

Environmental Integrity Project

ANNUAL REPORT, 2020



*Defending Environmental Laws, Demanding
Environmental Justice*



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.

Washington Office:

1000 Vermont Avenue, NW
Suite 1100
Washington, D.C. 20005
(202) 263-4443

Texas Office:

1206 San Antonio Street
Austin, Texas 78701
(512) 637-9476

PHOTO CREDITS:

Cover photo: Houston fenceline community, iLCP. Additional photos: Chesapeake Bay, USNWS; flaring in West Texas, Creative Commons; Shell's 1,500 acre Deer Park Refinery in the Houston Ship Channel, Roy Luck/Flickr; Liquefied Natural Gas tanker, Shutterstock; Poultry farm, jlastras/Flickr; George Floyd Protest in Washington, DC - May 30, Geoff Livingston/Flickr; refinery, Pixabay; wood pellet plant, US DOE.

EIP Annual Report 2020

With the onset of the coronavirus pandemic and the build-up to a historic election, 2020 was a marathon year. While the pandemic changed the way the Environmental Integrity Project works, it did not change what we do. Through the unprecedented turmoil, the Environmental Integrity Project focused like never before on defending the nation's environmental laws from the Trump Administration's final, desperate push for rollbacks. At the same time, our team helped highlight the need to address racial injustice and inequality across our nation. Partnering with the University of Maryland's Francis King Carey School of Law, EIP established the Environmental Diversity Fund to provide scholarships and paid internships to law students from communities of color.

We led or supported numerous legal actions combating the Trump EPA's efforts to weaken air and water regulations and grant industry favoritism. This included going to court to challenge EPA's attempt to limit protection of rivers, streams and estuaries under the Clean Water Act, objecting to the Trump EPA's policy that relaxed environmental compliance rules during the coronavirus crisis, suing EPA over its unlawful and dangerous rollback of protections from oil and gas methane pollution, and more. With the Trump Administration over, it will be critical to follow through with these legal actions and encourage the Biden Administration to rapidly establish a new era at the EPA in which the agency can live up to its mission.

In our own backyard, we continued to monitor and push for reductions in air and water pollution across the Chesapeake Bay region, releasing several reports documenting the rapid growth of the poultry industry on Virginia's Eastern Shore and in parts of the Shenandoah Valley. We also presented a new analysis showing that during a time of growing rainfall caused by climate change, many states and cities in the Bay watershed have gone backwards in their efforts to control stormwater pollution in the Chesapeake Bay.



EIP took legal action against the Trump EPA's rewritten "Waters of the U.S." rule, calling it "arbitrary, capricious, and otherwise not in accordance with law."

As we have for nearly twenty years, we continued to target major industrial polluters for their failure to abide by clean air and water laws. Our attorneys took legal actions against wood pellet plants in Texas and South Carolina for releasing unlawful pollution threatening public health and the environment; a West Virginia coal storage and loading facility for allowing stormwater contaminated with coal waste to pour into nearby waterways; and Texas regulators demanding action addressing unhealthy levels of air pollution in the Permian Basin, where levels of sulfur dioxide pollution far exceed federal health-based limits.

In our effort to continue to improve public awareness of and address environmental threats across the country, we regularly updated our online data maps and analysis hubs, so community members and other stakeholders can easily access the most recent information we've collected. We also launched the Center for Applied Environmental Science (CAES) to assist civic activists brave enough to take on big corporate polluters by helping them to recruit and pay for scientific experts who can testify about the impact a petrochemical plant is having on air quality or find cost-effective ways to clean up toxic wastewater.

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 efforts to protect the environment in 2021.

TRUMP WATCH: EPA

Fought to Keep Pollution Down During the Covid Era. In March, EIP and a coalition of environmentalists sent a letter to EPA objecting to the Trump Administration policy relaxing environmental compliance rules for petrochemical plants and other big polluters during the coronavirus crisis. "It is not clear why refineries, chemical plants, and other facilities that continue to operate and keep their employees on the production line will no



Across the country, thousands of industrial flares burn excess waste gases and release smog-forming volatile organic compounds (VOCs), carcinogenic benzene, and other pollutants that threaten the health of people living nearby, often minorities and communities with moderate incomes.

longer have the staff or time they need to comply with environmental laws," said the statement, which was written by EIP's Executive Director, Eric Schaeffer.

Sued Over EPA's Failure to Reduce Flaring Emissions.

In October, EIP and a coalition of nine other environmental organizations sued the Trump EPA over its failure to reduce toxic air pollution from the flares on petrochemical plants, gas processing facilities, and other industrial sites.

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pollutants that threaten the health of people living nearby, often minorities and communities with moderate incomes. EPA has not updated the air pollution control standards for industrial flares in thirty-four years, even though the federal Clean Air Act requires that agency review them at least once every eight years to make sure they adequately protect the public and incorporate improvements in technology.

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.

Took on EPA’s Unlawful Waters of the United States Rule. In June, the Environmental Integrity Project, representing four other environmental groups, filed a complaint asking the U.S. District Court for the District of Columbia to vacate EPA’s rewritten “Waters of the U.S.” rule — known as the Navigable Waters Protection rule — because it is “arbitrary, capricious, and otherwise not in accordance with law.” The June 22, 2020, rule substantially revised the meaning of the term “waters of the United States” (WOTUS) as defined under the Clean Water Act (CWA), and in doing so, excluded waters long understood to fall within the Act’s protections. It rolls back federal oversight of up to half the country’s wetlands and around a sixth of its streams—specifically ephemeral streams that only flow after rain or snowfall—many of which have been protected for decades.

Sued the Trump Administration Over Its Methane Pollution Rollbacks.

In September, EIP and nine other environmental groups filed lawsuits against the Trump Administration for its unlawful and dangerous rollback of protections from oil and gas methane pollution, and asked the court to suspend changes to the methane pollution standards to prevent irrevocable harm to human health and the environment — including emissions

of 3.3 million metric tons of methane pollution each year. “By its own admission, EPA’s actions will immediately eliminate air standards for over 1,000 downstream and pipeline facilities that sprawl through countless communities, increase emissions of hazardous and smog-forming volatile organic compounds, and worsen the oil and gas industry’s vast greenhouse gas footprint,” said EIP Senior Attorney Adam Kron.



An EIP report revealed that oil and gas-related industries across the U.S. are planning to build 157 new or expanded plants and expand drilling over the next five years. This could release as much greenhouse gas pollution as 50 new coal-fired power plants.

OIL, GAS AND COAL

Spotlighted Pollution Impact from Oil and Gas Expansion. A January EIP report revealed that oil and gas-related industries across the U.S. are planning to build 157 new or expanded plants and expand drilling over the next five years. This could release as much greenhouse gas pollution as 50 new coal-fired power plants, state and federal records show. This potential increase of 227 million tons would represent a 30 percent rise over the 764 million tons emitted by the industry in 2018, the most recent available data, according to permits and records reviewed by EIP.

Revealed Oil Refineries Releasing Excessive Benzene Emissions. In February, EIP analyzed EPA air monitoring data at the fencelines of oil refineries, available for the first time in 2019, showing that 10 refineries across the U.S. were releasing cancer-causing benzene into nearby communities at concentrations above federal action levels. EIP’s prior efforts required plants to report this data. These refineries, with excessive levels of benzene

detected at their perimeters, are not in violation of the law. However, the facilities are required by 2015 EPA regulations to conduct analyses of the causes of the toxic emissions and then take action to reduce the pollution.

Reported on the U.S.'s Unnecessary Liquefied Natural Gas Expansion. EIP's October Report, "Troubled Waters for LNG," showed that at least ten proposed liquefied natural gas (LNG) export projects that have been approved for construction by regulators are now delayed by at least a year, as companies confronted by both the COVID-19 recession and the oversupply of natural gas have postponed final investment decisions. "Rock-bottom energy prices and persistent oversupply jeopardized numerous proposed LNG export terminals before the pandemic, and now their viability is even more tenuous," said EIP



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Research Analyst and report author Alexandra Shaykevich. "At the very least, it's likely that these projects will be postponed by several years. Some should really not be built at all, because they are unnecessary and would add a large amount of air pollution to vulnerable local communities."

Took Legal Action Against A Coal Facility for Leaking Pollutants into Waterways.

In June, EIP and two other environmental groups took legal action against the operator of a West Virginia coal storage and loading facility for allowing stormwater contaminated with coal waste to pour into the North Branch of the Potomac River. The 2.5-acre coal loading operation

beside a railroad line near the bank of the North Branch of the Potomac River, including a stockpile with heaps of coal up to 20 feet high, supplied coal to the Luke Paper Mill in Luke, Maryland, about a half-mile downriver. The paper mill closed in June 2019 and is the subject of a federal lawsuit, initiated by the Potomac Riverkeeper Network and the Environmental Integrity Project, for leaking a toxic black waste liquid called "black liquor" into the river. The state has also launched legal actions against the mill. When it rains, coal residue from the D. & L. Coal stockpile flows into ditches and then discharges into the North Branch Potomac River.

CHESAPEAKE BAY AND FACTORY FARMS

Documented Growth and Violations by Eastern Shore Poultry Industry. In April, EIP released a pair of reports documenting the rapid growth of the poultry industry on Virginia's Eastern Shore and in parts of the Shenandoah Valley. The industry generates vast amounts of ammonia air pollution and manure runoff that is causing problems for the Chesapeake Bay. The reports showed that Virginia seldom penalizes violations by poultry operations and fails to adequately monitor or control emissions that can be harmful to public health. Across the Chesapeake region, ammonia air pollution from poultry adds 12 million pounds of nitrogen – the Bay's biggest killer – to the Chesapeake every year. That's about a million pounds more than government estimates, and almost as much as all the

nitrogen pollution from all the sewage treatment plants, sewage overflows, and industrial wastewater plants in Virginia every year (12.6 million pounds).

Spotlighted Bay States Failed Efforts to Control Stormwater Runoff. In September, EIP released a report showing that, during a time of growing rainfall, flooding, and runoff pollution caused by climate change, Pennsylvania and Maryland have gone backwards in their efforts to control stormwater pollution in the Chesapeake Bay. For example, Pennsylvania's 2019 Bay cleanup plan will allow almost 7 million pounds (or 87 percent) more nitrogen pollution from urban and suburban stormwater runoff in the state into the estuary by the Bay cleanup deadline of 2025. Fewer investments by these two states in stormwater pollution control projects – including converting parking lots to greenspaces, planting trees, and building rain gardens – will hurt urban communities with large expanses of blacktop, which act as heat islands in the summer because of climate change.



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Celebrated Progress of VA Farmers Installing Livestock Fencing. In April 2019, EIP and the Shenandoah Riverkeeper released a report, based on aerial surveys, that documented for the first time that only 19 percent of 1,676 livestock farms with streams or rivers running through them in Virginia's biggest farming counties, Augusta and Rockingham, had fenced their cattle out of waterways. The number of Virginia farmers signing up for the livestock fencing program to protect the Shenandoah River and other waterways from pollution – a key step in the Chesapeake Bay cleanup – doubled in 2019 and 2020 after the state boosted reimbursement rates.

ENVIRONMENTAL JUSTICE

Showed Harm Industrial Plants in Populated Areas Cause. A February analysis by the EIP found that over a third (39 percent) of all toxic air emissions nationwide in 2018 came from just 100 facilities that have at least 250 people living within a mile. Forty-four percent of the people living within this radius are low-income residents—significantly higher than the national average of just under 33 percent. The report, “Breath to the People: Sacred Air and Toxic Pollution,” was produced in collaboration with the United Church of Christ. For the report, EIP analyzed emissions from the over 15,500 facilities included in the U.S. EPA's Toxics Release Inventory and singled out 100 facilities—the “Toxic 100” — with the potential to impact the most people due to the surrounding population density. More than a third (34 percent) of all toxicity-weighted air emissions came from just ten counties across the country, and 19 percent (884 million toxicity-weighted tons) of all toxic emissions reported to the TRI in 2018 came from 352 facilities in just four counties in Texas: Calhoun, Jefferson, Harris, and Webb.

Launched an Environmental Diversity Fund. This year, EIP initiated a partnership with the University of Maryland's Francis King Carey School of Law to provide for the EIP

Environmental Diversity Fund, a multi-year scholarship and paid internship program. By supporting the education of diverse students and encouraging a path toward public interest work, the nonprofit environmental legal community will begin to more closely resemble the diverse makeup of the communities we most often serve.

Launched the Center for Applied Environmental Science (CAES). CAES is a clearinghouse that will identify and fund experts to provide much-needed technical assistance to help community-based organizations challenge environmental permits for oil, gas, or petrochemical requirements or enforce their requirements. Having access to that kind of expertise makes it much easier for local activists to take on polluters in their communities who are used to having their way with under-staffed and overworked government agencies. The project already has filled requests to help evaluate natural gas



EIP supported the summer demonstrations calling attention to racial injustice and inequality across our society.

well pad storage sites, plastics and methanol manufacturing plants, and a hazardous waste incinerator, and is considering additional projects related to the transportation of fracking waste and oil and gas storage tanks.

Supported Demonstrations for Racial Justice and Equality for all. In response to the June demonstrations calling attention to racial injustice and inequality across our society, EIP released a statement, which included in part: “Since 2002, the Environmental Integrity Project has been

committed to the fight against environmental racism. We partner with and provide legal support to local communities – including many people of color – living near industrial sites that release toxic pollution into the air and water. The Environmental Integrity Project supports every American’s right to demonstrate in support of justice, accountability, and an end to the systemic racism and inequity that pervade our policing, health care system, and distribution of environmental risks in our society.”

TEXAS

Helped Prevent Oil and Gas Flaring in West Texas. Following a challenge by EIP and three other clean air advocacy groups, in September ConocoPhillips dropped a request for extensions on flaring permits at 41 oil and gas sites in West Texas that released more than 1,300 tons of dangerous air pollutants last year. The company’s 41 flares are located in Ector and Andrews counties near Odessa and burned 1.1 billion cubic feet of natural gas in 2018-2019, releasing more than 1,262 tons of sulfur dioxide, which can damage the lungs, as well as 99 tons of nitrogen oxides and other pollutants, according to state records.

Petitioned EPA to Reduce Texas Air Pollution. In October, EIP and seven other environmental organizations petitioned EPA to address unhealthy levels of air pollution in the Permian Basin hub of Ector County, where levels of sulfur dioxide pollution far exceed federal health-based limits. The petition is based on new scientific evidence showing that Ector County, home of the city of Odessa, is failing to meet the federal health-based National Ambient Air Quality Standard for human exposure to sulfur dioxide.



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Took Legal Action Against a Heavily Polluting Gas Plant. In December, EIP and three other environmental groups notified a West Texas natural gas processing plant of our intent to sue the company for illegal flaring that released thousands of tons of sulfur dioxide, threatening the health of people in the Odessa area. “The Goldsmith Gas Plant has emitted more illegal sulfur pollution in the past few years than almost any plant in Texas. It is a top contributor to the harmful levels of pollution in the Odessa area,” said EIP Attorney Colin Cox. The lawsuit aims to force the gas plant owners, DCP Midstream, to stop their illegal and dangerous flaring.

WOOD BIOMASS

Contributed to the Retreat of a Major Wood Pellet Manufacturer. In May, Pinnacle Renewable Energy, one of the largest wood pellet manufacturers in the world, withdrew their application for a new Mississippi wood pellet plant that would have produced 440,000 tons of pellets per year to be exported abroad and burned in power plants. A few weeks earlier, EIP, on behalf of more than half a dozen environmental groups, submitted comments to the Mississippi Department of Environmental Quality on the proposed plant’s air pollution control permit. The comments argued that the draft permit was deficient, and that the facility would either need to install additional and expensive pollution controls or reduce production significantly to comply with the Clean Air Act.

Sued a Wood Pellet Plant for Violating the Clean Air Act. In August, EIP and Lone Star Legal Aid filed a lawsuit in federal court against a wood pellet manufacturing plant about 90 miles northeast of Houston for violating the Clean Air Act and emitting hundreds of tons of illegal VOC pollution and dozens of tons of hazardous air pollutants (HAPs) per year. The plant, located in Woodville, Texas, has delayed installing a required air pollution control for nearly two years, and also routinely used unauthorized “bypass” smoke stacks to circumvent the facility’s existing air pollution controls.



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Took Legal Action Against a South Carolina Wood Pellet Plant. In September, EIP and two other environmental groups sent a notice of intent to sue Jasper Pellets for significant, repeated, and ongoing Clean Air Act violations at its Ridgeland, S.C. wood pellet manufacturing plant. The notice accuses the company of multiple violations of the Clean Air Act, including operating the facility and installing new manufacturing equipment without proper permits.

Thanks to Our Supporters

Waving goodbye to President Trump should do wonders for morale at the once proud U.S. Environmental Protection Agency, which has been forced to spend the last four years drilling loopholes in the Clean Air and Clean Water Acts and protecting polluters instead of the public. At the Environmental Integrity Project we have relied on the support of donors and philanthropic foundations to get us through these demanding years. These connections have also helped keep the bigger, longer-term goals of our work from getting obfuscated by the daily Trump show.

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.

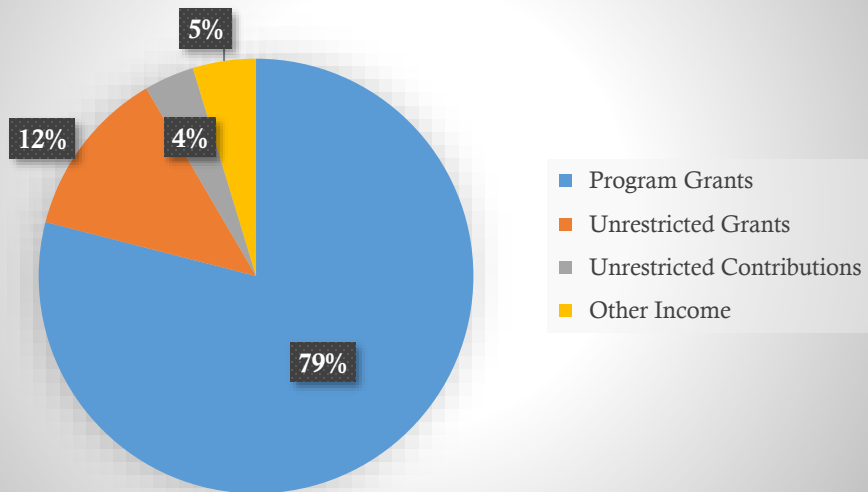
Thank you again for making our work possible, and please don't hesitate to check out our website at www.environmentalintegrity.org, our Facebook page at <https://www.facebook.com/EnvIntegrity>, and our Twitter presence at <https://twitter.com/EnviroIntegrity> for more information.

EIP Financial Snapshot, 2020

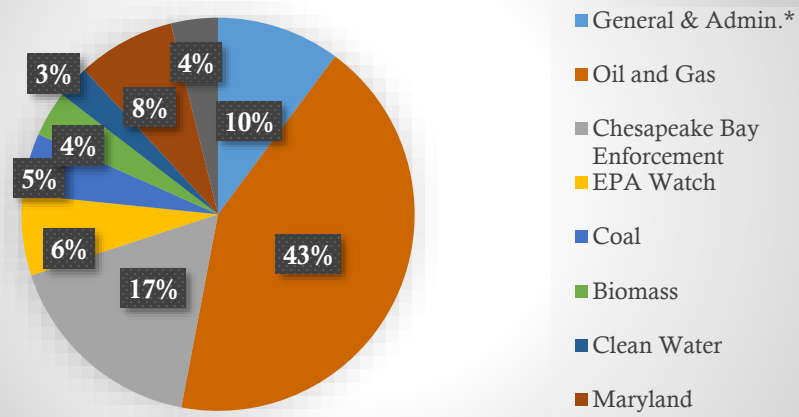
Income and Expense Statement

	Total
Income	
Program Grants	3,643,290.00
Unrestricted Grants	580,000.00
Unrestricted Contributions	171,852.00
Other Income	216,645.00
Total Income	\$ 4,611,787.00
Expenses	
Payroll Expenses	3,089,001.00
Professional & Legal Fees	502,282.00
Public Relations	8,862.00
Subgrant Expense	112,500.00
Mtg. & Transportation Costs	33,435.00
Other Direct Costs	102,723.00
Indirect Costs, Including Rent	449,076.00
Total Expenses	\$ 4,297,879.00
Net Income (unaudited)	\$ 313,908.00

Income Sources, 2020



Expenses by Program Areas, 2020



Note: Environmental justice is a part of all of our program work.

**16.5% general and admin. rate directly supports programs.*

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¹ The Town Creek Foundation sunset in 2019 and continues to fund our activities through 2024.

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