

# Environmental Integrity Project

ANNUAL REPORT, 2019



*Investigating Polluters, Demanding Accountability,  
Winning in Court*



## THE ENVIRONMENTAL INTEGRITY PROJECT

The Environmental Integrity Project is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

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# EIP Annual Report 2019

**T**he Environmental Integrity Project worked tirelessly to expose polluters and strengthen environmental protections in 2019 and secured several major victories. From leaky coal ash dumps to crippling cuts to state pollution control budgets, EIP's attorneys and researchers documented harms to the environment and public health and fought for lasting solutions to these chronic problems.

In February, we persuaded the Louisiana Department of Environmental Quality to require air pollution control systems on a massive new wood pellet manufacturing plant. In March, we convinced Virginia to combat livestock pollution in the Shenandoah Valley by conducting an aerial survey of livestock fencing and fully reimbursing farmers who install fencing and maintain an extra-wide protective zone around streams. In July, an EIP enforcement action on behalf of Susquehanna Riverkeeper was resolved with a settlement that requires the owners of the Brunner Island Power Plant to clean up or shut down multiple waste piles that were leaking toxic metals into the Susquehanna River. The state imposed a record-setting \$1 million penalty for the coal ash pollution.

Also over the summer, we convinced Maryland to resume water monitoring for phosphorus, nitrogen and other pollutants near poultry factory farms on the Eastern Shore. Last summer, we appeared in court three times to help Maryland defeat an attempt by a large power company delay compliance with tough new limits on toxic metal discharges. We concluded the year in December by releasing a major report, "The Thin Green Line," that revealed in more than 400 news articles across the U.S. how cuts to state environmental agency budgets over the last decade have threatened public health and the environment.



*A groundbreaking national report by EIP in 2019 revealed that 91 percent of coal-fired power plants are leaking toxic metals from their ash dumps into local groundwater and streams.*

Throughout the year, we filed multiple legal actions challenging regulatory rollbacks by the Trump Administration's EPA. And we also took aim at major industrial polluters for their failure to abide by clean air and water laws. Our attorneys targeted violations by U.S. Steel, Phillips 66, and Corteva, Inc. that threatened nearby communities and local waterways with exposure to dangerous contaminants. To improve public awareness of environmental threats across the country, we created several new online data maps and analysis hubs, so community members and other stakeholders can easily access information we've collected



about fossil fuel greenhouse gas emissions and industrial broiler operations that spread too much manure.

All this work was made possible by generous support from a growing list of foundations and individual donors. We look forward to continuing to expand our reach and efforts to protect the environment in 2020.

## TRUMP WATCH: EPA

**Called Out EPA's Drop in Enforcement:** On February 26, EIP released, "[Less Enforcement: Communities at Risk](#)," which analyzed two decades of EPA data and federal court records to show declines in inspections, polluters charged with crimes, civil penalties, and EPA enforcement staffing under the Trump Administration. We found that EPA in 2018 completed 10,612 inspections or evaluations to determine compliance with environmental laws, less than 60 percent of the annual average since 2001. The same day as the report's release—which generated 106 news articles, including by CNN, ABC, The Hill, and the Minneapolis Star Tribune—EIP Executive Director Eric Schaeffer testified before the U.S. House Energy and Commerce Subcommittee on Oversight and Investigations. The hearing was titled: "EPA's Enforcement Program: Taking the Environmental Cop off the Beat."



*EPA completed 10,612 inspections and evaluations of polluters across the country in 2018. That was the lowest number in almost two decades and only about 60 percent of the average annually since 2001, according to EIP's examination of the Trump Administration's environmental record.*

**Fought to Keep EPA's Public Records Policies Fair:** In July, EIP filed a lawsuit challenging the Trump EPA's modification of its public records policies, which gave political appointees unprecedented power over whether to release public documents. The sweeping changes to the Freedom of Information Act (FOIA) process, proposed by EPA in July, drew immediate criticism from members of Congress and numerous environmental and public interest groups. Seventeen groups signed onto a letter of protest to EPA Administrator Andrew Wheeler from EIP and allies. The letter states that "any politicization of FOIA undermines its core functions of

enabling the public to inform itself on what its government is up to, and to hold officials accountable for their actions." We are standing by to challenge this latest effort by the Trump Administration to delay or squash, the release of public information.

**Sued EPA Over Neglected Clean Water Rules:** On December 18, EIP and Earthjustice sued EPA for its refusal to tighten restrictions on water pollution from slaughterhouses. EPA's decision turns a blind eye to the outdated and ineffective pollution-controls that too

many large meat processing plants still use, which dump nitrogen, phosphorus, sulfates and other contaminants that have fouled waterways across the country. More than a third of these slaughterhouses are still operating under guidelines that date back to 1974 or 1975, so EIP is trying to force both EPA and the meat processing industry to modernize and clean up their acts.

**Documented Declines in State Pollution Control Agency Budgets and Staff:** On December 5, EIP released, “[The Thin Green Line: Cuts to State Pollution Control Agencies Threaten Public Health](#).” The study found that over the last decade, 30 states cut funding for their own environmental agencies and 40 reduced their staffing, with the workforce shrinking by 20 percent or more in at least ten states. Meanwhile, tea party activists in Congress kept slashing EPA’s budget, while claiming that these shrinking state agencies were shouldering more responsibility for environmental protection. The “Thin Green Line” report—which was covered in The Washington Post and on the front page of The Houston Chronicle, among hundreds of other publications—calls on Congress, governors, and state lawmakers to provide more funding to both state and federal environmental agencies.

## OIL AND GAS

**Reduced Harmful Pollution from Flaring:** EIP and the Sierra Club negotiated the settlement of a Clean Air Act lawsuit against the James Lake Gas Plant on December 3, that requires a West Texas natural gas plant to meet new limits that will substantially reduce flaring emissions. Located about 10 miles northwest of Odessa in the heart of the Permian Basin, the plant processes gas by stripping out the acid gas hydrogen sulfide. Over the last five years, the plant has routinely reported major sulfur dioxide releases due to excessive acid gas flaring. Sulfur dioxide pollution has an especially harmful impact on people with asthma and other respiratory conditions.

### **Spotlighted Oil, Gas and Petrochemical Infrastructure**

**Emissions:** EIP launched a [public database](#) to track the environmental impacts of the largest projects to build or expand capacity at gas processing plants, liquefied natural gas terminals, refineries, petrochemical plants, and fertilizer manufacturers. Concentrated in corridors along the Gulf Coast and increasingly the Appalachian Ohio River Valley, these industry hubs are major sources of greenhouse gases as well as emissions that contribute to local air pollution. EIP hopes the database can be used to help monitor the industry during this



*EIP's oil and gas infrastructure tracking database provides access to hundreds of electronic permits obtained from state and federal agencies, and documents greenhouse gas and "criteria pollutant" emissions.*

period of growth, which is happening especially rapidly under the “energy dominance” and anti-regulatory policies of the Trump Administration.

## COAL

**Targeting Coal Ash Contamination for Cleanup:** On March 4, EIP released, “[Coal’s Poisonous Legacy](#),” which concluded that 91 percent of U.S. coal-fired power plants with monitoring data—242 of the 265—are contaminating groundwater with unsafe levels of toxic pollutants, which will now have to be cleaned up, thanks to a 2015 rule adopted by



*EIP’s report, “Coal’s Poisonous Legacy,” revealed that many coal ash dumps across the U.S. were built without liners to prevent arsenic, lead and other toxic metals from leaking into groundwater.*

EPA in response to a campaign by EIP, Earthjustice and others. The study relied upon the industry’s own reports, which were made public in 2018 as required by EPA’s rule. Our report found that many coal ash waste ponds are poorly and unsafely designed, with less than five percent having waterproof liners to prevent contaminants from leaking into the groundwater. EIP’s study was covered by over 415 news outlets across the country, helping increase public awareness and spur state-level action to clean up the toxic dumpsites.

### **Reached Historic Agreement to Clean Up Coal Ash: EIP**

represented three environmental groups in reaching a historic

agreement to reduce toxic pollutants leaking from a Pennsylvania power plant’s coal ash dumps into groundwater and the Susquehanna River. The consent decree, signed on July 31, 2019, requires Talen Energy, owner of the Brunner Island Generating Station in York Haven, PA, to close and excavate one ash pond, monitor and address leakage of pollutants from other waste sites, pay a \$1 million civil penalty, and contribute an additional \$100,000 to fund supplemental projects to reduce local water pollution.

**Enforced Laws Requiring Emissions Reporting:** EIP, on behalf of Clean Air Council, filed a lawsuit on July 26 against U.S. Steel for failing to report releases of hundreds of thousands of pounds of hydrogen sulfide, benzene, and other hazardous pollutants from its Mon Valley Works plants outside of Pittsburgh. The releases started in December 2018 and lasted for more than 100 days. In violation of the federal Superfund law, U.S. Steel failed to report these releases to the National Response Center. In addition, the company failed to report subsequent releases that occurred after U.S. Steel announced in April 2019 that its pollution controls were back online. The plant produces coke for use as a fuel in the steelmaking processes.



## CHESAPEAKE BAY AND FACTORY FARMS

**Pushed to Improve Cattle Fencing Along Streams:** On April 4, EIP released “[Livestock Fencing in the Shenandoah Valley](#).” The study revealed that 81 percent of farms in Virginia’s two largest farming counties are failing to fence their cattle out of streams, contributing to high fecal bacteria levels and pollution in the Chesapeake Bay. With assistance from the Shenandoah Riverkeeper, EIP examined Google Earth images of 1,676 livestock farms with rivers or streams in Augusta and Rockingham counties and found that only 19 percent of them (321) had fenced their cattle out of the waterways. In response to the report, Virginia decided to conduct a pilot study based on EIP’s methodology to estimate livestock fencing coverage in Rockingham County that could be implemented state-wide. Virginia also acted on one of our recommendations by raising reimbursement levels for farmers from 75 to 100 percent if they build fences to keep their cattle out of streams. That provides farmers a greater incentive to clean up their local waterways.



*EIP examined Google Earth images of 1,676 livestock farms with rivers or streams in Virginia’s two largest farming counties and found that only 19 percent of them had fenced their cattle out of the waterways.*

**Continued to Monitor Bacteria in the Shenandoah Valley:** An EIP analysis showed that from January to September of 2019, 75 percent of locations sampled along Shenandoah Valley waterways had too much fecal bacteria for safe swimming or water contact recreation. That was a slight improvement from the 81 percent of sampling locations that had unhealthy *E. coli* levels in 2018. EIP created an interactive map to show where waterways are unsafe for swimming and other recreation. Runoff of manure from the Shenandoah’s livestock industry contributes to the high bacteria and nutrient levels in the waterways. Other sources, including wildlife, urban runoff, and sewage plant effluent, also contribute to the problem.

**Spotlighted Sewage Overflows from Harrisburg’s Antiquated System:** On August 22, EIP released “[Sewage Overflows in Pennsylvania’s Capital](#),” which found that sewage overflows from Harrisburg have increased since a 2015 consent decree meant to address the problem. The amount of human waste mixed with stormwater released into the Susquehanna River grew from 789 million gallons in 2016 to nearly 1.4 billion in 2018. The discharges are harming local water quality. Monitoring by the Lower Susquehanna Riverkeeper and EIP along the city’s waterfront in the summer of 2019 found levels of *E. coli* bacteria that averaged nearly three times the levels safe for swimming or water-contact recreation. The report and its widespread media coverage inspired Maryland’s governor to write a letter to Pennsylvania’s governor and EPA demanding a crackdown on the pollution and better Chesapeake Bay cleanup efforts.

**Helped Pass Phosphorous Monitoring Legislation:** EIP's 2015 report, "More Phosphorus, Less Monitoring," documented dramatic cutbacks by the Maryland Department of Natural Resources (DNR) in phosphorous pollution sampling on the Eastern Shore near a cluster of factory farms. In 2019, EIP and several partner groups worked to pass legislation requiring the state agency to restore the nine water-monitoring sites that were cut. The bill (SB 546) passed the state Legislature, and DNR officially resumed sampling from these sites, which will help protect the Chesapeake Bay from harmful pollution. The bill also required new concentrated animal feeding operations (CAFOs) to obtain water permits before beginning construction, prohibits the Maryland Department of Environment from waiving permit fees for CAFOs, imposed stricter penalties for violating nutrient management laws, and the Maryland Department of Agriculture to better track manure exports.

## ENVIRONMENTAL JUSTICE

**Sued California Plant for Violating Hazardous Waste Laws:** EIP, along with Communities for a Better Environment and Environmental Advocates, filed a federal lawsuit on December 19 against a chemical plant northeast of San Francisco for serious



*EIP worked with community members south of Pittsburgh to fight a natural gas project that many local residents fear would harm air quality and public health.*

Pennsylvania granted a major victory to a community south of Pittsburgh that has been fighting a natural gas drilling project that many local residents fear will harm air quality. The court upheld a decision by the Borough of Jefferson Hills, about 12 miles south of Pittsburgh in Allegheny County, to deny a permit to a hydraulic fracturing and drilling operation by the EQT oil and gas company.

violations of federal hazardous waste laws meant to control air pollution and protect workers and nearby residents from dangerous chemicals. The 1,000-acre Corteva Inc. plant (formerly owned by Dow Chemical Company), located in Pittsburgh, CA, manufactures fertilizers, insecticides, and personal care products. The hazardous waste violations are an environmental justice issue, because the chemical plant is in the middle of a community of 70,000, most of whom are people of color or lower income.

### **Upholding Community's Right to Say No to More Oil and Gas Drilling:**

On May 31, the Supreme Court of



## TEXAS

**Demanded Better Air Pollution Monitoring in Texas:** On May 9, EIP released “[Sour Wind in West Texas](#),” which shows how the rapid expansion of drilling and processing the Permian Basin, the nation’s most prolific oil and gas producing region, is likely causing unhealthy air pollution levels in the growing Midland-Odessa area. The report demanded that Texas invest in the health of local residents by installing a regional air quality-monitoring network to measure pollution. The Midland region currently has only one air quality monitor for sulfur dioxide, which is released during the flaring of gas and can contribute to asthma and heart attacks.

**Called for Stronger Oversight of Houston’s Rapidly Growing Plastics Industry:** On September 5, EIP released, “[Plastics Pollution on the Rise](#),” which found that the Houston region’s rapidly growing plastics industry is significantly increasing air pollution and safety risks. More than 20 percent of Houston’s 90 plastics-related plants were cited by EPA for failing to follow federal disaster management planning requirements over the last five years. This should raise concerns because at least two of these plants erupted in flames during 2019.

With an additional 45 plastics-related expansion or plant construction projects in the Houston region proposed but not yet built, Texas needs to be more consistent in penalizing polluters, especially when it comes to the failure to properly maintain equipment or to conduct required inspections.



*EIP’s report, “Plastics Pollution on the Rise,” found that from 2015 to 2017, Texas or EPA fined only seven percent (57 out of 872) of unpermitted pollution releases from the Houston area’s plastics industry.*

## WOOD BIOMASS

**Helped Limit Pollution from Louisiana Biomass Plant:** In February, Pressure from EIP and other environmental groups helped convince the Louisiana Department of Environmental Quality that the Drax Morehouse BioEnergy plant must install air pollution control systems. EIP, along with the Delta Chapter of the Sierra Club, the Louisiana Environmental Action Network, and the Louisiana Bucket Brigade, argued that the wood pellet plant was emitting volatile organic compounds in an amount several times higher than the plant’s 250 ton per year limit, which resulted in LDEQ deciding to consider the plant to be a “major” source of air pollution.

**Reached Settlement to Limit Emissions from North Carolina Biomass Plant:** The world's largest manufacturer of wood pellet fuel for power plants, Enviva, agreed to install air pollution-reducing equipment at a biomass plant under construction in Richmond



County, North Carolina, in a June 3 settlement that EIP negotiated with the Southern Environmental Law Center on behalf of Clean Air Carolina. Enviva will reduce harmful volatile organic compound pollution from its smokestacks by at least 95 percent, according to the agreement, which Enviva entered into in order to avoid further litigation over construction permits.

*EIP helped reign in harmful emissions from a new Enviva biomass plant in North Carolina. The biomass industry continues to grow across the Southeast even as studies show it failing to meet its goals of reducing greenhouse gas pollution.*

## Thanks to Our Supporters

None of this important work could have been possible without the support of the donors and philanthropic foundations who back our work.

It is a critical time to support environmental advocacy, because the Trump Administration is showing no signs of curtailing its environmental attacks going into a major election year. In fact, the administration's de-regulatory efforts are becoming more frequent and extreme, with at least 95 environmental rules being rolled back by the end of 2019. This includes everything from policies to clean up coal ash dumps, to regulations that outlaw hazardous chemicals, to important safety measures at dangerous petrochemical facilities. Trump's EPA has been working hand-in-hand with industry since the day he took office, and that won't change until the day he leaves office.

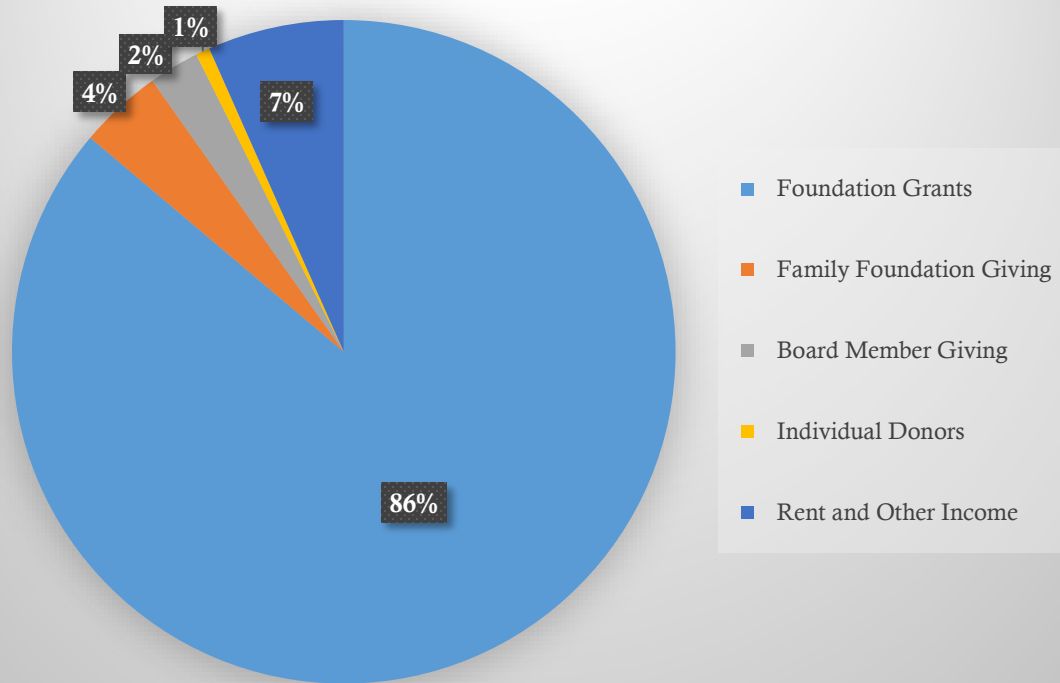
EIP's mission to push for the enforcement of environmental laws has never been more critical, and our fight to preserve a healthy environment for future generations has never been more urgent. The support we receive allows us to keep growing and expanding our work to protect human health and the natural world, and we are grateful for every contribution.

## EIP Financial Snapshot, 2019

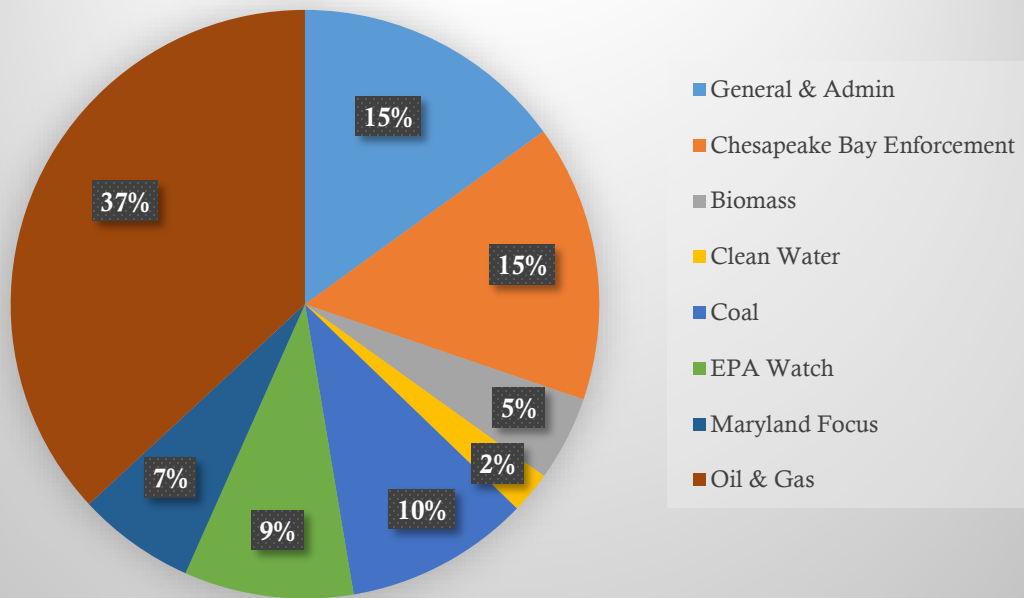
<b>Income &amp; Expense Statement</b>	
	<b>Total</b>
<b>Income</b>	
<b>Foundation Grants</b>	4,745,907.00
<b>Family Foundation</b>	
<b>Giving</b>	223,144.13
<b>Board Member Giving</b>	135,253.18
<b>Individual Donors</b>	37,878.99
<b>Rent and Other Income</b>	365,952.94
<b>Total Income</b>	<b>\$ 5,508,136.24</b>
<b>Expenses</b>	
<b>Payroll Expenses</b>	2,534,190.13
<b>Professional &amp; Legal</b>	
<b>Fees</b>	444,954.83
<b>Public Relations</b>	9,594.36
<b>Subgrants</b>	132,000.00
<b>Meeting &amp;</b>	
<b>Transportation Costs</b>	60,809.65
<b>Other Direct Costs</b>	124,469.14
<b>Indirect Costs, including</b>	
<b>Rent</b>	473,676.77
<b>Total Expenses</b>	<b>\$ 3,779,694.88</b>
	<b>\$</b>
<b>Net Income</b>	<b>1,728,441.36</b>
<i>(unaudited)</i>	



## Income Sources 2019



## Expenses by Program Area 2019



## Donors (at least \$50,000)

Anonymous (3)  
Blanchette Hooker Rockefeller Foundation  
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