

SPECIAL MESSAGE ON

# THE ENVIRONMENT

\$

RICHARD B. OGILVIE GOVERNOR OF ILLINOIS

THURSDAY, MARCH 9, 1972

# SPECIAL MESSAGE ON THE ENVIRONMENT

### RICHARD B. OGILVIE GOVERNOR OF ILLINOIS

#### TO THE

# 77th GENERAL ASSEMBLY

#### THURSDAY, MARCH 9, 1972

To the Honorable, the President of the Senate, the Speaker of the House, and the Members of the 77th Illinois General Assembly:

Nearly two years ago — on Earth Day I — I reported to you on progress in Illinois in enhancing the environment. I asked you for broad new legislation to provide the powers and tools to ensure that progress could continue. The Environmental Protection Act of 1970, the toughest act of its kind in the nation, was the result.

One year ago I reviewed our achievements again. And again I asked you for new legislation, to continue our rescue of the Illinois environment. We achieved the strongest surface mine land reclamation law in the nation.

Today, I report more substantial progress. And again I propose new initiatives, necessary to maintain the momentum which we need  $\rightarrow$  assure that progress will not stop. We have come a very long way out of the haze and muck of centuries of environmental catastrophe. We still have miles to go.

The important elements of our 1972 program are:

- 1. Passage of an Environmental Policy Act.
- 2. Begin restoration of all orphaned strip mine lands.
- 3. Pre-financing of the federal share of municipal sewage treatment works.

1

- 4. Passage of the Lake Michigan Bill of Rights.
- 5. A ban on a Lake Michigan airport.
- 6. Creation of Pollution Enforcement Strike Forces to attack:
  - acid mine drainage
  - --- Illinois River pollution
  - Des Plaines River pollution
  - Chicago-area air pollution.
- 7. Passage of the Scenic Rivers Act.
- 8. Passage of the Endangered Species Act.
- 9. Redirecting government procedures for environmental awareness.
- 10. Creation of an Industrial Pollution Control Financing Authority.
- 11. Passage of a Timber Protection Act.

This is an ambitious program. But it can keep Illinois in the forefront of the fight to preserve our environment.

#### 1969-1972: YEARS OF PROGRESS

We are winning the fateful battle against the forces which would deprive us of our only home — planet Earth. We are seeing the results of a new environmental ethic in our state.

Streams and rivers are measurably nearer to running clear. The first dollars have been committed under the \$750 million Anti-Pollution Bond Act. Construction of water pollution control facilities has greatly accelerated. Comprehensive water pollution control regulations have been adopted.

Air pollution is on the road to cure. We have prepared a total implementation plan for achieving air quality everywhere in the state. The federal Environmental Protection Agency has described the Illinois plan as "one of the best" and a "model for the nation." Construction of air pollution control facilities has climbed sharply since 1970.

Striking evidence of our progress is the degree of voluntary compliance by polluters. Many of the major industries of Illinois have taken the lead in installing necessary pollution controls. The state itself is close to becoming a model citizen, eliminating pollution at its own facilities. Virtually every strite armory has been converted to lowpollution fuels. We continue to invest substantial funds in this program to clean up all state facilities.

We are developing and implementing enforcement programs for every important pollution problem. We have proposed a comprehensive set of noise regulations, the first such statewide regulations in the nation. When adopted by the Pollution Control Board, they will offer relief to citizens harassel by this environmental hazard.

Radiation standards for nuclear facilities are being proposed. I have recently asked the Illinois Commerce Commission to undertake a thorough investigation of incidents at nuclear power generating facilities in Illinois, and the commission has undertaken that study with a panel of internationally known experts.

Throughout the last three years, our attorney general has consistently battled for a cleaner environment. Armed with flexible legislative tools, he has effectively challenged polluters in the courts and before the board.

Since 1969, Illinois has acquired more than 45,000 acres of new open space. Compared to prior years, this program to protect our green space is vast. And the new space is near concentrations of population, where it can serve best to moderate and case the tensions and pressures of urban life.

Game populations in the state continue a steady increase. Prior to 1969, these populations were declining. The new professional biologists in the Department of Conservation are responsible for this marked improvement.

The new surface-mined hand reclamation act has gone into effect. It bans strip mining in areas which cannot be reclaimed, and imposes strict standards for returning to useful condition other lands which are mined. Thus, 1971 is a sign st for the future — the year after which our lands were properly protected and reclaimed.

These are clear, measurable signs of progress. But it is now time to initiate additional programs to maintain our winning pace.

3

## I. BEYOND POLLUTION CONTROL

A pebble in a pond causes ripples which persist through time, and spread over the entire surface. Every major action of government has a similar effect. A good government tries to see into the future. It tries to avoid unhappy consequences of its actions, but the task is difficult. As T. S. Eliot said:

I know that history at all times draws

The strangest consequence from remotest cause.

We must do a better job of anticipating the effects of what we do.

The most visible and deep concern of our people is the fate of our immediate environment, which is currently in a state of seige. Pollution and the effects on health and the quality of our lives demand urgent and constant attention. Beyond pollution, these are the sorts of threats which must concern us:

--- alteration of wildlife and wildfowl species

- misuse of valuable agricultural land
- -loss of open space
- creation of flood dangers
- ---- climination of scenic values
- -loss of archeological and paleontological treasures
- breaking up of neighborhoods and towns
- misplaced public works
- artificial changes of the weather
- overcrowding of people
- waste of scarce natural resources and fuels
- unexpected hazards to physical and mental health and genetics.

We must recognize and respect the immutable laws of nature which tell us — if we will listen — that some things men do have inevitable bad results.

An early warning — before it is too late to alter conduct — is needed. Red flags must fly before major commitment of resources is required by state, federal or local governments to correct or avoid

4

the unhappy environmental consequences. Undesirable trends must be reversed before they achieve momentum. We must plan rather than react; we must develop our skills at prophecy and rely less on 20-20 hindsight.

To state the need is only to bring us to the threshold of the problem. Design of effective machinery to save ourselves *from* ourselves is needed now.

#### Environmental Policy Act

I propose the adoption of an Illinois Environmental Policy Act. This act would require each state agency to study the environmental impact of proposed action *before* it acts, as part of the planning of major projects. Modeled after the National Environmental Policy Act, this legislation would ensure that short and long-range consequences of action will be fully considered at a time when it is not too late to avoid adverse effects.

State activity inevitably affects the environment. Major construction projects, for example, have both positive and negative effects. Some of these are obvious – a new highway provides swift transportation, but it can also soil the air and remove farmland from production.

But many effects are obscure; many are not now considered in the usual procedures by which state activity is normally planned.

Each project should maximize social benefits and minimize social costs. But this is impossible unless we systematically set out in the planning of every project to gather sufficient information. It will be poorly done unless we define clearly the range of benefits and costs to be considered. The proposed legislation accomplishes these twin goals: It clearly states all of the things to be considered, and it insists that adequate information be obtained.

RANGE OF BENEFITS AND COSTS. Inadvertently, all governments have taken a narrow view of relevant costs and benefits of major projects. For more than a century we have focused on economic and engineering factors, virtually to the exclusion of other important human values. This act would establish the relevance of such frequently overlooked elements as community values, residential quality, scenic quality, historic values, receational values, surface and ground water

5

systems, forest resources, wildlife resources, long-range need for agricultural land and open space, population distribution and land use planning.

As under the federal act, each state agency would be required to consider

- the total environmental impact of proposed action
- adverse environmental effects which cannot be avoided
- alternatives to the proposed action
- the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity
- irreversible and irretrievable commitments of resources which would be involved in the proposed action.

The act does not require quantification or mathematical comparison of such values. We mislead ourselves and the public if we think we can quantitatively balance scenic values with more traditional economic values. The act only declares that these values are relevant and ought to be understood and considered by the government and the public before action is taken. I have great confidence in the normal processes of government and our democracy to resolve the conflicts which will certainly arise. But we cannot continue to avoid conflict by avoiding information about what we are doing.

ADEQUATE INFORMATION. The act would provide for collection of sufficient information with respect to each value to ensure that we act on the basis of sound information. Many things cannot be known. Unexpected consequences are always possible. We cannot stop the state dead in its tracks for fear that the unknowable may occur. But we can insist that what can be known be assembled.

In most cases, this is not an overwhelming task. Once agency procedures are established and the consideration of such information becomes commonplace, this act should prove no more of a burden than existing requirements for sound defense of a proposal.

ACTIVITY COVERED. The act is intended to cover all government activity not now covered by the National Environmental Policy Act. Compliance with the national act would serve as compliance with the state act. Locally financed roads, airports, waterways projects and other public works are a major focus. The Department of General Services in all of its activity would be covered, including the activity of the department's purchasing division. The activities of the Illinois Commerce Commission in reviewing such matters as utility siting and transportation authority would be covered. Any state participation in major residential, industrial or commercial development would require an analysis of environmental impact.

Our intent is to gain the insights now available under the national act for projects which that act does not cover. As in many other areas of state administration — including the food and drug laws and the anti-trust laws — there is a need to accomplish within the state the same objects that good federal legislation accomplishes nationally.

ADMINISTRATION The act would assign administration to the Institute for Environmental Quality. Our institute closely parallels the federal Council on Environmental Quality which has jurisdiction over the national act. The institute will be responsible for establishing specific standards for environmental impact statements, for reviewing the work that agencies do to comply with the act, and for reporting to the General Assembly and the governor on the success of the act.

The institute will write specific requirements after consultation with all affected agencies and with the public. Requirements might cover collection of specified information, reports, consultations with other agencies or governments, inquiries, and deadlines. The institute will, where appropriate, follow the practice established under the national act.

PUBLIC ACCESS AND COMMENT. The act would require filing of the statement as a public record before plans become final. The public—and interested agencies—must have a reasonable opportunity to comment to the agency prior to finalizing plans. In short, the facts must be gathered and comment must be heard at a time when it is possible for these facts and those comments to affect the design of the projects. This is not to be a useless ritual. Government must commit itself te learn before it acts.

RESULTS. We speed too much time in government tidying up behind ourselves for failure to get adequate information about plans. This has been the history of government for decades. The results are delay, controversy, increased costs, disruption and a great deal of heat—heat without light most of the time. We have gone through this recently on several projects. We must have a systematic and thorough way of learning where we are going—and the consequences of going there in the way we propose to go—before action is taken. We will save time, money, and worn nerves if we do this right to begin with. And we will avoid irreversible errors.

Conflicts will continue to occur. But they will occur where they should occur—on questions of values. Today many conflicts occur on questions of fact in projects that have been planned without attention to all that might be relevant. This can and must be changed.

#### **Redirecting the Procedures of Government**

The new act will help us to avoid environmental mistakes. But we must do more. Sensitivity to the basic ethic of protecting our surroundings from foolish and unnecessary abuse must be built into the fabric of all layers of each department.

We have begun this difficult task. The new Department of Transportation, created on Jan. 1, 1972, has the golden thread of environmental concern throughout its design.

The key division of the new department will be its Office of Planning, Programming and Environmental Review. Some hardened bureaucrats will consider it a bottleneck because it will participate in virtually everything the department does. I see it as the guardian of the environment in a department which has the potential to enhance or destroy large areas of our state.

This division will enter transportation planning before even the most preliminary decisions are made. For example, in the normal 8-20 year period of development of a highway—from conception to completion -- environmental review will be on the scene in year 1.

And it will stay on the job. Every step of the process will require participation by this critical division. Selection of corridor, selection of mode, route decision, design, construction, and operation—all of these will require the active use of the environmental expertise within the department.

We must-and shall-repeat such emphasis throughout the govcriment.

#### Orphaned Strip Mined Land Restoration

1

More than 50,000 acres of Illinois land lie bleak—giving vivid testimony to another era when we did not insist that stripmined land be restored. This land will never be brought back to life unless this government initiates bold new action. I propose that we restore all of it in the next decade.

Orphaned lands are lands about which nobody cares. They are ugly. They pollute the water. Erosion from them clogs streams. They serve no useful purpose. Because they were mined before Illinois had effective strip mine legislation, nobody is under any legal obligation to restore them. Because reclamation is expensive, and ownership of many areas is split among dozens of small holders, economic and legal barriers to reclamation scen prohibitive.

We must care—we cannot accept thousands of acres of worthless land. We cannot accept cycsores and visual shock. We cannot accept gross waste of valuable land in areas where hundreds of people are unemployed. We cannot accept the injury to local economics throughout the state. We cannot accept poisoning of waters—a legacy of departed, but not forgotten mine operators.

Let us make this commitment today: This land shall be restored. We have already undertaken model and demonstration projects which focus on the difficult economic, legal, and management problems of this massive challenge. We have had research on reclamation techniques under way for more than a year.

To accomplish our geal, we must have new tools. I propose creation of an Orphaned and Restoration Revolving Fund in the Department of Mines and Minerals, initially funded by \$1 million from the Capital Development Bond Fund. The new fund will enable the department to assemble large tracts of land suitable for reclamation. It will permit complete reclamation and sale of the restored land for a useful purpose. Proceeds of such sales will replenish the fund for additional reclamation. And so it will go until the entire job is done. Years ago when our cities faced killing decay, similar methods were used for land clearance and urban restoration. This experience can be applied to this major problem of decay in rural areas.

Acid mine drainage must be stopped. The Environmental Protection Agency will create a special strike force to concentrate all of the efforts of a select group of enforcement personnel on this one problem. They will bring all actions necessary to force reluctant owners to reclaim the land and stop the killing of the streams.

Soil washing off the denuded lands plugs crecks near old strip mines. This, too, must stop. The Division of Waterways is undertaking a special program to clean these streams and restore them to their natural flow.

The new Surface Mined Land Reclamation Act passed last year will forever stop the sort of misconduct which has left us with 50,000 acres of abandoned land. Once we complete our orphaned land restoration program, we shall have repaired an environmental tragedy which will never haunt us again.

#### Lake Michigan Bill of Rights

Two years ago I said to the General Assembly: "We must not let Lake Michigan become another Lake Eric." The lake is a priceless natural resource which must be vigorously defended.

The Pollution Control Board has repeatedly acted to protect the lake from the scourge of pollution. The state is purchasing almost three miles of Lake Michigan shoreline for public access and recreation.

But the lake needs permanent defense. It needs a stout, firm law on the books which plainly states that it is the policy of the people of this state that the lake is not to be invaded.

A Bill of Rights for the lake is urgently needed. In my State of the State message this year, 1 asked you to consider this legislation promptly. I repeat that plea.

The time has come for a clear, absolute, unequivocal legislative ban on an airport in Lake Michigan. This is not a difficult issue upon which reasonable men can disagree. Elaborate studies are not needed to know with certainty that such a project would horribly rape part of the lake, invade the sanctity of a special recreational preserve for millions of people, and bring unimaginable risks to waters we love. Any Lake Michigan Bill of Rights should contain a ban on an airport in Lake Michigan. And I make this pledge: As long as I am governor, there will be no such airport.

#### Scenic Rivers

One year ago I proposed legislation to protect our very few remaining scenic stretches of rivers. After overwhelming approval in the House of Representatives, this proposal has been bottled up in a Senate committee.

11.B. 2659 would simply save for future generations rare parts of some of our rivers. It would not turn private lands into public campgrounds, or private wate's into public cance streams. It would not stop farming where farming occurs today. It would not significantly affect the rights of landholders.

The bill has very modest aims—protection of a small number of unique state resources. Like the blue whale and the bald eagle, scenic rivers face extinction. We must do what we can now to save them.

Again I ask for pass ge of this legislation.

#### III. CON 'INUING PROGRESS IN POLLUTION CONTROL

#### Pre-Financing Sewage Treatment Facilities

Scwage treatment facilities are the nub of successful water pollution control. The voters recognized this when they passed the \$750 million Anti-Pollution Bond Act in November, 1970. Clean water is an empty dream without new plants to do the dirty job of cleaning waste water.

State government has met its pledge to make funds available. Local governments have met theirs. But the federal government has yet to produce on its promise to match these local and state commitments.

We cannot wait. We must insist that local governments clean up—but we must overcome the present barriers to getting that job done. I propose that Illinois undertake state financing of both the state *and* federal shares of these sewage treatment projects meeting federal standards. Construction should begin now—not months, or vears from now. Clean water should be brought closer to reality. I am exercising the authority to pre-finance the federal share of local projects for wastewater treatment. This will require the sale of an additional \$200 million of anti-pollution bonds that can benefit as many as 600 communities—if you act with dispatch.

When the federal government passes pending legislation, the state can be reimbursed for advance payment of the federal share of these projects. But unless we step forward boldly to meet our water pollution problems now, we may wait too long. Therefore, we must prefinance the federal share of these projects out of state funds.

#### **Enforcement Strike Forces**

Pollution threatens the environment everywhere in Illinois. A total enforcement program is required for all kinds of pollution in all counties.

Some problems are so complex, so great in magnitude, and so intransigent that we must deal with them with special weapons. The Illinois Environmental Protection Agency, in co-operation with the attorncy general, is creating four special duty strike forces—full-time enforcement teams assigned to deal with a single problem. Significant portions of the EPA's home office staff will be redeployed into the field to investigate, prepare, and file enforcement cases within each strike force's special competence.

The strike forces will follow the example of successful prosecutors throughout the nation. Organized crime has felt the intense heat of such concerted enforcement pressure. Polluters in Illinois will feel it now.

Attorney General Scott will relentlessly press action before the board, and in the courts, until the job of each strike force is done.

Four problems require this special attention:

- acid mine drainage

-Illinois River pollution

---Des Plaines River pollution

-Chicago metropolitan-area air pollution.

Each strike force will seek full co-operation with local agencies, and rely on local expertise. But all pollution control is a state responsibility—a responsibility which cannot and should not be shirked.

#### Appropriations for Pollution Control

Effective pollution control costs money. Since 1969, appropriations for state government pollution control activity have increased sevenfold. For the next year, another increase in the pollution control budget is required.

The Pollution Control Board has chronically run short of funds. I requested, and you have appropriated, every dollar which the board itself has requested. Monetheless, the board has an extraordinary caseload — far greater than anyone predicted. This caseload — which the board cannot control — has produced deficiencies in the amounts appropriated for court reporting services.

It is simply intolerable for our pollution program to be hamstrung by the lack of funds for court reporters. It is also intolerable for the high cost of transcripts to obstruct private citizens from having access to the board.

I have recommended, and the board has agreed, to work with the Bureau of the Bulget to achieve substantial economies. As a result of the bureau's study, significant savings can be realized without impact on the board's important duties. At the same time we shall preserve one of the most important features of the Environmental Protection Act of 1970 — unobstructed public access to the pollution enforcement machinery.

#### Industrial Pollution Control Financing Authority

Voluntary pollution control by industry is an important tool in cleaning up a dirty environment. Substantial gains grow from actions of industry which anticipated — and avoid — formal enforcement actions.

But some industries need help. Although we know of no plant closed in Illinois as a result of pollution control enforcement, compliance with our tough program is certainly a burden. While we cannot tolerate continued pollution, we can ease the financial burden of compliance.

11.B. 2555 would lend a hand without cost to Illinois taxpayers. It would authorize the sale of revenue bonds for purchase of industrial pollution control facilities. The facilities would be leased by industry. Proceeds from such leases would be the sole source of income to retire the bonds. The state treasury would not be liable for payments of expenses of any kind in connection with these bonds.

The purpose of the bill is to exempt the income on the bonds from federal income tax, thus making lower interest rates possible. No exemption from state taxes would be provided.

State government would thus facilitate pollution control by industry under this authority. We should lend such assistance.

#### IV. TWO DEBTS TO THE FUTURE

#### **Endangered Species Act**

H.B. 2444 would prohibit possession and sale in Illinois of goods manufactured from animals which are nearing extinction. Like the Scenic Rivers Act, this bill seeks to have Illinois do its part in preserving what is left of dwindling resources.

This bill requires us to recognize that Illinois is part of a global environment, for the endangered species are not found in Illinois. They are coming to the end of their days in faraway places which most of us will never see.

We cannot survive unless all of mankind works together to solve environmental problems. These endangered animals cannot survive without our co-operation. II.B. 2444 must pass.

#### **Timber Protection Act**

We are blessed with many old and valuable trees in Illinois. Some are centuries old. And some are the targets of mindless mercenary bandits, who cut and haul these living monuments to our past. Ruthless cutting of historic trees must stop.

I am proposing legislation to stop it. We can end such calculated abuses to the environment by providing stiff penalties for those who trespass to cut precious timber, and by requiring those who transport and process timber to have proper documents of origin.

#### CONCLUSION

In Illinois we have turned the corner in the race to restore our environment. We still have a long way to go.

The measures I am urging today are complex and far-ranging. But such measures, I believe, are exactly what we must undertake if we are to maintain the momentum of progress.