



***Challenges Facing the Chicago Area Waterway System***

IIT Chicago-Kent College of Law  
565 W. Adams Street / Chicago, Illinois  
March 4, 2011

[www.kentlaw.edu/student\\_orgs/els/symposium.html](http://www.kentlaw.edu/student_orgs/els/symposium.html)

**AGENDA**

**12 – 12:30: Registration**

**12:30 – 12:45: Welcome: Professor A. Dan Tarlock & Timothy J. Mitchell**, Chicago Park District General Superintendent and Chief Executive Officer

**12:45 – 1:15: Keynote Address: Susan Hedman**, U.S. EPA Region 5 Administrator and Great Lakes National Program Manager

**1:15 – 2:30: Confronting the Carp**

Asian carp are knocking on the door of the Great Lakes. Michigan and other states around the Great Lakes have unsuccessfully sought a preliminary injunction in federal court alleging that the Army Corps of Engineers and Metropolitan Water Reclamation District are maintaining an ongoing public nuisance by failing to do more to stop the spread of Asian carp through the Chicago Area Waterway System (CAWS). Now on appeal to the 7th Circuit, the case poses significant legal questions: is the failure to temporarily close locks in the CAWS creating a public nuisance? Is the law of public nuisance suitable to such complicated environmental issues? Are the plaintiffs' claims pre-empted by federal law? Voices on all sides of the debate will discuss the legal issues involved with stopping the spread of invasive species.

**Moderator: Professor Noah Hall**, Wayne State University Law School

**Panelists:**

- **Andy Buchsbaum**, National Wildlife Federation
- **Dan Bock**, Office of the Michigan Attorney General
- **David Rieser**, Coalition to Save our Waterways

**OVER**

**2:30 – 2:45: Coffee / Snack Break**

**2:45 – 3:45: Effluent Limitations in the Chicago Area Waterway System (CAWS)**

The Illinois Environmental Protection Agency and Illinois Pollution Control Board are considering tightening requirements for treating wastewater that enters the CAWS. Will such a policy wisely bring Chicago in-line with other major municipalities around the country and enable more recreational use of the resource? Or, will it be a costly and unnecessary burden to taxpayers for a waterway that is primarily used to move goods? Substantively, the conversation will focus on whether mandating disinfection of wastewater is advisable given the interests involved and the likely effects on the system.

**Moderator: Michael Hawthorne, Chicago Tribune**

**Panelists:**

- **Frederic P. Andes, Esq.**, Barnes & Thornburg LLP
- **Cathy Breitenbach**, Chicago Park District
- **Albert Ettinger**, Environmental Attorney
- **Margaret Frisbie**, Friends of the Chicago River
- **Dr. Thomas Granato**, Metropolitan Water Reclamation District

**3:45 – 5: The Future of the Chicago Area Waterway System**

More than 100 years ago, the City of Chicago famously reversed the flow of the Chicago River. The system was designed to help Chicago deal with its sewage problem. The waterway also became an important route for commercial and recreational boat traffic between the Great Lakes and the Mississippi River. Unfortunately, the connection of two of the nation's largest watersheds also resulted in the spread of invasive species. Congress has asked the Army Corps of Engineers to study possible solutions to this problem, and other organizations have initiated their own studies on the matter. Expert panelists will discuss their approach to the issue in a closing session that looks to the future of the waterway.

**Moderator: Molly Flanagan, The Joyce Foundation**

- **Gideon Blustein**, Illinois Chamber of Commerce
- **Henry Henderson**, Natural Resources Defense Council
- **David Ullrich**, Great Lakes and Saint Lawrence Cities Initiative
- **David Wethington**, U.S. Army Corps of Engineers

**Symposium Co-Hosts:**

