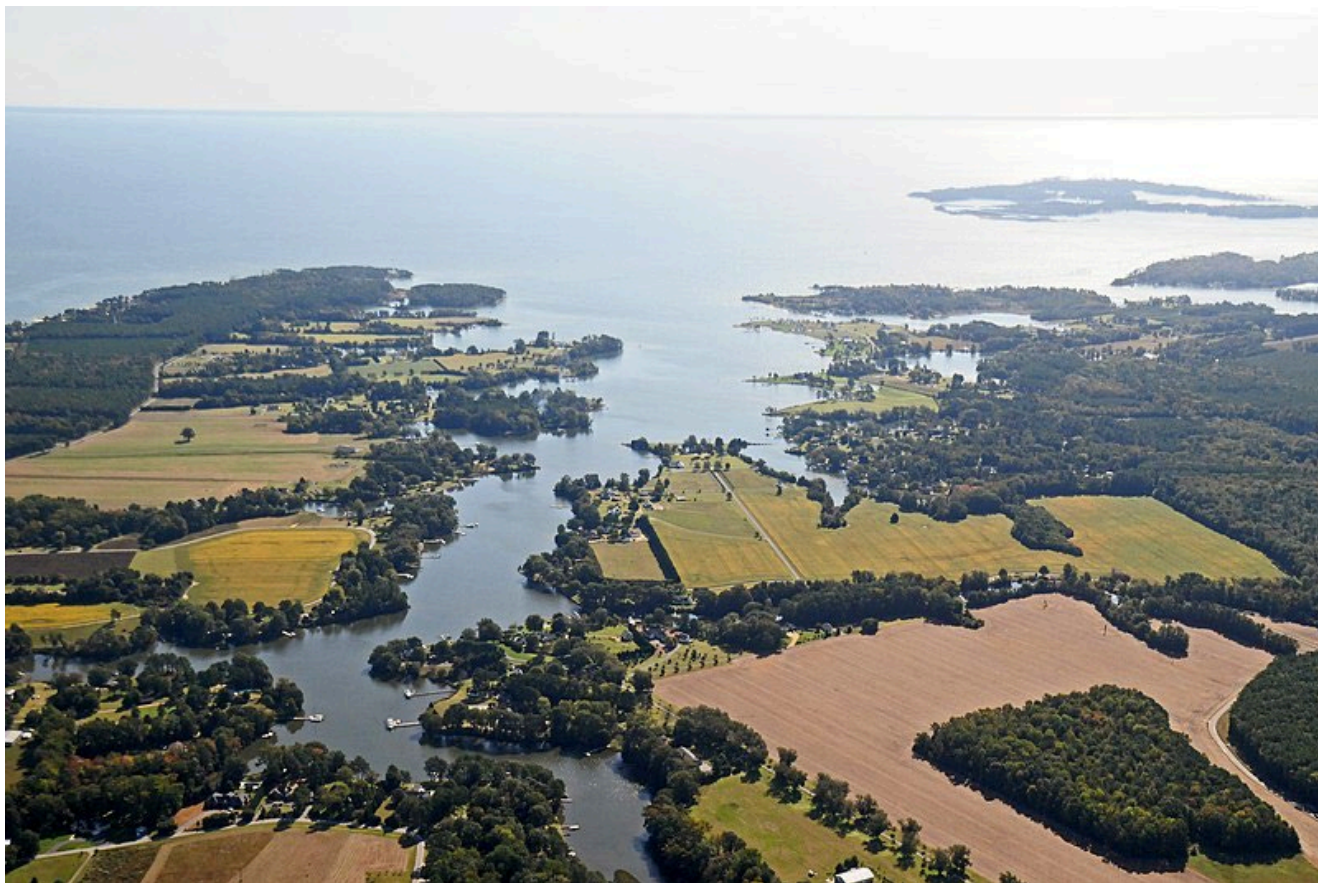


Environmental Integrity Project

ANNUAL REPORT, 2022



*Cleaner Air and Water, a Healthier Climate, and
Community Empowerment*



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 2022:

Clean Air and Water, a Healthier Climate, and Community Empowerment

In 2022, the Environmental Integrity Project (EIP) built upon our multipronged approach to enforcing environmental laws, combating industrial pollution, and catalyzing community engagement. Combining our legal expertise with data-driven research, we closed out enforcement actions that cut down on harmful pollution, especially in frontline communities, improved public tracking of petrochemical plant greenhouse gas emissions and air toxins, took legal action to get stronger environmental standards in place, and delivered much needed technical assistance to communities challenging weak and illegal environmental permits for big new industrial projects. The accomplishments below also reflect the combined efforts of EIP supporters, partners, and friends.

Early in the year, we launched Oil & Gas Watch, an interactive website packed with information about more than 800 oil, gas, and petrochemical projects and pipelines that are newly operating, under construction, or seeking permits to build. Our weekly Oil & Gas Watch News reports feature and draw from this data to analyze specific projects and industry trends that are having (or will have) a big impact on both the global climate and local environments.

Our legal actions continue to force government agencies and industries to tackle chronic sources of pollution with better monitoring, improved oversight, and updated regulations. For example, to settle a Clean Water Act citizen suit filed by EIP on behalf of a local environmental group, a large utility in the Chesapeake Bay watershed – in Henrico County, Virginia, near Richmond – agreed to increase sewage inspections, upgrade wastewater filters, and improve reporting to reduce raw sewage overflows into the James River. Our legal intervention



in Harrisburg, Pennsylvania, helped to convince EPA to impose a firm deadline on the state capital to come up with an effective plan to stop releasing hundreds of millions of gallons of stormwater mixed with sewage into the Susquehanna River.

After EIP sued Woodville Pellet in Texas, the wood pellet manufacturer agreed to install pollution controls that will eliminate hundreds of tons of air pollution annually, helping to protect the health of local residents. BP paid a \$1.75 million fine and invested another \$1 million in local environmental projects in Whiting, Indiana, to settle a Clean Air Act lawsuit EIP filed on behalf of the Sierra Club's Hoosier Chapter. EPA denied a permit for a

major offshore oil terminal proposed on the Gulf Coast near Corpus Christi after it was challenged by EIP and allies, ruling that the Bluewater Texas terminal would need to reduce its toxic air pollution by about 95 percent.

We continued to release ground-breaking investigative reports – which combine public records data analysis, legal expertise, and on-the-ground journalism. EIP’s reports serve as long-term reference works that reporters, community groups, academics and others turn to repeatedly over time as the gospel on specific areas of environmental research. For example, on March 17, 2022, we released a comprehensive national examination of water pollution impairment in rivers, streams, lakes, and bays across the U.S. in our report: “[The Clean Water Act at 50: Promises Half Kept at the Half Century Mark](#).” After a first wave of news articles in the days after our press conference, localized TV and radio programs and editorials that cite our report’s data and findings continued to be aired and published in more than 620 news stories throughout the year, including a national [Associated Press](#) story on Oct. 18, the anniversary of the law’s final passage, and in a lengthy [New York Times editorial](#) on Oct. 26.

On November 3, we released a report, “[Poisonous Coverup: The Widespread Failure of the Power Industry to Clean Up Coal Ash Dumps](#),” that produced more than 550 news articles and editorial across the U.S. Because of the extensive exposure, more journalists, researchers, and community groups over the next few years will likely refer back to these reports as the official source on coal ash contamination or the Clean Water Act’s successes and failures.



Our Center for Applied Environmental Science has been helping communities and environmental advocates obtain expert assistance in their efforts to hold polluters accountable for nearly two years. Projects completed in 2022 include reviews of oil drilling permits in the Everglades and oil pipeline reroutes in Wisconsin; modeling of benzene emissions from oil refineries in Texas and New Mexico; reviews of air and water permits for offshore Gulf of Mexico oil and gas wells; an evaluation of the

ecological impacts of dredging to facilitate crude oil exports from Texas; and dust and sampling drinking water contaminants in a Pennsylvania prison.

The following sections detail our 2022 accomplishments in our different program areas, including EPA Watch, Oil & Gas, Coal, Environmental Justice, Wood Biomass, and our successful regional efforts in Texas, the Chesapeake Bay watershed, and Pennsylvania.

EPA Watch

In our program called “EPA Watch,” which centers around our watchdog work and oversight of the federal government’s role in controlling pollution, we took the following actions in 2022:

Documented Drop in EPA Enforcement: Despite hopes that the Biden Administration would reverse a long-term decline in environmental enforcement, the number of civil cases closed against polluters in fiscal 2022 was the lowest in at least two decades, according to 2022 data compiled by EIP. The 72 civil enforcement cases against polluters concluded in court during the federal fiscal year that ended on Sept. 30 was the lowest number in at least 22 years, based on the annual reports that EPA releases for each fiscal year. EIP’s [reporting on the subject](#) in December 2022 produced more than 100 news articles – including one on the [front page of The New York Times](#) – and our advocacy helped to secure the first significant increase in funding for EPA enforcement in more than a decade.

Sued EPA For Failing to Disapprove Texas Rules That Weaken Particulate Matter Limits for Texas Coal-Fired Power Plants: We sued EPA on behalf of Sierra Club to force the Agency to block an attempt by Texas to eliminate particulate matter limits for certain power plants during periods of startup, shutdown, and maintenance that can extend for hundreds of hours. Faced with our lawsuit, we believe that EPA will have to deny the Texas proposal, based on demonstrating that the state’s rollback would further degrade air quality.

EPA Agreed to Strengthen Air Pollution Control Standards for Flares: To settle a lawsuit brought by EIP and partner organizations, EPA has agreed to adopt more stringent standards to limit pollution from flares unless EPA can prove these improvements are not needed. The current rules are more than a quarter of a century old and allow petrochemical plants to release excessive amounts of pollution into low-income neighborhoods or communities of color. The consent decrees



require EPA to review and improve air toxics standards for flares and other polluting units at certain polymer, epoxy resin, non-nylon polyamides and resin petrochemical plants by March 29, 2024; for storage tanks holding volatile organic liquids by September 29, 2024; and for marine tank loading operations by December 18, 2026.

Sued EPA to Expand Scope of Coal Ash Rule: EIP, Earthjustice, and others sued EPA over the fact that current federal coal ash disposal rules only apply to about half of the coal ash buried across the United States. This is because the rule exempts landfills that stopped receiving coal ash before 2015. Power plant cleanups will only be complete and

effective if they address all onsite sources of contamination, so we are pushing EPA to expand the scope of the rule and require site-wide corrective action.

EIP Lawsuit Targeted EPA Failure to Accurately Measure Climate Pollution from Landfills: EIP, Chesapeake Climate Action Network, and Sierra Club filed a complaint in federal court asking EPA to revise methods that undercount emissions of landfill methane by at least 25%. According to EPA, the rotting of discarded food, consumer products and other household waste at municipal waste landfills emitted about 4.38 million tons of methane in 2019, a potent greenhouse gas that is 86 times more powerful at warming the climate than carbon dioxide over a 20-year period. Based on the evidence we have gathered, the real emissions are likely to be much higher and if true, that would spur efforts to increase recycling and composting and improve standards to reduce methane leakage from landfills.

Oil, Gas, and Coal

Launched Oil & Gas Watch: EIP launched oilandgaswatch.org, our new website that tracks new and expanding oil, gas, and petrochemical infrastructure in the U.S. The website is a tool for advocates to better understand the potential air emissions from new and expanding facilities and pipelines. We're currently tracking over 650 projects at 550 stationary sources and about 170 pipeline projects. The website highlights construction and operating status, information about CAA NSR and other key permits/approvals for each project, and the demographics of surrounding communities. Communities and their attorneys get early warning about new projects in time to review permit applications, file public comments, and challenge project approvals. The Oil & Gas Watch newsletter is distributed to more than 4,000 readers every week, including most energy reporters in U.S. The Washington Post and Inside Climate News, among other publications, have cited Oil & Gas Watch as sources.



EPA Denied Clean Air Act Permit for Proposed Offshore Oil Terminal near Corpus Christi, Texas: After it was challenged by EIP and allies, EPA denied a permit for a major offshore oil terminal proposed on the Gulf Coast near Corpus Christi, ruling that the Bluewater Texas terminal would need to reduce its toxic air pollution by about 95 percent.

BP Paid \$2.75 Million for Air Pollution Violations at Indiana Oil Refinery on Lake Michigan: In response to a Clean Air Act citizen suit filed by EIP on behalf of the Sierra Club for violations of air pollution limits at the Whiting Refinery, EIP negotiated an agreement that requires BP Whiting to pay \$1.75 million in civil penalties and \$1 million for indoor filter systems to improve air quality in public school classrooms. The company is also required to support a tree planting project

that will employ local teenagers. In an earlier action, the EPA ordered Indiana to require more stringent monitoring of particulate emissions from the refinery's industrial boilers in response to an EIP petition.

EIP Online Maps Documented Benzene Pollution at U.S. Refineries: Refineries have had to monitor benzene levels at their boundaries since 2018, thanks to an EPA regulation that EIP helped to secure in 2015. EIP has used this data to create a public dashboard that makes the monitoring results easier for communities to understand and use. We update the dashboard and analysis every 3 months. Exposure to benzene can irritate the respiratory tract, damage the immune system, and elevate the risk of cancer.

West Virginia Legislation to Weaken Oil & Gas Regulation Defeated: For the second year in a row, EIP's Center for Applied Environmental Science helped the West Virginia Rivers Coalition and Downstream Strategies maintain protections against leaking oil and gas tanks by defeating legislation to weaken the state's Aboveground Storage Tank law.

Released Advocates Guide for Challenging LNG Projects: LNG terminals are some of the largest pollution sources built in the US today. They are also among the more complex facility types to challenge because of the number of agencies involved and overlapping laws with which they must comply. The goal of the guide is to help communities exercise their legal right to contest permit approvals that do not meet all legal requirements and to bring enforcement actions when LNG terminals violate environmental laws.



Western Pennsylvania

Pennsylvania Withdrew Permit for Proposed Expansion of the MarkWest Harmon Creek Cryogenic Plant Pennsylvania. Pennsylvania withdrew a permit that allowed Pennsylvania to add a second cryogenic plant at a MarkWest site in western Pennsylvania, after EIP showed that the permit had missed the deadline for construction. As a result, potential air emissions from the facility have been substantially reduced, and MarkWest must seek a new construction permit if it chooses to expand the facility.

Defeated Olympus Energy Proposal for Oil and Gas Well in Pennsylvania: The West Deer Township Board of Supervisors unanimously denied a conditional use and land development permit for a deep well in response to advocacy efforts by EIP and Concerned Residents of West Deer (CROWD). The company appealed the outcome, but the state judge upheld the Township's decision, noting that the Town and local community members had demonstrated that the project would endanger the health and safety of the Township. This win helps underscore the importance of community testimony in local

permit proceedings and provides a playbook for Pennsylvania communities to secure commonsense protections from oil and gas operations.

Urged EPA to Limit Benzene Pollution from Western PA Steel Plants: In a letter to EPA, EIP urged EPA to order US Steel to monitor benzene concentrations at the perimeter of each of its three Monongahela Valley Plants, and to take corrective action whenever their fence-line benzene levels exceed certain thresholds already in place for refineries and some petrochemical plants. EIP supported more than a year of monitoring that found unhealthy levels of benzene, a hazardous air pollutant that can irritate the skin, eyes, and throat, and lead to additional health problems, at two homes near the plants.

Chesapeake Bay and Factory Farms



Two Municipal Wastewater Utilities to Clean Up Raw Sewage Overflows, Reduce Nutrient Discharges: To resolve legal actions taken by EIP on behalf of local allies in Pennsylvania and Virginia, municipal authorities in Pennsylvania’s state capital and the suburbs of Richmond signed agreements to reduce sewage overflows into a pair of major Chesapeake Bay tributaries. In Harrisburg, Pennsylvania, Capital Region Water signed a consent decree with EPA and the state Department of Environmental

Protection that gives the water utility until the end of 2024 to develop an effective plan to reduce the city’s piping of hundreds of millions of gallons of sewage and stormwater into the Susquehanna River. And in Henrico County, Virginia, EIP represented the James River Association and worked with the Chesapeake Bay Foundation to convince the county to sign a settlement agreement designed to reduce raw sewage overflows into the historic James River. The settlement requires the county to clean and upgrade its collection and filtration systems, account for the heavier rainfalls expected from climate change, notify the public of sewage overflows, and fund a \$1 million environmental project.

EIP Online Maps Showed Bacteria Levels in Shenandoah Waterways: The runoff of manure from livestock and poultry farming overloads the Shenandoah River and the Valley’s streams with bacteria, but Virginia does little to alert the public when levels are high enough to make the water unsafe for swimming or wading. EIP updated an online map and analysis page in August with new data to show that in the first half of 2022, 76 percent (48 of 58) monitoring locations had bacteria levels that exceeded EPA’s recommended threshold for warning swimmers of health risks. Five news outlets in the Shenandoah Valley ran stories about this year’s updated data map, including a front-page article in the Staunton News Leader.

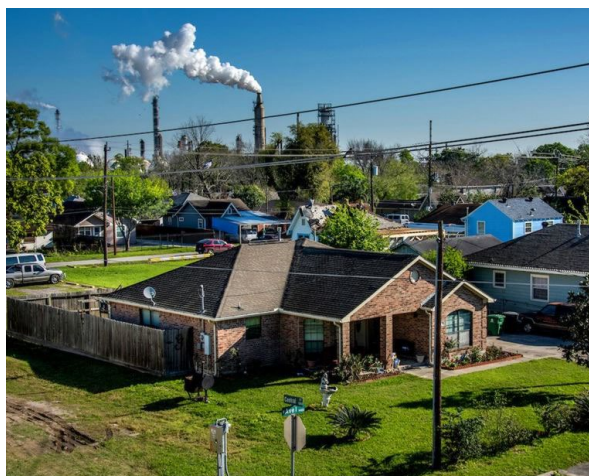
EPA Estimates of Eastern Shore Ammonia Emissions Increased 249% after EIP Research Exposed Flawed Methodology. Our research proved that new U.S. EPA models of the emission and deposition of ammonia erroneously excluded emissions from poultry operations, which are the largest sources on the Eastern Shore and a major source of the nutrient pollution in Eastern Shore of the Chesapeake Bay. We brought this error to EPA’s attention, and the Agency increased its estimate of ammonia emissions from the Delmarva peninsula by 249 percent. In August, we used our research to file a legal brief supporting litigation by the Assateague Waterkeeper and other groups to compel Maryland to reduce ammonia deposition from poultry houses.

Maryland Department of the Environment Agreed to Increase Enforcement Against Poultry Operators Violating Clean Water Act. During a legislative oversight hearing in the Maryland Senate on January 18, Maryland’s Environmental Secretary – responding to criticism over EIP’s Oct. 29 report “[Blind Eye to Big Chicken](#)” – promised lawmakers that his agency would increase inspections of poultry operations by 50 percent over the next year. Secretary Ben Grumbles also pledged to hire two more poultry inspectors, raising the total from three to five.

Environmental Justice

Pennsylvania Issued New Rules that Reduce Smog-Forming Pollution: EIP filed legal and technical comments urging the Pennsylvania Department of Environmental Protection (DEP) to tighten emission limits for nitrogen oxides (NOx) from the state’s six trash incinerators. DEP initially proposed a state-wide rule tightening the default limit for daily average NOx concentrations from incinerators from 180 parts per million to 150 ppm. After reviewing extensive comments from EIP and our partners, the state ratcheted the limit down to 110 ppm, one of the most stringent NOx emissions standards in the country for existing incinerators. We expect the new rules to reduce approximately 1,500 tons of NOx pollution each year.

The Center for Applied Environmental Science (CAES) Continued to Help Frontline Communities with Technical Assistance: Over its first two years, CAES has provided technical assistance on over 50 projects. Projects completed in 2022 include reviews of oil drilling permits in the Everglades and oil pipeline reroutes in Wisconsin; modeling of benzene emissions from oil refineries in Texas and New Mexico; reviews of air and water permits for offshore Gulf of Mexico oil and gas wells; an evaluation of the ecological impacts of dredging to facilitate crude oil exports from Texas; and dust and drinking water sampling in a Pennsylvania prison.



Secured Fenceline Monitors and Vent Gas Recovery for a Butadiene Expansion Project at TPC’s Houston Plant. TPC (formerly Texas Petrochemicals) filed two air permit applications, seeking expansion of its butadiene production facilities at its Houston chemical plant. We challenged the permits on behalf of nearby Houston residents, forcing TPC into a contested case hearing and resulting in an agreement to help protect nearby and downwind neighbors by requiring the company to install butadiene fenceline monitors and upgrade vent gas recovery systems on its tanks.

Texas

Texas Commission on Environmental Quality Reconsidered Permit to Construct a New Energy Transfer (ETC) Gas Plant in the Permian Basin. EIP’s Oil & Gas Watch flagged the recent issuance of a Clean Air Act “Minor New Source Review” permit that would allow construction of ETC’s new Bear Gas Processing Plant in Reeves County, Texas. We filed a Motion demonstrating that Energy Transfer grossly under-represented the levels of dangerous hydrogen sulfide in its fracked inlet gas. In a rare move, the Texas agency granted our motion and has asked ETC to respond.

EPA Objected to Air Permit for Dallas Asphalt Shingle Plant: Based on comments filed by EIP and our allies, the Agency objected to the federal operating permit for Building Materials Investment Corporation’s Dallas Plant. This plant abuts environmental justice communities and is a persistent nuisance for people living near it. EPA ordered the Permit to be corrected to include adequate monitoring for compliance with hazardous air pollutant limits. EPA also urged the TCEQ to address nuisance complaints from the community and to engage with communities affected by the plant to address their concerns.

Petitioned EPA to Address Longstanding Environmental Justice Violations in Texas Clean Air Act Program: EIP and twelve other organizations petitioned the U.S. EPA to take action in Texas, where the state’s air permitting program has for years failed to meet public participation and environmental justice obligations under federal



environmental and civil rights laws. Our Petition shows how the Texas Commission on Environmental Quality’s practices disproportionately harm environmental justice communities, in violation of Title VI of the Civil Right Act.

Conoco-Phillips Agreed to Reduce Gas Flaring at Permian Basin Gas Plant: The DCP Operating Company agreed to reduce dangerous acid gas flaring at its Goldsmith Gas Processing Plant near Odessa, Texas, which in some years have exceeded 1,000 tons. The company also agreed to pay

\$500,000 to fund local air quality and public health projects in the Odessa area. In addition, the company will pay automatic penalties in the future – up to \$14,500 per ton of hydrogen sulfide – if emissions exceed certain limits.

Filed Suit to Stop Construction of an Oil Export Terminal in Matagorda Bay, Texas: up front? EIP sued the Texas Commission on Environmental Quality after the state agency granted Max Midstream’s application to construct the Seahawk Crude Condensate Terminal in Point Comfort, Texas. Our lawsuit alleges that TCEQ violated public participation rules by wrongly denying local residents their right to contest the permit approval.

Wood Biomass

East Texas Wood Pellet Manufacturer Agreed to Reduce Harmful Air Pollution:

After EIP sued Woodville Pellet on behalf of the Sierra Club and community residents, the company agreed to a consent decree that requires the company to install pollution controls that will eliminate hundreds of tons of air pollution annually, contribute nearly \$500,000 to fund weatherization upgrades for homes and community buildings in east Texas, and pay specific penalties any time certain emission controls are bypassed.



Thanks to Our Supporters

The support of our friends and allies allowed the Environmental Integrity Project to expand our programs and increase our impact in 2022, and to further advocate for fair and effective enforcement of environmental laws.

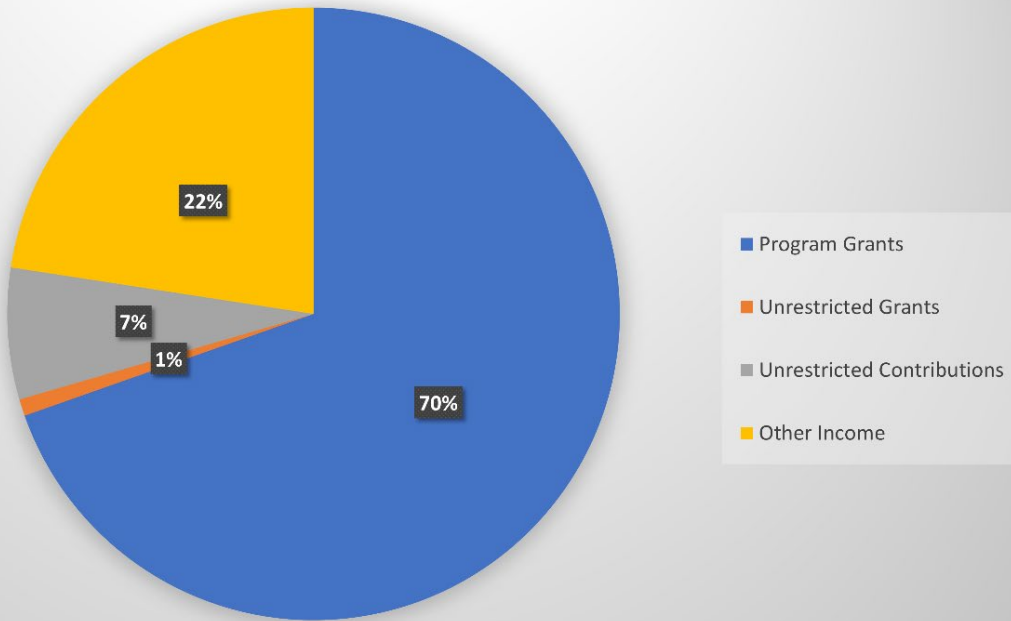
The support we receive allows us to keep growing our work to protect human health and the natural world, and we are grateful for every contribution.

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.

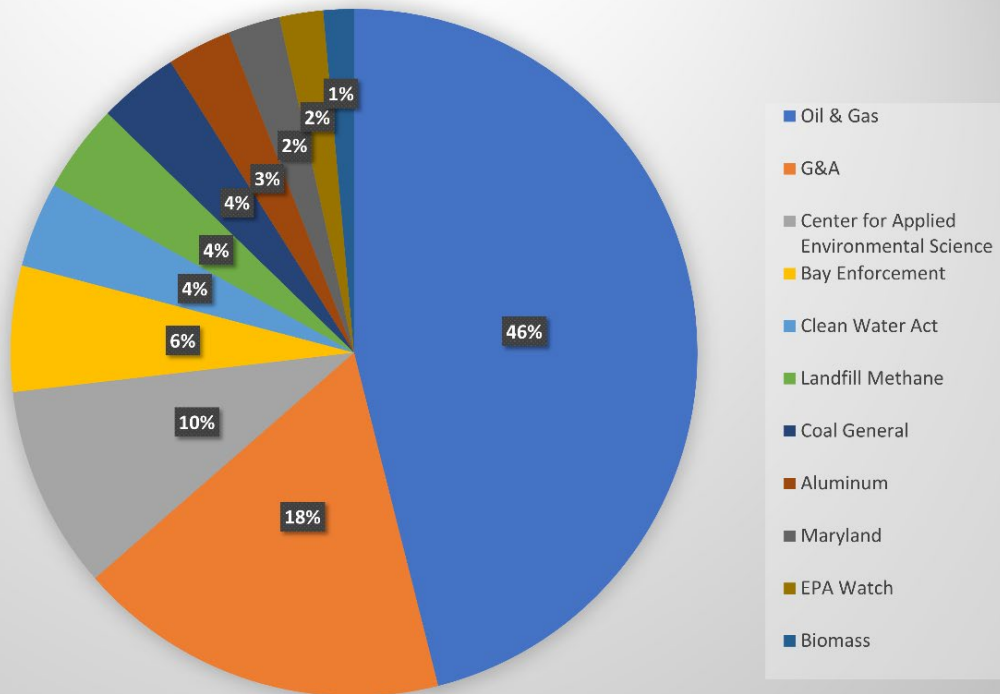
EIP Financial Snapshot, 2022
2022 Income and Expense Statement

	Total
Income	
Program Grants	4,315,125.00
Unrestricted Grants	55,000.00
Unrestricted Contributions	429,889.00
Other Income	1,399,179.00
Total Income	\$ 6,199,193.00
Expenses	
Payroll Expenses	3,783,694.00
Professional & Legal Fees	1,281,388.00
Public Relations	5,382.00
Subgrant Expense	201,000.00
Mtg. & Transportation Costs	59,253.00
Other Direct Costs	316,507.00
Indirect Costs, Including Rent	581,227.00
Total Expenses	\$ 6,228,451.00
Net Income (unaudited)	\$ (29,258.00)

Income Sources, 2022



Expenses by Program Areas, 2022



Donors (at least \$50,000)

Anonymous (5)
Anthropocene Alliance
Beyond Petrochemicals
Blaustein Foundation
Campbell Foundation
Climate Imperative
Cornell Douglas Foundation
Energy Foundation
Environmental Defense Fund
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Tilia Fund
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Town Creek Foundation¹

Donors (\$1,000 to \$49,999)

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Amalgamated Charitable Foundation
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Margaret Silver and Jim Nicoll
Wallace Genetic Foundation
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¹ The Town Creek Foundation sunset in 2019 and continues to fund our activities through 2024.

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