME RETARDANTS

Speeding adoption in Illinois of viable alternatives to chemicals used to make products less flammable will end a pervasive health risk. “Brominated” flame retardants, particularly a subset known as PBDEs used in everything from furniture to TVs, combined with these chemicals’ ability to linger in the environment and in our bodies, pose health risks that are highest for fetuses and infants whose brains are still developing.

Studies on laboratory animals indicate PBDE contamination disrupts thyroid hormone production, which is necessary for proper neurological development. PBDE blood concentrations in North Americans are at levels that approach those measured in laboratory animals suffering hazardous health effects.

These chemicals are used on a variety of office and household products subject to fire safety standards, including children’s toys. There are three commercial mixtures, or varieties of PBDEs (an abbreviation for polybrominated diphenyl ethers), that differ according to the amount of the chemical element bromine they use. The PBDEs are commonly found in:

- PentaBDE makes polyurethane foams that end up in a variety of upholstered products such as furniture, or airplane and automobile seats;
- OctaBDE makes housings for office and medical equipment such as fax machines and computers, the interior and exterior trim of automobiles, telephone handsets, and domestic appliance casings, such as food mixers; and
- DecaBDE is mainly added to high-impact polystyrene plastic used in the housings for televisions, computers, stereos and other electronics, recording tape cassettes, plastic furniture and plastic toys, and upholstery textiles such as polypropylene.

**Harmful PBDEs show up in U.S. women’s breast milk in concentrations on average 10-100 times higher than breast milk tested anywhere else in the world. We need to follow the lead of other states and replace these flame retardants with viable alternatives.**

All three versions of PBDE are hazardous and responsible corporations and governments are phasing in viable alternatives.

### **Exposure likely comes from consumer products**

The PBDEs show up in U.S. women’s breast milk in concentrations on average 10 to 100 times higher than breast milk tested anywhere else in the world. Exposure pathways exist in our immediate environment as well. A recent study test found

high levels of brominated flame retardants in house dust, indicating that consumer products, and not industrial releases, may be the most likely sources of the rapid buildup of PBDEs in people.

The PBDEs are also turning up in the Great Lakes. In 2004, the University of Wisconsin published findings that PBDEs were accumulating in Lake Michigan sediment. Fish and other animals absorb chemicals and pollutants that are present in their environment. A 2001 study issued by the University of Wisconsin and the National Oceanic and Atmospheric Administration found that Lake Michigan’s top predator fish, Coho and Chinook salmon, had PBDEs with concentrations exceeding 100 ppb. These levels are reportedly among the highest measured in open-water fish anywhere in the world.

## Corporations, other states find alternatives

Safe alternatives to toxic flame retardants can prevent fires without poisoning our children or environment. Apple, Dell, IBM, Motorola, Panasonic, Phillips, and Sony now produce PBDE-free products. Ericsson, Intel, Phillips, Sony, and Toshiba will completely phase out PBDE use by 2006. The Scandinavian furniture company IKEA is a leading example of a company that meets strict fire safety standards without the use of toxic flame retardants, yet provides affordable furniture and other household products. One of the largest manufacturers of PBDEs is voluntarily phasing out two types of these chemicals.

Despite progress, more than 50,000 tons of PBDEs continue to be produced around the world each year. More than half is used in North America. Since these chemicals do not fade away, the cumulative amount of PBDEs in our environment is on the rise.

In 2003, California enacted a law to phase out two of three PBDE varieties by 2008, and recently moved the target date for compliance up to 2006. Michigan and Maine have passed legislation prohibiting use and sale of products containing some or all of the commercially available PBDEs, while other states have eliminated use of toxic flame retardants in some form. The European Union has phased out production and use of several versions of PBDEs already and will completely ban them in electronic products beginning in 2006.



### RECOMMENDATION

#### **The Illinois General Assembly should enact legislation**

phasing out use of all three PBDEs in the state by 2008. The legislation should also prohibit anyone in Illinois from manufacturing or processing in commerce any product containing PBDE.

#### **The Illinois Environmental Protection Agency should adopt regulations**

to require any PBDE manufacturer to mark any product containing any of the three versions of this chemical with a clear and adequate warning and instructions with respect to the product's processing, distribution in commerce, use, or disposal of the product.



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## INVEST IN MOVING PEOPLE, NOT CARS

Illinois transportation planning priorities are too dependent on road building and road expansion. Road-building projects increase traffic and become congested in a very short time, instead of easing congestion. The state should invest more in public transit, creating more choices for moving around the region.

These policies affect taxpayers' wallets. Building roads in former cornfields diverts taxpayer dollars from the established communities where they are collected to outlying areas. As a result, investments that have already been made in existing communities are not properly maintained, hastening a downward spiral of private investment in populated areas.

### Reforming the Toll Highway Authority

The Toll Highway Authority is an independent state agency that has been plagued by failure to plan for future infrastructure needs, controversy regarding extensions, political scandals, corruption and financial mismanagement. A new management team under Governor Blagojevich's administration has implemented many positive steps such as quarterly financial reports, selling the agency helicopter, and opening a private Tollway Authority I-88 ramp to the public.

However, reforms to date are largely operational. Systemic reforms to ensure overall accountability have yet to be advanced. Reforms such as General Assembly oversight of the ISTHA budget, subpoena powers for the Inspector General, and a recommitment of a true user pays system where tolls from an existing road are not diverted to substantially pay for the building of an extension would be a significant step in restoring the public trust.

**At a cost of about \$1 million per mile, rail compares quite favorably to the \$10-\$20 million per mile cost of highway construction, particularly since a single railroad track has the capacity to carry as many people as ten lanes of highway.**

### High Speed Rail

A Midwest high-speed rail network would provide fast, modern, comfortable, and convenient new transportation options and reduce our reliance on auto and air travel. Chicago is the natural hub of a Midwest high-speed rail network connecting the major Midwestern cities as well as medium-sized cities in-between.

Comfortable and convenient intercity train service will reduce pollution, create jobs, and spur economic development. Travel time on high-speed rail is competitive with

all current modes of transportation, and high-speed trains are three times as energy efficient as cars and six times as efficient as planes on a per passenger mile basis. At a cost of about \$1 million per mile, rail compares quite favorably to the \$10-\$20 million per mile cost of highway construction, particularly since a single railroad track has the capacity to carry as many people as ten lanes of highway.

### Planning and public transit for Northeastern Illinois

A Regional Transportation Task Force created by Governor Blagojevich recommended better coordination between land use and transportation agencies in northeastern Illinois, and specifically suggested a merger of the Chicago Area Transportation Study and Northeastern Illinois Planning Commission, as well as a universal fare card. Streamlined decision-making and better coordination are important steps, but they cannot solve all the problems facing the region's transportation system. A greater commitment by the governor to funding public transit is critical to any solution.

## Planning for pedestrians and bicycles

Inexpensive investments can promote quality of life, community cohesion and physical activity: pedestrian and bicycling infrastructure. However, the construction of sidewalks and bicycle routes has been discouraged by policies of the Illinois Department of Transportation that favor expensive road building projects.

The Federal Highway Administration “strongly endorses” the flexible use of what were previously known as highway funds. Illinois has not seized the opportunity to significantly increase transit using this federal funding mechanism, nor has it reallocated state dollars from road construction to transit investment. California, for example, dedicates more than \$20 million each year of federal transportation safety funds to local bicycle and pedestrian safety projects near schools. Yet North-eastern Illinois currently devotes only one-half of one percent of regional transportation dollars to bicycle and pedestrian infrastructure.



### RECOMMENDATION

**Support legislative oversight** of the Tollway Authority. Such oversight would include, but not be limited to (i) ISTHA’s annual itemized budget; (ii) proposed toll increases, and (iii) proposed toll road extensions.

**Support the creation** of a Midwest High-Speed rail Network. These trains will pay their own way, with ticket revenues covering all operating and maintenance costs. What is needed is a one-time public investment to help pay for the development of this rail transportation infrastructure, just as the federal government supports new road, airport, and port construction.

**Support walking, biking, and public transit.** To ensure that IDOT responds to the public clamor for more transit the legislature needs to designate that 20 percent of federal and state “highway” funds be flexed into the transit fund. Also, a legislative mandate is needed to ensure that IDOT spends at least 5% of its state and federal “highway” funds on pedestrian and bicycle infrastructure and 15% of state and federal safety funds on pedestrian safety.

**The Illinois General Assembly** should create Safe Routes to Schools. A safe walking or cycling environment is a critical consideration when parents assess the risks and benefits of independent travel for their children. Illinois should create a similar program.



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## BALANCE OUR FISCAL NEEDS

Budget gaps totaling \$7 billion have been closed in Fiscal Years 2004 and 2005, yet a structural deficit estimated at more than \$1 billion remains. Our continuing budget crisis forces Illinois government to weigh its spending decisions, creating a context in which programs throughout state government have been reduced or eliminated.

Unfortunately, spending reductions at the Department of Natural Resources have been so severe that they are tantamount to program cuts. Professional staff who have decades of experience and institutional memory have been lost due to layoffs and early retirements. These cuts take away from DNR's ability to manage the state park system and natural resources.

### Projects cut

While capacity for core functions such as park management has been reduced, budget cuts at DNR have also led to cuts of successful projects. Some examples:

- EcoWatch: more than 2,000 volunteers monitored and collected data about ecosystems at 1,000 sites throughout Illinois. Program has been eliminated.
- Conservation 2000: a series of programs that foster partnerships between government, the private sector, and other parties to protect and restore Illinois habitat. Funds have been slashed, reducing program capacity.
- Conservation Reserve Enhancement Program: a federal-state program that provides a four to one federal funding match to give farm owners financial incentives and technical assistance when they retire land from row crop production. A request for \$10 million was proposed but not approved in 2004. If new state money is not appropriated, Illinois stands to lose its federal match.

### New funding sources

The Illinois Conservation Initiative, proposed by Lieutenant Governor Pat Quinn, would eliminate the Retail Rate subsidy for landfill owners. This would save the State up to \$25 million, which can be used to fund Conservation Reserve Enhancement Program and Conservation 2000 and to roll back some job cuts at DNR. Governor Blagojevich has endorsed the proposal, which now needs to be enacted by the Legislature.

**In 2003, Illinois imposed fees for the first time on the issuance of water pollution permits. The majority of the money raised went to balance the state's budget.**

In the 1980s the General Assembly enacted the "Retail Rate Law," which required electric utilities to purchase power generated by waste-to-energy incinerators and landfill gas projects at the retail, instead of wholesale, rate. The utilities, in turn, were allowed to recover higher costs through a credit to their state excise taxes. Although the incinerator

subsidy has since been removed, landfill gas projects are still subsidized. Illinois is the only state in the country that has a retail rate law providing subsidies for landfill gas projects, and most of the project owners are out-of-state companies.

### Diversions and fund 'raids'

In 2003, Illinois imposed fees for the first time on the issuance of water pollution permits. The intent was to use money generated by the fees to increase funding for Illinois EPA's water program. Instead, the majority of the money raised went to balance the state's budget. Illinois EPA continues to struggle to comply with the Clean Water Act in many areas as a result.

In 2004, Governor Blagojevich proposed a “holiday” from land acquisition, citing more than \$30 million that would be saved by diverting this dedicated revenue stream to the General Revenue Fund. Public outcry and legislators’ support stopped these cuts but raised fears of lost habitat protected by frontline Natural Heritage biologists supported by Natural Areas Acquisition Fund, and chaos due to lost funds that cover basic expenses by local park and recreational agencies using the Open Space Land Acquisition and Development program.

In FY 2005 the Renewable Energy Resources Trust Fund was raided for \$9.5 million; the Energy Efficiency Trust Fund had \$3 million taken.

Illinois has a tradition of creating special funds within the state treasury to support specific purposes. The money for these funds may come from a fee or tax, or even a special license plate, and is dedicated to implementing the purpose for which the fund was established. It has been an easy solution to try to balance the budget by raiding these funds and in some cases taking money already appropriated and allocated for a specific project.



#### RECOMMENDATION

### Fully fund the Department of Natural Resources.

Restore programs such as Conservation 2000 and EcoWatch that have suffered deep budget cuts.

**Enact the Conservation Initiative** by eliminating the Retail Rate tax credit for landfills. The savings can be used to support Conservation Reserve Enhancement Program, Conservation 2000, and DNR staffing.

**Stop diversions of dedicated revenues** away from the environmental programs they were created to fund. The state should cease raiding money from dedicated funds.



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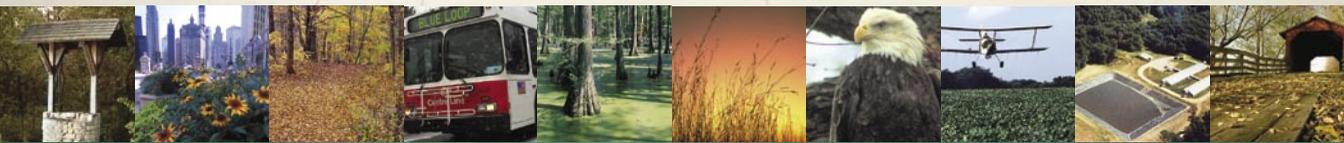
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