On the Campaign to Protect the Middle Fork
Participant-Observer research with Eco-Justice Collaborative

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University of Illinois Urbana-Champaign Master of Urban Planning Capstone Report May 2019
Abstract

This document was prepared as part of a Master’s of Urban Planning capstone project at the University of Illinois Urbana-Champaign. The purpose of this document is to document and reflect on the work performed over the period of September 2018 through April 2019 as an advocate planner working alongside Eco-Justice Collaborative as part of the campaign to protect the Middle Fork Vermilion River, surrounding areas, and nearby communities from the threat posed by coal ash stored in the floodplain at the now closed Vermilion Power Station. The central focus of this document is to report on the public outreach and engagement strategy employed by the campaign over this period so that it may serve as a case study for environmental justice advocates.

The primary focus of my work during this period was helping to organize grassroots opposition to a proposal to bury the riverbank of the Middle Fork Vermilion River in over 22,000 cubic yards of stone in order to slow the natural migration of the channel rather than removing the coal ash from the floodplain completely. By keeping community members informed and empowering them to take direct action, we were able to overcome many of the challenges associated with organizing in rural communities such as Vermilion County. While the Illinois EPA has yet to issue a formal ruling, the campaign achieved multiple successes during this period culminating in over 300 residents attending an Illinois EPA public hearing in opposition to the proposed bank armoring activities.

Acknowledgements

I’d like to thank Pam and Lan Richart of Eco-Justice Collaborative for allowing me to be a part of the campaign and helping me to see what effective community action looks like. I’d like to thank my advisor, Bev Wilson, for the feedback and guidance when I needed it and the space to work when I didn’t. And most importantly, I’d like to thank my parents for supporting me in everything that I do and my partner Rebecca for her love, support, and patience over the last two years.
**Table of Contents**

Abstract ........................................................................................................................................................................... 3
Table of Contents .................................................................................................................................................. 4
List of Figures ...................................................................................................................................................... 5
List of Tables ....................................................................................................................................................... 5
Appendices ............................................................................................................................................................ 5
Key Actors ............................................................................................................................................................ 6
Introduction ......................................................................................................................................................... 8
The Campaign to Protect the Middle Fork ........................................................................................................... 10
History of Vermilion County .................................................................................................................................. 10
Coal Ash in the Floodplain ...................................................................................................................................... 10
A Bureaucratic Labyrinth ......................................................................................................................................... 14
Eco-Justice Collaborative and Other Key Advocates .......................................................................................... 15
History of the Campaign to Protect the Middle Fork, 2014 - 2018 ...................................................................... 17
My Work with Eco-Justice Collaborative ............................................................................................................ 19
Public Status Update Meeting at Champaign Public Library .............................................................................. 20
IL Coal Ash Lobby Day ........................................................................................................................................... 21
Economic Impact & Risk Analysis .......................................................................................................................... 23
On-Site Investigation ............................................................................................................................................... 24
IEPA Clean Waters Certification Public Hearing .................................................................................................. 26
Takeaways for Planners and Advocates .................................................................................................................. 31
Summary ............................................................................................................................................................... 34
References ............................................................................................................................................................ 35
Appendix ............................................................................................................................................................. 38

**List of Figures**

1. Context map
2. Aerial image of coal ash at Vermilion Power Station
3. Coal Ash seeps. Photo by Eco-Justice Collaborative
4. Timeline of the coal ash at Vermilion Power Station
5. Slide from March 2019 public meeting illustrating siloed regulatory process
6. Key advocates
7. Timeline of the campaign to protect the Middle Fork
8. A member of Protect the Middle Fork speaks in Springfield. Photo by Eco-Justice Collaborative
9. Coal ash seeps where gabion baskets had previously failed. Photo by Tony Heath
10. Attendees at a pre-hearing briefing in Danville. Photo by Eco-Justice Collaborative
11. Community members form a human billboard at the Illinois EPA public hearing in Danville. Photo by Eco-Justice Collaborative
12. A packed hall at the Illinois EPA public hearing in Danville. Photo by Eco-Justice Collaborative
13. A public engagement blog post published by Eco-Justice Collaborative in November 2018

**List of Tables**

1. Vermilion County Demographics
2. Rapid population loss following coal ash impoundment failure in Rockingham County, NC

**Appendices**

Appendix A: Coal ash lobby day blog post by Tony Heath
Appendix B: “Representative Site Photos” from Dynegy’s erosion mitigation and streambank stabilization application
Appendix C: Photos taken at the Vermilion Power Station site by Tony Heath, December 21, 2018
Appendix D: Oral comment by Tony Heath at Illinois EPA public hearing March 26, 2018
Key Actors

Advocates
- **Protect the Middle Fork** - A citizen’s action group based in Vermilion and Champaign counties which worked alongside Eco-Justice Collaborative as the volunteer core and local face of the campaign to protect the Middle Fork.
- **Eco-Justice Collaborative** - A two-person environmental justice organization focused on grassroots capacity building and profile raising. The primary organizers of the grassroots campaign to protect the Middle Fork.
- **Prairie Rivers Network** - A professional environmental advocacy organization based in Champaign, IL focusing on environmental issues around Illinois. They served as the chief intermediary between local and national organizations specializing in the technical and legal aspects of the campaign.
- **Sierra Club** - A nationwide environmental organization with state and local chapters. Sierra Club was a key contributor to the coal ash lobby day and supported the campaign for an IEPA public hearing.

Regulators
- **Illinois EPA: Division of Water Pollution Control** - Agency responsible for surface water contamination issues. The issuing body for the Section 401 Water Quality Certification under the US Clean Waters Act.
- **National Park Service** - Administers the National Wild & Scenic Rivers program. Must sign off on all projects which relate to that designation.
- **Illinois Department of Natural Resources** - Managing entity for Kickapoo State Recreation Area and the Middle Fork River. Must sign off on projects which relate to those entities.

Vermilion Power Station
- **Illinois Power** - The original owner of the Vermilion Power Station from 1956 until 2000.
- **Vistra Energy** - Acquired Dynegy Midwest Generation in 2013. Currently the responsible entity.
- **OBG Engineers** - Performed groundwater monitoring at the Vermilion Power Station in 2018. A subsidiary of Ramboll Group.
- **Stantec Consulting** - Dynegy’s civil engineering consultant. Prepared pond closure and streambank stabilization plans.
Introduction

I first learned about the Middle Fork and Eco-Justice Collaborative after hearing the tail end of a local radio piece about coal ash and seeing signs for their public meeting along I-74 outside of Danville. Intrigued, I reached out to them through e-mail and they invited me to their home-office to discuss the campaign and how I could become involved.

When I arrived at the door, I was greeted by two big golden retrievers before Pam and Lan Richart the husband and wife team who make up Eco-Justice Collaborative (EJC) could invite me in. Once we’d made it inside, Pam and Lan brought me into their living room where they began telling me the story of how they had become involved with the Middle Fork campaign. Planners by trade, Pam and Lan Richart had formed Eco-Justice Collaborative after retiring from their land-use and environmental planning firm in the early 2000s to begin organizing full-time. Before moving to Champaign in 2014, the Richarts and Eco-Justice Collaborative had made their mark in Chicago working in coalition to successfully close the Fisk and Crawford coal power plants in the Pilsen and Little Village neighborhoods on the southwest side.

Located along a stretch of the Middle Fork Vermilion River that is Illinois’s only nationally-designated Wild and Scenic River, known for its natural beauty and directly upstream of one of the largest and most popular protected natural areas in central Illinois as well as the City of Danville, the Vermilion Power Station was a coal-burning power plant from 1956 until it closed in 2011 leaving 3.3M cubic yards of coal ash in three unlined and leaking pits in the floodplain of the Middle Fork Vermilion River. Although the IEPA and the owner of the plant have been in negotiations over the closure of the pits since groundwater monitoring revealed dangerous levels of contamination in 2012, minimal progress has been made. During my time with Eco-Justice Collaborative, our work has focused on tactically inserting public participation into this regulatory process. Figure 1, opposite, shows the location of the power station and surrounding areas.

After our first meeting, Pam and Lan were able to quickly fold me into the campaign, something I would come to see as one of their greatest strengths. During my time working alongside Eco-Justice Collaborative I’ve worked as an advocate planner by engaging in strategy discussions, providing analysis on technical issues, and helping prepare for and participate in outreach events as part of the campaign. In addition to my work as a member of the campaign to protect the Middle Fork, I have attempted to chronicle the public engagement strategy they employed over that time.

Lower populations, internally focused social networks, and distrust of outsiders are all obstacles to organizing at the grassroots level in rural areas such as Vermilion County. Despite these obstacles, the campaign to protect the Middle Fork has been incredibly successful at building trust within the community, empowering residents to take action, and mobilizing grassroots support. The March 2019 Illinois EPA public hearing which has been the focus of the campaign during the

1 (Prairie Rivers Network, 2018)
2 (Brighton, 2018)
time I have been involved was attended by over 300 supporters who spoke in unanimous opposition to the power company’s proposed plan. Although the campaign still continues, the lessons from this period serve as a case study for others working towards environmental justice around the world.

This document was prepared as part of a Master’s of Urban Planning capstone project at the University of Illinois Urbana-Champaign. The purpose of this document is to document and reflect on the work performed over the period of September 2018 through April 2019 as an advocate planner working alongside Eco-Justice Collaborative as part of the campaign to protect the Middle Fork Vermilion River, surrounding areas, and nearby communities from the threat posed by coal ash stored in the floodplain at the now closed Vermilion Power Station. The central focus of this document is to report on the public outreach and engagement strategy employed by the campaign over this period so that it may serve as a case study for environmental justice advocates.

The Campaign to Protect the Middle Fork

History of Vermilion County

Vermilion County is located on the border of Illinois and Indiana, approximately 140 miles south of Chicago and 30 miles east of Champaign-Urbana. The 2017 population, based on the most recent ACS 5-YR Estimate, is 79,207 people. Approximately 40% of the population lives within the City of Danville, the county seat. The story of Danville is one that will be familiar to many throughout the Midwest.

Danville, and all of Vermilion County, grew to prominence in the first half of the 20th century as first a major surface mining area and then as an industrial town. The areas that today make up Kickapoo State Recreation Area were once used for surface mining operations, leaving them barren and desolate until they were purchased by the State of Illinois in 1939 largely underwritten by contributions from Danville area residents.5

Until the 1970s and early 80s, the economy of Danville was largely dominated by three large industrial firms: General Motors, General Electric, and Hyster Company. Today, only Hyster Company remains, with only a distribution center.4 The economy of Vermilion County has suffered greatly as a result. The median household income in 2017 is $45,000 in Vermilion County and $36,000 in the city of Danville. In 2017, nearly 20% of Vermilion County and more than 30% of the City of Danville are living below the poverty level. Vermilion County is undergoing an extended period of disinvestment and contraction, losing 3% of the population from 2010 to 2017. Table 1, top opposite, summarizes the major demographic characteristics of the region.

Coal Ash in the Floodplain

Just a few miles upstream of the City of Danville, the Vermilion Power Station sits on a stretch of the Middle Fork Vermilion River which has been designated by the National Park Service as a “National Wild & Scenic River,” the only one in Illinois. Despite the coal ash along its banks, this stretch of the river is a major tourist attraction for Vermilion County. Kickapoo State Park which follows the course of the river attracts more than 1 million visitors each year according to Illinois Department of Natural Resources figures.5 Kickapoo Adventures, a local livery puts in more than 10,000 kayakers and canoers each summer.6

The coal waste which was produced over 56 years of plant operations sits in three unlined and uncovered settling pits along the west bank of the river within the floodplain seen in figure 2 below. These ash pits pose a significant threat to both wildlife and communities nearby. Not only is there risk of impoundment failure as the meandering river seeks to re-occupy its floodplain but the ash is exposed to rain and groundwater such that every time it rains or the water level in the river rises it soaks the coal ash

Table 1 Vermilion County Demographics

<table>
<thead>
<tr>
<th></th>
<th>2017 Population</th>
<th>Change since 2010</th>
<th>Median Household Income</th>
<th>Below Poverty Level</th>
<th>Unemployed</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Danville</td>
<td>31,765</td>
<td>-3.80%</td>
<td>$36,410</td>
<td>30.2%</td>
<td></td>
</tr>
<tr>
<td>Vermilion County</td>
<td>79,187</td>
<td>-3.00%</td>
<td>$44,930</td>
<td>19.8%</td>
<td>8.6%</td>
</tr>
<tr>
<td>United States</td>
<td>321,004,407</td>
<td>4.00%</td>
<td>$57,652</td>
<td>14.6%</td>
<td>6.6%</td>
</tr>
</tbody>
</table>


5 (Frellick, 2011)  
6 (Thomas-Blate, 2018)
and draws heavy metals like Arsenic, Boron, and Sulfate into the groundwater table and into the river itself.

There are three coal ash pits at the Vermilion Power Station, all of which are unlined and uncovered. The oldest impoundment, known as the Old East Ash Pond (OEAP), opened as part of the original construction of the plant in 1956 and remained in operation until the 1970s when the second impoundment opened. This impoundment, known as the North Ash Pond System (NAPS) was active until 1989 when it was closed and the New East Ash Pond (NEAP) system came online. The NEAP would remain in operation up until the closure of the plant in 2011.  

Following the closure of the plant, groundwater monitoring by the Illinois EPA Division of Public Water Supplies found elevated levels of Boron, Manganese, and Sulfate as well as elevated pH levels and total dissolved solids which resulted in their issuance of a notice of violation on July 6, 2012. 8 Dynegy responded to this notice of violation in September of that year 9 but their proposed compliance commitment agreement was rejected.10

This exchange in 2012 began the closure process which continues to this day nearly 7 years later. During this period, Dynegy and the Illinois EPA have gone back and forth with studies, reports, proposals, and yet more studies while the groundwater contamination has still not been addressed. In June of 2015, while these negotiations were ongoing, Dynegy sent a letter to the Illinois EPA refusing to complete any further studies at the impoundments until the US Army Corps of Engineers and National Park Service allowed them to perform bank armoring at the site of the NEAP. Ironically, the only impoundment not included in the closure negotiations at this point.11

This blackmail tactic was successful and the Army Corps of Engineers, Illinois EPA, the Illinois DNR, and the National Park service allowed Dynegy to move forward with the proposed bank armoring. Dynegy’s project was granted coverage under the more general Nationwide Permit of the US Clean Waters Act (as opposed to an individual permit which requires more extensive review) and they completed the work in November of 2016.12

Following the completion of this work, the Illinois EPA asked Dynegy to prepare additional studies to address erosion at the remainder of the site and prepare a new closure alternatives assessment.13 Dynegy would agree and in November of 2017 submitted a new riverbank erosion assessment which found that river bank erosion was occurring much more quickly than previously reported.14 They also submitted a closure cost estimate report for various closure alternatives.15

With negotiations over the closure of the ash ponds still ongoing, representatives from the Illinois EPA returned to the site in May 2018 to inspect the coal ash seeps into the river, shown in figure 3, below. This inspection found that the seeps constituted a violation of surface water quality standards of the Illinois Environmental Protection Act and issued a second notice of violation on June 20, 2018.16

Whereas the first notice of violation regarded groundwater contamination and was under the jurisdiction of the Division of Public Water Supplies, this notice of violation regards surface water contamination and was therefore under the jurisdiction of the Division of Water Pollution Control. This meant that although both aspects were under the jurisdiction of the Illinois EPA, entirely separate divisions would be evaluating each half in isolation from the other. Groundwater contamination would not be considered as part of the surface water review and seeps into the river would not be considered as part of the groundwater review which governed the overall closure process.

In response to this new notice of violation, Dynegy submitted a proposal for a 1/3 mile bank armoring project to protect the coal ash in the OEAP and NAPS from the natural

Figure 3. Coal ash seeps stain the riverbank. Image: Eco-Justice Collaborative

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7 (Prairie Rivers Network, 2018)
8 (Illinois EPA: Division of Public Water Supplies, 2012)
9 (Diericx, Response to Violation Notice No. W-2012-00071, 2012)
10 (Illinois EPA: Division of Public Water Supplies, 2012)
11 (Diericx, Response to IEPA September 11 2014 Letter, 2015)
12 (Diericx, Project Completion Report, Stabilization of the Right Descending Bank, Nationwide Permit #13, LRL-2008-3666-1e, 2017)
13 (Illinois EPA: Division of Public Water Supplies, 2017)
14 (Stantec Consulting Services, Inc., 2017)
15 (Vistra Energy, 2018)
16 (Illinois EPA: Division of Water Pollution Control, 2018)
migration of the river channel. This proposal included over 1,900 linear feet of bank armoring and 22,000 cubic yards of rip rap to be placed in the floodplain of the river. However, opposition to this proposal has been the primary objective of Eco-Justice’s public engagement campaign during the study period in favor of a plan which sees the coal ash removed from the floodplain entirely.

As of the release of this report, both notices of violation remain unresolved. Updated groundwater monitoring performed by Dynegy shows continued groundwater contamination, which now includes Arsenic. Facing pressure from the campaign to protect the Middle Fork, the Illinois EPA agreed to hold a public hearing on the proposed riverbank stabilization on March 26, 2019, although a final decision has not yet been made. Meanwhile, in March, the Illinois EPA referred the groundwater contamination and pond closure case to the Illinois Attorney General who agreed to take it up, although they have yet to file suit.19

Figure 4, right, summarizes the history of the coal ash at the Vermilion Power Station to date.

A Bureaucratic Labyrinth

Despite the significance of these issues for the people in the community, when the IEPA and Dynegy began the closure process there was minimal consideration for the impacts that the coal ash had on the community and almost no opportunity for community members to voice their concerns. The first bank armoring project proposed included no formal public participation at all. 17

The regulatory process is generally separated into two parallel tracks, each of which includes multiple agencies with overlapping jurisdictions. The first track, regarding the closure of the ash ponds, is primarily under the jurisdiction of the Illinois EPA: Division of Public Water Supplies who are responsible for managing groundwater issues under the Illinois Environmental Protection Act. The second track, regarding seeps into the river and streambank stabilization, is under the jurisdiction of the Illinois EPA Division of Water Pollution Control and the US Army Corps of Engineers through the US Clean Waters Act, and the Illinois Environmental Protection Act.

Complicating things further is the role of the Illinois Department of Natural Resources and the National Park Service, which have jurisdiction over aspects of this case under the National Wild and Scenic Rivers Act and various pieces of Illinois environmental protection legislation. The Vermilion Power Station sits along a 171-mile stretch of the Middle Fork Vermilion River which was designated in 1989 as a National Wild and Scenic River. 21 The river is a major tourist attraction for Vermilion County and according to the Illinois DNR “is deemed by ecological research experts as one of the most pristine in the state.”22 The scenic river designation includes a 1,000’ scenic corridor along the river which passes through the coal ash impoundments and requires National Park Service and Illinois DNR review for any project which could impact the Wild and Scenic River designation.

Without the efforts of organizers on the campaign to protect the Middle Fork, navigating this bureaucratic labyrinth alone would have been a sufficient obstacle to effectively prohibit public participation even if formal channels for comment had been made available. A consistent challenge in Eco-Justice Collaborative’s engagement campaign was to keep community members updated on which agencies had jurisdiction over which aspects and which elements could be considered as part of that review. Figure 5, following page, is a sample graphic prepared for the March 2019 status update meetings held in Danville and Urbana to prepare residents for the public hearing regarding the Illinois EPA’s Section 401 Water Quality Certification for Dynegy’s proposed streambank stabilization project.

Eco-Justice Collaborative & Other Key Advocates

Eco-Justice Collaborative was founded in 2008 by Pam and Lan Richart, a husband and wife team who became full-time environmental justice advocates after retiring from the land use and environmental planning firm at which they were principals and owners. Pam is an 20

Although there are federal standards for remediation and closure of coal ash impoundments put forward by the US EPA, since the power station closed in 2011 they do not apply in this case. Under the current regulatory framework, the various aspects of the closure process are siloed into isolated review tracks. The National Park Service, the IEPA Division of Public Water Supplies, the IEPA Division of Water Pollution Control, the Army Corps of Engineers, and others all have some jurisdiction over this case but none of them evaluate the issue holistically.

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19 (Ditman, 2019)
21 (Illinois Department of Natural Resources, n.d.)
Lan is an ecologist. In interviews, Pam and Lan describe Eco-Justice Collaborative as a capacity building and profile raising organization. With only two members, Eco-Justice Collaborative’s work has been focused on coal ash and the Middle Fork campaign since moving to Champaign in 2014. Besides the two founders, Eco-Justice Collaborative has no full-time staff and relies entirely on participation from volunteers and community members. Since joining the campaign to protect the Middle Fork in 2014, Eco-Justice Collaborative has worked to raise the profile of the issue at the grassroots level and tactically insert public participation into the ongoing regulatory processes.

Before joining the campaign to protect the Middle Fork, Eco-Justice Collaborative was most notably involved in the campaign to close the Fisk and Crawford coal power plants in Chicago’s Pilsen and Little Village neighborhoods. During that campaign, Eco-Justice Collaborative was one of the founders of the Chicago Clean Power Coalition which eventually grew to over sixty members and in March 2012 pressured Dynegy (which also owned and operated the Fisk & Crawford plants) to agree to permanently retire both plants. This campaign received national attention during its peak and was the subject of the book “Closing the Cloud Factories” by Kari Lydersen.

In addition to Eco-Justice Collaborative there are a number of other key actors that have been involved in the campaign, most notably Prairie Rivers Network and Protect the Middle Fork.

Like Eco-Justice Collaborative, Prairie Rivers Network is an environmental advocacy organization based out of Champaign County. In addition to the Middle Fork campaign, Prairie Rivers Network is involved in the greater Illinois coal ash struggle as well as other environmental issues. While Eco-Justice Collaborative has focused primarily on the grassroots aspects of the Middle Fork campaign, Prairie Rivers Network has focused more on legislative and legal actions. Prairie Rivers Network and Earthjustice, environmental law advocates based in Washington DC, have brought two legal cases against Dynegy so far.

Protect the Middle Fork is a semi-autonomous citizen’s group which emerged from the early stakeholder interviews and town hall meetings that Eco-Justice Collaborative held in Vermilion and Champaign counties. With help from Eco-Justice Collaborative the community members who make up Protect the Middle Fork are the backbone of the grassroots movement. The Protect the Middle Fork group is a clear example of the way in which Eco-Justice Collaborative encouraged and developed grassroots ownership of the campaign. While Eco-Justice Collaborative provides administrative support and helps to keep them on target, Protect the Middle Fork is free to pursue the campaign as they choose focusing on the matters which are most important to them as members of the community.

In addition to these key members, the campaign has included contributions from local unions and faith based organizations as well as regional and national environmental advocacy organizations which have lent their support to the effort in various capacities. Figure 6, below, summarizes the key advocates operating at scales from the local to the national.

The Campaign to Protect the Middle Fork 2014 - 2018

The first step that EJC took when working on the Middle Fork campaign was to reach out to environmental land use planner by trade and trade and land. 

![Figure 5. A slide from a public meeting explaining the overlapping jurisdictions.](image-url)
to key local stakeholders including residents who lived near the plant, business leaders who depended on the river, and local politicians. The first few years on the Middle Fork campaign was an arduous process as EJC slowly built relationships of trust with community members and built up a base of grassroots support which would allow them to escalate and elevate the campaign at the local and statewide level.

It was this first phase of the campaign that resulted in the creation of the semi-autonomous citizen’s group called “Protect the Middle Fork.” Protect the Middle Fork came out of their early public meetings and continues to be an active part of the campaign serving as a core volunteer force and as the local face of the movement in Vermilion County.

While EJC had been working to organize and educate at the grassroots level they began having conversations with local politicians about how they could support the campaign as well. During these first conversations the local politicians had been vaguely supportive but were unwilling to act. One of the members of EJC described an early town hall meeting as an inflection point in the campaign. When a representative of the city council got up and spoke about how earlier that day they had called the IEPA to get an update on the coal ash and would keep the community informed the response from the gathered crowd was immediate. The community didn’t need updates from their representatives, EJC had taken care of that, what they wanted was action! Only once EJC had established a foundation of grassroots support were they able to begin winning concessions and support from regulators and politicians.

In addition to their direct-action work with community members, EJC’s experience as professional planners allow them to work the other side of the table as well by interacting directly with regulators. Throughout the campaign, EJC has made themselves available as a professional resource to regulators as an alternative perspective and a voice for the community. EJC has used regular Freedom of Information Act (FOIA) requests to obtain application materials that the owner has made to various agencies and performed their own review of these documents both to keep the public updated and to identify inconsistencies and other red flags which regulators had missed. Through these FOIA requests, EJC found that the applications the owner was making to various agencies often included inconsistent or contradictory information in their materials. By bringing these issues to regulators attention and contrasting that with their own straightforward and honest approach, EJC has been able to convert many of the regulators and politicians who first saw them as typical environmentalists into explicit or implicit allies of the campaign.

By the summer of 2018 the campaign to protect the Middle Fork had grown large enough that it began to receive attention beyond the local level. In June of that year, EJC held a “People’s Hearing” in Danville to protest the fact that the IEPA was refusing to hold a public hearing on the proposed closure plan. The People’s Hearing brought in expert and first-person testimonials from people around the country and received support from local and state-level politicians who showed support for the campaign by presiding over the hearing.

Pressure from the People’s Hearing and years of grassroots mobilization was so great at this point that the when Dynegy applied for a bank stabilzation permit to protect the coal ash later that month, the Army Corps of Engineers mandated that they obtain an individual permit for the work rather than the more general nationwide permit. By requiring an individual permit, the owner’s application would be subject to a more thorough public interest review and have a formal channel for public comment. Figure 7, right, summarizes the history of the Middle Fork campaign from 2011 through the present day.

**My Work with Eco-Justice Collaborative**

Since September 2018 I have been working with Eco-Justice Collaborative as an advocate planner with a focus on public engagement and tactically inserting public participation into the ongoing regulatory process. During that period my work has included reviewing materials submitted by Dynegy to regulatory agencies and obtained via FOIA requests, researching state and federal regulatory policies to guide engagement strategy and messaging, performing a preliminary impact analysis of the coal ash and various remediation scenarios, helping to prepare for and attend public meetings in Champaign-Urbana and Danville, attending a public outreach event in Danville with members of the Protect the Middle Fork citizens group, participating in a non-violent direct action protest in Springfield and writing a blog post and producing a video afterwards, having a letter to the editor.

**Pressure from the People’s Hearing**

After 56 years, the Vermilion Power Station closes, leaving 3.3M cubic yards of coal ash in the floodplain of the Middle Fork.

The Illinois EPA issues a notice of violation in response to groundwater contamination, initiating the closure process.

Eco-Justice Collaborative (EJC) relocates to Champaign, IL to focus on coal ash and the Middle Fork campaign.

Eco-Justice Collaborative and Prairie Rivers Network (PRN) begin hosting town halls & key stakeholder interviews.

Protect the Middle Fork citizen’s group is formed.

June: To protest the lack of an official public hearing, EJC & PRN hold their own People’s Hearing in Danville.

June: Illinois EPA (IEPA) issues a second notice of violation in response to coal ash seeps into the Middle Fork.

Nov: To coincide with the release of the IL Coal Ash Report, EJC, PRN, and others hold a day of direct action in Springfield.

Jan: Illinois EPA agrees to hold a public hearing for their Water Quality Certification regarding proposed bank armoring.

March: Over 300 people attend the IEPA public hearing with 50 people speaking in opposition to Dynegy’s proposal.

The IL Attorney General takes up the pond closure case under referral from the IEPA.

**Figure 7 Campaign timeline**

This section will summarize the work that I engaged in as an advocate planner working alongside Eco-Justice Collaborative. Organized chronologically beginning in September 2018 I will cover the preparations for and organization of a public status update meeting in...
Champaign, preparation for and observations from a day of direct action at the state capital in Springfield, lessons learned from research into similar case studies for the preparation of an economic impact analysis, findings from an in-person investigation of the site, and the process of preparing for and organizing grassroots participation at an IEPA public hearing.

Public Status Update Meeting at Champaign Public Library

After meeting with EJC and beginning to review the materials they’d obtained throughout the campaign, the first public meeting that I attended was on October 1st. Held at the Champaign Public Library with a similar meeting being held later that week in Danville, the purpose of the meeting was to update the public on the status of Dynegy’s bank stabilization application and set the course for the months ahead. To prepare for that meeting, EJC shared with me the application documents that they’d obtained through FOIA requests and I prepared a two-page handout for the meeting which explained the purpose of the permit, how the review process worked, and summarized our key concerns which people could use as a foundation for their own letters to the corps and IEPA.

The meeting was led by Pam and Lan Richard of Eco-Justice Collaborative with Andrew Rehn of Prairie Rivers Network while the members of the Protect the Middle Fork mantled the sign-in tables and helped with logistics. Pam began the meeting by explaining the history of the coal ash in the floodplain of the river and the history of the campaign emphasizing the importance of the issue and the victories they had won so far. At this point, she turned the podium over to Lan, the more technical half of EJC who is trained as an ecologist. Lan explained the details of the review process for the application under sections 401 and 404 of the Clean Waters Act and which aspects fell under the jurisdiction of the Army Corps of Engineers, IEPA, and National Park Service respectively. He then proceeded to describe the contents of the proposal which included filling the channel of the river with over 22,000 cubic yards of stone rip-rap in order to slow the natural migration of the channel and protect the coal ash in place. After Lan had introduced Dynegy’s proposal, Andrew Rehn from Prairie Rivers Network took the podium to discuss the corps review process, what they were looking for, and what our major concerns were. Once he had finished speaking, Pam returned to the stage where she again emphasized the importance of the campaign, urging people to take action, and most importantly giving them concrete steps they could take.

One of the key strategies that Eco-Justice Collaborative employed was to remove as many barriers to public participation as possible. This included preparing meeting materials which explained the key points and major concerns and which included pre-addressed letters to the various review agencies so that all a community members had to do was write the body of the letter and sign it and we would take care of making sure it was submitted. The goal was to get as many of the attendees as possible to write a letter while at the meeting because EJC believed that the odds of a community member following up and submitting the letter decreased significantly as soon as they walked out the door.

It was at this meeting that I first became acquainted with the members of the Protect the Middle Fork citizens group as well. The Protect the Middle Fork group included a diverse group of residents from both Champaign and Vermilion Counties who had joined the campaign to protect the Middle Fork in the very earliest stages. While some of the members aligned with a more traditional image of environmentalists, the group included teachers, unionists, and advocates from other organizations as well. However, it should be noted that every member of the group was a white person over the age of sixty-five.

IL Coal Ash Lobby Day

Following this first meeting, I continued to provide technical assistance for EJC regarding the application materials and modeling results being submitted by Dynegy as part of the permitting process. While this was going on EJC was beginning to plan a direct-action event in Springfield where they would deliver a transcript of the People’s Hearing from June as well as the hundreds of petition signatures and comment letters they’d collected during that time to then-Governor Bruce Rauner. This event would be a way to voice concerns, raise the profile of the issue at the state level, and reiterate their call for a public hearing.

EJC initially planned to hold their press event in Mid-October but ended up delaying the event until late November. The event was delayed for two reasons. First, the upcoming Governor’s election at the beginning of November meant that it was unlikely the governor would be in his office or that there would be much activity in the capital itself. Secondly, the direct-action event would now be part of a larger coal ash lobby day timed for the release of the Illinois coal ash report being published by Prairie Rivers Network, the Sierra Club, Earthjustice, and the Environmental Integrity Project. On the day of the action, I traveled to Springfield with Pam and Lan from Eco-Justice Collaborative and kept a written and video record of the day’s events which I would later turn into a blog post and video as part of their digital outreach program. The blog post has been included with this report as Appendix A.

The lobby day brought together members of nearly a dozen organizations including representatives from five impacted communities and was an example of how effective organizing in coalition can be. Although none of the communities would have been able to organize an event like this on their own, when working together they were able to fill the press room to overflowing and media coverage was picked up across the state including in Chicago. The morning began with a press conference at the capital where the preparers of the coal ash report discussed its contents and the representatives from the communities told their stories. Figure 8, following page, shows a member of Protect the Middle Fork speaking about the impact the coal ash has had on him. Following the press conference in the basement of the capital, EJC led a contingent of more than 30 people upstairs to the door of the Governor’s office where they planned to deliver the transcripts, letters, and petitions.

As it so happened, Governor Rauner was standing in the atrium outside of his office right as we arrived. Caught off-guard by his unexpected presence the Governor was able...
to slip into his office before we could deliver our materials. Undeterred, the activists regrouped and Lan from EJC took the opportunity to speak to the press and those assembled about why we were there that day and what we were asking the governor to do. Eventually, Lan along with some members of Protect the Middle Fork were admitted into the Governor’s office where they could deliver their materials.

Our mission complete for that day, the organizers and activists gathered at the offices of the Illinois Environmental Council to eat lunch and celebrate. While we were communing, talk began among some of the higher-level organizers that the transition team for the incoming governor was interested in including a coal ash item in his budget and if they had a $300M Capital Improvement Project they could propose it at 5pm that day. Caught completely off their guard the organizers didn’t have anything prepared and scrambled to try and pull something together at the last minute but were unsuccessful.

Working alone, Eco-Justice Collaborative would never have been able to organize an event like the lobby day. However, working in coalition does come with its own challenges. Democratic decision-making processes are fairer and more representative of the interests of participants but they aren’t as efficient as top-down governance. While the organizers had a clear consensus of what they were united against they were not as unified on the specifics of what they were for, preventing them from coming up with a proposal under the tight deadline.

Economic Impact & Risk Analysis

Following the Lobby Day, EJC’s attention turned again to the ongoing Section 401/404 permit process and pressuring the Corps of Engineers and Illinois EPA to hold a public hearing as part of their review. For the next few months my work with EJC would skew to the technical side helping them to review Dynegy’s application materials and performing a preliminary economic impact analysis of the coal ash and the proposed remediation scenarios.

As part of the economic impact analysis, I began the process of detailing the potential impacts of the coal ash including adverse health effects, harming tourism and recreation on the river, construction spending as part of different remediation strategies, as well as the risk-weighted effects of a catastrophic failure. The data for this report was based off information included in Dynegy’s applications, interviews with representatives of the Vermilion County economic development board, socio-demographic research of Vermilion County, as well as studies done of the impacts of similar cases.

The process of preparing this analysis illustrated for me the various shortcuts and assumptions that are often baked into similar types of analysis to help the author argue their point. In this case, the sparsity of information prevented the analysis from resulting in anything more than an order of magnitude estimate and while the report was used for internal purposes it was never released publicly.

However, two pieces of information regarding previous coal ash failures uncovered during this investigation would go on to influence the campaign. The first was an analysis of previous instances of coal ash impoundment failures resulting in damages to the local community. This analysis found that at the time of the study there had been at least 29 confirmed damage cases with up to 43 additional potential damage cases since the 1950s.25 Additional information gathered from the Southeast Coal Ash association reports that there are 735 active on-site impoundments in the United States with another 300 retired around the country for a total of 1,035 active and retired impoundments. The production of coal ash impoundments like the ones at Vermilion Power Station peaked in the period between 1960 and 1990 meaning that the average coal ash impoundment is about 50 years old.26 Based on these figures we were able to establish a baseline impoundment failure rate of around 0.15% each year. This baseline failure rate was used to risk-weight the costs of a potential failure based on other similar cases.

While many of the impacts of a coal ash spill are dependent on the character of the failure and the local context, one potential impact observed in Rockingham, North Carolina after an impoundment failure at a Duke Energy Plant gave significant cause for concern. Rockingham County is a rural county in North Carolina that is not dissimilar from Vermilion County. Like many rural places it has undergone a period of shrinkage despite net population growth in North Carolina as a whole. Table 2, following page, shows that over the two-year period during which the failure occurred, the rate of

![Figure 8. A member of Protect the Middle Fork speaks in Springfield.](Image Source: Eco-Justice Collaborative)
appropriate for Instagram than a technical analysis of site conditions. The photos were all taken in late April when the water level was at its highest and from above the embankment on Dynegy’s property so that the condition of the actual riverbank was not visible. The representative site photos included with that application are included with this report as Appendix B.

In late December, I drove to Kennekuk County Park which sits northwest of the Vermilion Power Station on the opposite side of the river. Parking at the visitor’s center I then hiked in through the park until I reached the bluffs overlooking the plant on the opposite side of the river. It was cold on the day of my visit and had been a few days since the last rain making the water level low enough that I was able to climb down from the bluffs and walk along a gravel bar on the opposite bank from the coal ash. This allowed for a perspective completely missing from Dynegy’s application. When viewed from the opposite riverbank, the extent of the damage was far more severe than their application would have you believe. Large portions of the gabion wall had been ripped away completely and those that did remain slumped dramatically waiting for the next storm to wash them away. Photos from this site visit are included with report as Appendix C.

I would later use the photos and video from this investigation along with video taken at
the coal ash lobby day in Springfield to make a short update video published by Eco-Justice Collaborative in January 2019 to update the community on the progress of the last few months and issue a call to action for the upcoming Illinois EPA public hearing.

**Illinois EPA Section 401 Water Quality Certification Public Hearing**

After more than a year of calling for a public hearing, in mid-January shortly after the new governor took office, we learned that the IEPA Bureau of Water had agreed to hold a public hearing on their portion of the application, the Section 401 Clean Water Certification. Once the IEPA announced that they would hold a public hearing, the Corps of Engineers made it clear that they would not, meaning that this would be the only chance we got for the public to voice concerns and raise questions in an official setting.

With an official date for the hearing of March 26, 2019, the grassroots mobilization efforts kicked into overdrive. EJC stepped up their letter writing campaign to the IEPA and Corps of Engineers as well as a new letter-writing campaign to the National Park Service who had the authority to step in and stop the project due to the river’s protected nature as a designated Wild & Scenic River.

In the lead up to the hearing I spent a day tabling at the AMBUCS home-show in Danville working with the Protect the Middle Fork group speaking with residents about the Middle Fork, asking them to sign our petition and send a letter to the governing agencies. Working at the home-show and talking to residents was very illustrative of what makes organizing in Danville or other conservative post-industrial communities unique.

While I first expected residents to be dismissive because of preconceptions regarding environmental types, I was pleasantly surprised that people seemed to understood and agree that this was an important issue, with many saying that they were familiar with the coal ash due to earlier outreach efforts. However, in talking with residents myself and observing other members of the Protect the Middle Fork speak with residents I saw a marked difference in reception based on the way that the issue was framed.

When environmental issues were centered such as wildlife and ecological beauty people were generally more dismissive or uninterested. When the issue was framed in terms of social justice by highlighting aspects of corporate responsibility and addressing this problem now so that it doesn’t fall on the shoulders of future generations, people, particularly men, were more receptive of our message. Framing the issue as a public health concern highlighting how many people are exposed to the impacted water generated the strongest support among women. The most effective strategy was to frame the issue as a combination of these aspects depending on a reading of the person. It was important to meet the person where they are and show them why this is an important issue on their own terms rather than trying to convince them to see things in the way that you do.

The conservative politics of the area were more apparent when we asked people if they were willing to put a yard sign in their yard. While many people did agree to take one, the majority refused citing the refrain that “It wouldn’t go over well in my neighborhood.” While most people we spoke with were supportive themselves or had at least heard of the coal ash issue due to earlier efforts there was a belief among them that this was unusual within their community at-large. Additionally, many people were skeptical of our ability to make a difference in a community like Danville and were resigned to a continuation of the long history of industrial exploitation that the community had suffered.

Having a specific issue that we were hoping to address and a clear outcome we were working towards was also helpful in garnering support. Since the campaign has been going on for a number of years at this point, many people were hesitant at first saying that they had already signed something last year or that they’d thought we’d already lost our case. By having a specific objective that we were asking for help to achieve, people were more inclined to help than if we were asking for support in general. Many more people agreed to sign up when they understood that this petition was for a permit under review right now and that there would be a public hearing they could attend later that month. This repeated the trend observed earlier that members of the community were no longer interested in plans and resolutions but desired more direct action.

Following the AMBUCS home-show the mobilization campaign for the Section 401 certification entered its final phase leading up to the hearing. During this period, I and many others had letters published in the Champaign News-Gazette regarding the coal ash issue and urging people to attend the hearing at the end of the month.

In the two weeks leading up to the hearing, EJC held information briefings in Danville and Urbana to prep residents on the scope and process of the hearing, help them prepare their remarks, and answer any questions that they might have. The siloed nature of the review process made these meetings necessary. The IEPA public hearing which we’d been granted was only in regards to their Section 401 water quality certification for the bank hardening project and closure of the ash pits was not included in its scope. This meant that public comment had to be constrained to this scope as well. EJC used these briefings to walk the public through the controversial aspects of Dynegy’s application and help people to connect their specific concerns about the river and the coal ash back to the scope of the hearing. *Figure 10, following page,* shows community members listening intently at the briefing in Danville. These meetings were well attended with twenty residents at the meeting in Danville and nearly fifty in Urbana. These meetings followed a similar pattern as the ones in the fall where Pam introduced the topic and raised the crowd, Lan would explain the details of the process and outlined our concerns, and Pam would return with concrete steps the attendees could take before opening the floor up to questions.

On the day of the hearing in Danville, EJC and others had arranged for a bus to help bring supporters from Champaign to the hearing location. They arrived more than an hour before the hearing itself started in order to hold a rally outside. The rally was co-organized...
with local union leaders, faith groups, and other environmental organizations and included a human billboard, seen in figure 11, opposite page, and chants of “Dynegy, move your ash!” as well as singing of old union songs. EJC wanted to use this rally as an opportunity to set the right tone for the meeting. The tone was kept optimistic and hopeful so that the IEPA hearing board inside could hear us and know that this was something people were passionate and energized about but that we didn’t see ourselves as their enemies but allies working together to protect our community.

The final song before heading into the rally was an old Pete Seeger tune called “Step by Step” led by members of a group called Faith-in-Place. This song captured the feeling in the air that evening of the long struggle to even get to this hearing and what is possible when people come together.

“Step by step, the longest march
Can be won, can be won
Many stones can form an arch
Singly none, singly none
And by union what we will
Can be accomplished still
Drops of water turn a mill
Singly none, singly none.”

-Pete Seeger, “Step by Step”

Shortly before the hearing was set to start, we processed inside following the living billboard so that people could find their seats and sign up to speak. Despite the large space, the room was packed with people in Protect the Middle Fork t-shirts, holding signs, and dressed up like paddlers ready for a day on the river. At 6:30 when the hearing was supposed to start there were over 240 people in attendance including a number of members of the media and local politicians and by the time people had finished filing in the total attendance had swelled above 300 as seen in figure 12, following page.

The hearing officer began the hearing by explaining the procedure and again repeating that this hearing was only in regards to the Section 401 clean water certification and not the closure of the pits themselves. He also stated that due to the number of people who had signed up to speak, speakers would be limited to 2-3 minutes per person but that they would be accepting written comments as well. The two members of EJC were some of the first speakers and they used that opportunity to blow the scope of the meeting open. They used their time to highlight aspects of the IEPA’s own regulations which called for an analysis of alternatives to the proposed project which would result in minimal environmental degradation and it was clear in this case that that meant moving the coal ash. By highlighting the purpose and need of the proposed work, EJC was able to fight back against the siloing of reviews among different agencies preventing a holistic evaluation of the proposed work. This tactic proved effective because although the hearing officer had warned that closing the ash pits would not be discussed, after that point he made no attempt to stop people from bringing it up.
until the end of April. At this point in the campaign, the focus has shifted to legislative action and legal action. The IEPA has referred the closure case to the Illinois Attorney General who has agreed to take it up but has yet to file suit.

In summation, over the six month period beginning in September 2018 I attended 8 briefing and strategy discussions with members of Eco-Justice collaborative, three public outreach meetings, Coal Ash lobby day in Springfield, an outreach event at the AMBUCS home-show in Danville, and the IEPA public hearing in Danville. Additionally over this time I produced a primer fact-sheet, a blog post, an advocacy video, performed economic and risk analysis, had a letter published in the Champaign News-Gazette, and gave oral comment at the IEPA public hearing in Danville.

Organizing a grassroots environmental campaign in a rural and conservative area such as Vermilion County has many unique challenges including lower population densities, more internally focused social networks, and barriers of trust and legitimacy.

The most obvious challenge in rural areas is the lower population density which makes working in coalition even more critical. Working with larger organizations like the Sierra Club or Earthjustice can help provide resources and support to help sustain local movements, while working with local organization can help provide boots on the ground and put a familiar face to members of the community.

Particularly important in rural areas is the access local groups provide to existing social networks, vouching for organizers, and lending them legitimacy in the community. In this regard, one of the first steps that EJC took in Vermilion County was the creation of a semi-autonomous group of local community members who called themselves “Protect the Middle Fork.” This group performed much of the groundwork reaching out to the public and acted as the local face of the campaign. While EJC helped with agenda setting and capacity building with the Protect the Middle Fork group their more democratic and autonomous nature allowed the residents to take ownership of the campaign themselves which is important for sustaining momentum over the grind of a long campaign.

Another aspect of working in rural communities is that while their internal social networks may have a dense pattern of relationships it can be difficult for outsiders to gain access. This is significant because while it may take longer to establish trust and earn access to these social networks once established the grassroots support can grow quickly to encompass a large portion of the community. EJC began working full-time on the Protect the Middle Fork campaign in 2014 by reaching out to key stakeholders and being willing to talk with any group who would have them. This long gestation period has now begun to bear fruit with the turnout and support at events like the People’s Hearing in 2018 and the official IEPA hearing in March 2019.

A key aspect of this growth has been the positive feedback loop between their grassroots mobilization efforts and outreach to local business leaders and politicians. When
EJJC first began working in Vermilion County as an experiment where the response from elected officials was overwhelmingly positive and very encouraging. It wasn't until EJJC had established a baseline of grassroots support and brought them to town hall meetings with elected officials that they were willing to come on board and take an active role. Once local politicians and other leaders had come on board it added an additional layer of legitimacy to the movement which further attracted grassroots support which made it easier for politicians to be involved as well. While the positive feedback effects of political support can help a movement to scale as well, this messaging is important to keep up energy in a long campaign which were celebrated as they were achieved. Having clear, achievable, incremental goals which were celebrated as they were achieved was crucial for keeping people engaged with the campaign through a sense that progress was being made which would benefit the community. Even in places where there may be fewer barriers to involvement, this messaging is important to keep up energy in a long campaign which progress on the end goals may not be particularly visible. EJJC implemented this strategy both online via social media posts which kept people updated and stressed the progress being made as well as in person through their public status update and briefing meetings which they held in Vermilion and nearby Champaign Counties. Figure 13, opposite, shows the conclusion from a blog post written by this author published following the coal ash lobby day. The full blog post is included as Appendix A. The one-two punch of stressing the impact of previous public engagement followed by a renewed call to action is representative of Eco-Justice Collaborative’s outreach messaging.

EJJC’s public meetings all followed a similar pattern where the meeting began with a high-energy framing of the issue to remind people of why it was important and everything that had been achieved so far before moving to a more detailed discussion of the specific items at hand, focusing on areas which could have the largest impact on the community. After laying out details the original presenter would then return to the podium and lay out concrete steps that people could take to contribute.

The public participation aspect of the meetings was designed in order to make it as easy as possible for people to contribute. Handouts were prepared in advance which included information on specific action requested as well as details on identified areas of concern. Additionally pre-addressed forms were made available so that attendees could write a letter to the agency while they were there and EJJC would handle mailing them off or the attendee could take it home and send the letter themselves. These meetings were structured with the goal of updating community members so that they could then go and spread the message themselves as well as to get concrete support from the attendees.

This emphasis on keeping people maximally informed so that they could decide what was best for themselves extended to EJJC’s relationships with the regulatory agencies as well as the public. In contrast to the representatives of the power plant who were often slow to respond or provided misleading or inconsistent information to the agencies, EJJC made themselves an ally for the regulators by being straightforward, professional, and honest. A key inflection point in earning allies within the regulatory agencies was when EJJC shared information obtained through a FOIA request which showed that the application materials differed depending on the agency they were being submitted to. This thoroughness and professionalism helped earn them a seat at the table with regulators rather than being dismissed as “typical environmentalists.”

One area where EJJC and others on the campaign have not been successful has been in advancing formal policy proposals when the opportunity arises. A disadvantage to the democratic nature of the Middle Fork campaign has been that it is not as agile as a top-down organization would be. This is most notable in the legislative realm where in the time it takes for the coalition to come to an internal agreement on a proposal their window to advance it has already begun to close. An example of this was at the coal ash lobby day in Springfield where the success of the event solicited an informal request from the incoming Governor’s transition team for a coal ash item which could be included in their upcoming

**The Fight to Solve Illinois’ State-Wide Coal Ash Crisis Has Just Begun**

As Andrew Rehn of Prairie Rivers Network said, “This is an inflection point in the fight against coal ash in Illinois has the opportunity to address this problem now, to set an example for other states around the country, to protect our waters, and ensure environmental justice for the communities here in Central Illinois, around the state, and around the country who have been impacted by the toxic legacy of coal ash.”

Today’s success was a result of the tireless support of people like you. It’s time that we ask our senators and state legislators to take coal ash seriously by providing permanent protection, guaranteeing communities have a voice in how coal ash pits are closed, and ensuring polluters are the ones paying to clean up their mess.

**Take Time to Help Protect the Middle Fork!**

We need your help. Here are three easy, but important things you can do:

- Sign this letter asking the Illinois EPA to hold a hearing on Dynegy’s “cap and run” plan.

- Sign this letter to the U.S. Army Corps of Engineers, asking them to hold a hearing on Dynegy’s riverbank armoring plan that will harm the Middle Fork, one of the most biologically diverse rivers in the Midwest.

- Sign this petition, calling on the General Assembly to address Illinois’ coal ash crisis.

Figure 13. The call to action from a blog post published November 30, 2018.
Despite having a clear understanding of the issues at hand, the organizers were unprepared to propose a specific program to address it. When the request was received, organizers scrambled to prepare something by the deadline but were unsuccessful and the opportunity passed.

Regardless of the decision made by the IEPA regarding the proposed bank stabilization or how the closure suit is handled in the courts, the campaign to protect the Middle Fork will have been a success. Without the campaign to protect the Middle Fork these decisions would have been made in private and behind closed doors. Over the course of five years, EJC has built a massive grassroots coalition which among other things was able to bring 300 supporters to a 3 hour long IEPA hearing on a Tuesday night. In my time working with EJC I have seen first-hand how they are able to establish relationships of trust with community members and regulators, seen how clear actionable goals can turn hesitant bystanders into supporters, and how grassroots support is critical for persuading regulators to take action.

Although the campaign has been successful to this point new tactics will be required in the days ahead. As the campaign switches away from the regulatory front and moves to the legislature and courts it will become even more difficult to ensure that the voice of the people is heard. Throughout the campaign, EJC has relied on FOIA and conversations with regulatory staff in order to access documents and keep the public informed. As the IL Attorney General takes up the case many of those resources will be locked behind the closed doors of the courtroom. Regulators will be less willing to talk with activists for fear of being deposed and many of the documents necessary to stay informed will become classified as evidence in the case.

This new obstacle to public participation makes the work done by Eco-Justice Collaborative and other organizers on the campaign to protect the Middle Fork even more crucial going forward. As the formal regulatory process continues to place barriers restricting public involvement it is our duty as planners and advocates to tear each of them down in turn.

Summary

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Cap and Run: Illinois' Coal Ash Crisis
by Tony Heath, Eco-Justice Collaborative

Earlier this week, Eco-Justice Collaborative (EJC) and the Protect the Middle Fork Citizens Group joined Prairie Rivers Network, the Environmental Integrity Project, Earthjustice, and the Sierra Club in Springfield as they released “Cap and Run: Toxic Coal Ash Left Behind by Big Polluters Threatens Illinois Water” a new report on groundwater pollution across Illinois due to toxic coal ash left behind by Big Polluters.

The report, released Wednesday, found that 22 of the 24 power plants, for which data was available, have contaminated groundwater with unsafe levels of on or more toxic pollutants. The Vermilion Power Station is one of them. The report includes data, from Dynegy and other utilities which show boron, arsenic, sulfate, and other pollutants exceed the legal and safe level.

Press Event Highlights the Middle Fork and Other Coal Ash Campaigns Across Illinois

Our day at the State Capitol began with a press event where community members, activists, and members of the press overflowed into the hallway from the packed “Blue Room”, where the November 28 press conference was held.
Representatives from Prairie Rivers Network and Earthjustice, along with community members from Alton, Peoria, Waukegan, and Vermilion County, presented the findings of the “Cap and Run” report and shared their stories of how coal ash has impacted their lives and harmed their communities. Vincent Koers of Danville (Vermilion County), represented the Protect the Middle Fork Citizens Advocacy Group. He called on the Illinois EPA to hold a public hearing on Dynegy’s proposed closure plan to:

- Ensure that the Middle Fork of the Vermilion River is permanently protected from the threat of coal ash;
- Residents have a voice in a controversial decision that could permanently leave the ash in place; and
- Taxpayers are not ultimately left “on the hook” for monitoring, maintaining, and repairing coal ash pits and proposed riverbank armoring - or cleanup, in the event of a coal ash spill.

Senator Scott Bennet spoke in support of the recommendations in the report, urging his colleagues to address Illinois’ coal ash crisis in 2019. The Middle Fork runs through his District. Senator Dave Koehler also was present to show his support, and although Representative Mike Marron could not attend the press conference, he prepared a statement asking the General Assembly to make coal ash regulations a priority next session.
on the Illinois EPA and Governor to hold a public hearing on this controversial project.

As luck would have it, the Governor himself was in the atrium outside of his office when we arrived. Caught off guard, the Governor refused to talk with us and fled into his office when we tried to deliver the letters and other materials to him. Lan Richart and community members from Protect the Middle Fork followed the Governor into his office to make sure he heard what they had to say, but Governor Rauner still wouldn’t listen! Momentarily rebuffed, the activists re-grouped in the atrium outside of the Governor’s office where Lan spoke for the gathered press and community members about the importance and urgency of cleaning up the toxic legacy of coal ash that has been left where it can contaminate Illinois’ ground and surface water sources, the importance of public participation, and the urgent need to remove coal ash from the banks of the Vermilion and place it far from the river.

Once we’d re-grouped, a second effort was made to deliver the transcripts and letters to the Governor and this time it was a success! The Governor still wouldn’t meet with us, but all materials were delivered to one of his chief aides who promised Governor Rauner would see them.

Having successfully done what we had come to do, we left the State Capitol Building and went to the offices of the Illinois Environmental Council who had graciously offered to host us as well as our partners from around the state. Sierra Club provided lunch, as we celebrated and refueled.

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- **Sign this petition**, calling on the General Assembly to address Illinois’ coal ash crisis.
Appendix B: Representative Site Photos from Dynegy’s Erosion Mitigation & Streambank Stabilization Application

Photo 1. Upstream portion of the project area along the right descending river bank, facing downstream southwest (4-26-17)
Photo 2. Northern portion of the project area. Project location will be along the right descending bank, facing downstream southwest (4-26-17)

Photo 3. Photo taken from right descending bank of the river showing the central portion of the project site, facing downstream south (4-26-17)
Middle Fork Vermilion River
Erosion Mitigation and Streambank Stabilization – Vermilion Site
Appendix A

Photo 4. Photo along the right descending bank of the river showing the existing gabion baskets, facing downstream south (4-26-17)

Photo 5. Photo along right descending bank of the river near existing gabion area, facing upstream north (4-26-17)
Photo 6. Central portion of the project area along the right descending bank of the river. Photo taken near bend in the river and near existing gabion area, facing downstream southeast (4-26-17)

Photo 7. View of the southern portion of the project area from the right descending river bank, facing downstream east (4-26-17)
Photo 8. Southern portion of the project area facing downstream. Photo taken from the right descending river bank, facing east (4-26-17)
"Gabions have proven effective at the Vermillion site already."
Is this what they consider effective?
Good evening, my name is Tony Heath and I’m a professional civil engineer in the State of Illinois as well as a graduate student at the U of I in Urbana-Champaign in the Department of Urban and Regional Planning.

I believe that the proposed application for Water Quality certification should be rejected due to the serious degradation of the river likely to result from the proposed work, including degradation of habitat, increased sedimentation during construction, increased erosion due to the constriction of the channel following construction, and failure to address the underlying potential for surface water contamination which precludes the use of this stretch for recreational or commercial fishing.

Today, however, I would like to focus my comments on the deficiencies in the Section 401 application with regards to the alternatives analysis and to provide additional information regarding the extent of the failure of previous bank hardening activities.

The requirements for Section 401 certification by this agency (Illinois Administrative Code, Title 35, Sec.302.105.f.D) state that the application for a project such as this must include an assessment of alternatives to proposed activities that would result in minimal environmental degradation. In this regard, the application includes: do nothing, three different versions of bank hardening activities, and a proposed relocation of the river.

However, the application does not consider what good practice would consider the preferred alternative: removing the affected infrastructure from the floodplain entirely. For your consideration, I’ve brought with me tonight an excerpt from Chapter 6 of the Bank Stabilization Design Guidelines published by the US Dept. of the Interior. The whole thing is worth a read, but I’d like to turn your attention specifically to page 63, paragraph 2, which begins:

“Methods in the preserving the floodplain category are the most desirable.” And then continues “Hardening the banks is the least desirable category of methods.”

Then, on the following page, when discussing methods for preserving the floodplain the first and most desirable is “Infrastructure relocation or setback.” And in this case, that means moving the coal ash.

Why is it, do you think, that Dynegy won’t even consider what many believe would be the ideal alternative to the proposed activities? It’s clear to me, and it’s likely clear to most of you. If they did consider moving the ash it would be obvious that moving the coal ash would be the best available alternative to achieve the project goals while meeting the requirements of the Clean Waters Act.

Relocating the coal ash minimizes the impact on recreational and commercial use of the river, preserves and enhances its ecological function, and best achieves the goal of the project which is to protect the Middle Fork from the risks associated with having 3 million cubic yards of coal waste in its floodplain.

In fact, when you look beyond just the upfront cost and consider not only the maintenance and eventual replacement costs of a rip-rap system, but the costs
associated with ongoing health effects, negative impacts on local wildlife, and most importantly the risks associated with a potential future breach it’s clear that moving the ash is the best solution for the residents of Vermilion County, the State of Illinois, and even for Dynegy itself.

In addition to this nearsightedness, I’d like to present additional evidence which provides additional context regarding the extent of failure of previous bank hardening efforts.

One of the earliest reports which recommended bank hardening was a 2013 Geotechnical Study prepared for Dynegy by URS Corporation which cites the proven effectiveness of the gabion baskets as part of their recommendation. While it’s impossible to know where exactly the technicians went while performing this study, all of the borings were taken on the western side of the river, meaning that an analysis of the existing gabions was likely not performed.

Similarly, in the Streambank Stabilization Report included with this application, Appendix A “representative site photos” only includes pictures taken in late April when the water level is at its highest and only taken from the West side, an angle which doesn’t show the condition of the bank in the river nor does it show the full extent of damage to the previous stabilization efforts.

These photos taken from the opposite bank in December of 2018 provide a more complete depiction of the state of the bank and the extent of the damage. When seen from within the river or from the opposite bank, the extent of the failure is far more apparent. Entire portions of the gabion wall have been ripped away while what does remain slumps dramatically having been undercut by the river, exposing the bank to scour. No matter how much stone you use to bury the bank, the river will always win. Any program of bank hardening would require a continuous and expensive maintenance program to ensure that it remained effective, protecting the river in perpetuity.

This plan proposes to severely damage a significant stretch of the Middle Fork River in order to temporarily protect coal ash which shouldn’t even be there in the first place. It’s time for this agency to stop allowing these problems to be pushed down the road where they’ll continue to cascade into larger and larger issues. Do the right thing and address this problem now.

Based upon this board’s own requirements I believe that you cannot certify that this project meets the requirements of the Clean Water Act under Title 35 of the Illinois Administrative Code. I urge this board to reject this application and include as a condition of future approval that any bank stabilization plan must include consideration for the only alternative which ensures that the water quality and existing uses of the river will be protected in perpetuity, the closure by removal of the three unlined coal ash pits from the floodplain of the Middle Fork River.

Thank you.