Media Release

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**Federal Court Rules for Quad Cities Waterkeeper & Prairie Rivers Network in Lawsuit: Concrete Dumping into Green River by Ballegeer Excavation Violated Federal Clean Water Act**

**Quad Cities, IL-** United States District Judge Sara Darrow ruled on September 29, 2016 that defendants Ballegeer Excavation, David Ballegeer, Ballegeer Trucking and Francis Ballegeer violated the federal Clean Water Act (CWA) by dumping thousands of tons of concrete waste into and on the banks of more than a mile of the Green River, an important tributary to the Rock River in the Upper Mississippi River Basin. In some places along the river, chunks of concrete waste were piled more than five feet deep. The Ballegeers transformed the riverbank into a concrete wasteland. See video at: <https://www.youtube.com/watch?v=CTrhGGLXthA>.

The court ruled in favor of plaintiffs Quad Cities Waterkeeper and Prairie Rivers Network who filed the suit under the citizen suit provision of the Clean Water Act. The plaintiffs were represented by Earthrise Law Center of Lewis and Clark Law School and Illinois attorney Albert Ettinger, who argued that the defendants had illegally destroyed valuable river habitat by dumping concrete waste onto the banks of and into the Green River. The concrete waste was generated from the defendants’ trucking and excavation business. The court rejected the defendants’ claims and those of the local U.S. Army Corps office that the massive concrete dump constituted maintenance of a levee and was thus exempt from the Clean Water Act. The court’s ruling that maintenance of an otherwise illegal levee is not exempt from Clean Water Act requirements sets an important precedent with national implications. An earlier ruling in the case was equally important as it clarified the public’s right of access to Illinoi Rivers for recreation.

“It’s has been an incredible fight, but this decision makes clear that no one is above the law and that we are past the time when you can dump concrete on over a mile of a beautiful river and get away with it,” says Art Norris, Executive Director of Quad Cities Waterkeeper. “The Green River has huge value to so many people in our region and is so important for fish and other aquatic species that we could not sit by as the state of Illinois and Army Corps of Engineers refused to enforce one our most basic river protection laws: the Clean Water Act.”

“This case has taken several years and a huge amount of resources to stop the destructive actions of some rogue players. It’s unfortunate the state of Illinois and the Army Corps of Engineers did not step in and enforce our pollution laws,” says Kim Knowles with Prairie Rivers Network. “We’re hopeful the ruling will deter other would be polluters while encouraging our public agencies to uphold the Clean Water Act. We’ll also be glad to see the Green River restored.”

Kevin Cassidy, lead counsel on the case with Earthrise Law Center agreed. “We look forward to the next stage of litigation, which will address how the defendants will have to restore this important public resource and hopefully return it to a condition the people of Illinois can be proud of.”

Robert F. Kennedy, Jr., President of Waterkeeper Alliance, which includes more than 300 Waterkeeper Organizations and Affiliates focused on protecting water quality worldwide said that this legal victory follows a familiar theme.  “Across the United States and the World, we see the agencies that are supposed to be enforcing our most basic clean water laws often do not have the political will to do so,” says Kennedy. “That is why it is so important to have groups like Quad Cities Waterkeeper that are not only willing to investigate and document violations like the concrete dumping that occurred on the Green River in Illinois but also take the legal action needed to hold the violators accountable and fix the problem."