



environmental integrity project

WATCHDOGS FOR PUBLIC HEALTH

annual report 2013–2014





Front cover photo: The stack of one of the largest coal-fired power plants in the U.S. towers over a graveyard in Shippingport, Pennsylvania. The Bruce Mansfield plant, located northwest of Pittsburgh, produces not only air pollution that contributes to lung disease and heart attacks but also tons of coal ash that is dumped in a nearby unlined waste pit (see photo of the Little Blue Run Impoundment on page 3).

Above: The photo on this page of families on the beach suggests the connection between water pollution and public health.

Photo credits: Cover photo by Robert Nickelsberg. Image above and photos on pages 2, 11, and 13 by iStockphoto. Photo on page 3 by Bob Donnan, page 4 by Blas Espinoza, page 7 by Ken Lam of *The Baltimore Sun* (used with permission), page 8 from the Chesapeake Bay Program and Creative Commons, page 12 by Doug Lees, back cover by Kathy Phillips/Assateague Coastkeeper. Report design by Cutting Edge Design, Inc.

letter from the executive director, Eric V. Schaeffer

We founded the Environmental Integrity Project 12 years ago with the conviction that all people deserve to have their health and quality of life protected through the vigilant enforcement of environmental laws.

We act as a watchdog because all too often the federal and state agencies sworn to this duty fall short. Despite their best efforts, agencies charged with protecting the environment are squeezed by limited resources and political interference from well-funded lobbyists for the industries that government is supposed to regulate. We help level the playing field by giving communities the legal and technical resources they need to claim their rights under laws that protect the air we breathe, the water we drink, and the lakes and rivers in which we swim and fish.

Political influence should play no role when the government decides whether to enforce laws that keep cancer-causing benzene out of the lungs of children, for example, or deadly coal soot particles out of the bloodstreams of the elderly. Our dedicated team of lawyers and analysts fight for average people facing David-vs-Goliath odds against well-connected energy corporations, oil and gas drilling firms, factory farm companies, and others. We also write investigative reports that expose weaknesses in the enforcement of environmental laws and areas where policy should be strengthened.

This report reviews what the Environmental Integrity Project (EIP) accomplished in 2013–2014 with support from our partners at the national level and in the local communities we serve:

- In April of 2013, the Environmental Protection Agency proposed the first national standards to limit toxic water pollution from power plants—prompted by a lawsuit that EIP and our partners brought against EPA for its failure to act.
- In Pennsylvania, EIP's legal pressure on the owners of the largest ash waste pond in the U.S. forced the state in April 2014 to order closure and a \$169 million cleanup of the Little Blue Run Impoundment.
- In Baltimore, we exposed permit violations that helped prompt Maryland to temporarily halt construction of a large trash-burning incinerator planned for a poor and minority neighborhood.
- To reduce pollution into the Chesapeake Bay, we filed suit against the Washington Suburban Sanitary Commission to force its water treatment plant to stop releasing millions of pounds of sediment and aluminum into the Potomac River.

We have also stepped up our efforts to keep the public and media informed, because the right kind of publicity can motivate government agencies and industry to make the right environmental choices. This year, we launched “Ash-tracker” (www.ashtracker.org), an online database that makes it easy to find and interpret groundwater monitoring data for the most heavily contaminated



coal ash sites. We also launched a new website and Facebook page, and hired our first Director of Communications, who has increased news coverage of our investigative reports. The August 2014 release of our report “Fracking Beyond the Law,” which documented the illegal injection of diesel fuel at 351 wells in 12 states, attracted coverage in 150 news outlets, including *The Los Angeles Times*, BBC, *Scientific American*, ProPublica, NPR’s “Morning Edition” and “All Things Considered,” *The Washington Post*, *Denver Post*, and *The Houston Chronicle*. Among those interested by the coverage were Congressional staff from the U.S. House Energy and Commerce Committee, who invited the report’s author, EIP Managing Attorney Mary Greene, to brief them on her conclusions.

Everyone has a right to protection by environmental laws. We are fighting hard to make sure these rights are realized, so that all people have clean air to breathe, clean water to drink, and a healthy future for their children.

coal

Burning coal threatens public health and is the biggest source of global warming pollution in the U.S. Coal combustion not only releases microscopic soot particles that trigger asthma and heart attacks, but also sulfur dioxide that contributes to acid rain, nitrogen oxides that help cause smog and “dead zones” in waterways, and mercury that is especially toxic to developing fetuses. Coal ash dump sites leak toxic metals that contaminate underground drinking water supplies, streams, and rivers.

To help local residents understand whether groundwater samples near leaky ash waste dumps exceed federal standards for safe drinking water, EIP in May 2014 launched Ashtracker (www.ashtracker.org). Ashtracker is an online database with detailed information about



groundwater monitoring near 30 ash waste sites in 16 states from Florida to North Dakota. In November 2013, we also released a report showing that decades of mismanagement led to toxic groundwater pollution at all 11 coal plants owned by the Tennessee Valley Authority (TVA), with concentrations of arsenic, boron, cobalt, manganese, and other pollutants exceeding health-based guidelines in dozens of down gradient wells.

EPA Proposes Rules Limiting Toxic Water Pollution from Power Plants

In response to a lawsuit brought by EIP and Earthjustice on behalf of our partner organizations, EPA in June 2013 proposed the first nationwide standards to limit toxic discharges of arsenic, cadmium, chromium, lead, selenium and other toxins that are among the most dangerous pollutants known to man. EPA was required to limit these discharges more than forty years ago, but took no action until we threatened to file suit. Once these standards are in place, we are hopeful they will eliminate approximately 60 percent of the 5.5 billion pounds of pollutants that coal plants dump into our rivers, creeks, and wetlands every year.

EPA Required to Issue Long Overdue Federal Rules for Coal Ash Waste Disposal in 2014

Over the past five years, EIP has painstakingly gathered monitoring data which show that leaking coal ash dumps have contaminated groundwater so badly that it no longer meets federal drinking water standards. Thanks to a lawsuit brought by Earthjustice on behalf of EIP and our partners, EPA must have final rules to require safer coal ash waste disposal practices by December 2014. While EPA's oversight role will likely be limited under the new rules, citizens may bring

enforcement actions in federal courts where states fail to require cleanup.

EIP Helps Force Closure of the Nation's Largest Coal Ash Impoundment

In April 2014, Pennsylvania announced the final closure and a \$169 million cleanup plan for the 1,000-acre Little Blue Run coal ash impoundment. First Energy must close the ash pond, located northwest of Pittsburgh, no later than December 31, 2016. The actions were prompted by our investigation and notice of intent to file suit on behalf of local residents frustrated by decades of pollution from this leaky, unlined waste pond, which had accumulated more than three square miles of toxic coal ash. Some of the key requirements in the cleanup plan were incorporated at our request.

Company Shutting Down Coal-Fired Power Plants in Maryland

In December of 2013, the largest owner of coal-fired power plants in Maryland, NRG Energy, filed notice that it would be deactivating the coal generators at its Chalk Point power plant in Calvert County and Dickerson plant in Montgomery County by the end of May 2017. These closures will eliminate 6 million tons of carbon dioxide pollution a year, as well as nearly 12,000 tons of sulfur dioxide and nitrogen oxide emissions, 4,000 pounds of toxic chemicals discharged to waterways, and 139,000 tons of coal ash added to landfills, annually. While several factors influenced the company's decision, we think lawsuits that EIP filed on behalf of partner groups to clean up air and water pollution from these plants played a role. These enforcement actions made it clear that these aging coal plants could not continue to avoid complying with environmental laws that have been on the books for decades.

For years, our small community tried to get help with coal ash pollution problems. However, we were constantly ignored. We are grateful EIP stepped in to help. Our concerns are finally being taken seriously. Before EIP joined our efforts we didn't think anyone knew we were here or that anyone cared. EIP definitely does care and we are thankful for their help.

GARY KUKLISH, resident of LaBelle, Pennsylvania, who lives near a coal ash dump



This photo shows the largest coal ash waste pond in the U.S., the Little Blue Run Impoundment in western Pennsylvania, with its waters polluted and discolored. The Environmental Integrity Project's legal pressure forced Pennsylvania to order the closure and a \$169 million cleanup of the leaky, unlined dump.

oil and natural gas

Smoke pouring from a petrochemical plant in Houston, Texas, next to the ball fields of Charles H. Milby Park. The rise of hydraulic fracturing has sparked a boom in oil and gas production across the U.S. EIP scrutinizes the industry to make sure it follows clean air and safe drinking water laws.



My family and I appreciate EIP's help in working to preserve and protect the rural and agricultural character of our township.

CATHY LODGE, a resident of Robinson Township, PA, where EIP is working with local residents to challenge a new zoning ordinance that allows drilling as a permitted use without a public hearing in rural residential neighborhoods

Drilling for oil and gas has boomed in recent years because of a combination of relatively new technologies: hydraulic fracturing and horizontal drilling. The injection of water mixed with chemicals and sand to fracture shale rock formations has transformed the U.S. energy landscape. EIP is keeping a close eye on the industry because air and water pollution from hydraulic fracturing can also pose risks to public health. U.S. refineries and related chemical plants are expanding rapidly to take advantage of cheap and abundant supplies of shale oil and gas. These petrochemical operations already press close to the fence lines of low income neighborhoods, and are major sources of greenhouse gases and toxic pollution.

Pennsylvania Assesses \$2.1 Million Penalty Against Natural Gas Driller

EIP launched an investigation into a hydraulic fracturing site in Tioga County, Pennsylvania, after an unauthorized five million gallon waste pond leaked into Rock Run, a "class A" wild trout stream. The pond's liner had 100 holes and tears, which released fracking wastewater into the stream and groundwater.

EIP and its partners sent a report to Pennsylvania officials and EPA outlining the negligence at the site by the EQT Production Company, which now faces more than two million dollars in fines.

Air Pollution Reductions at Minnesota and Texas Refineries

In 2013, EIP and its partners negotiated new permits with Flint Hills Resources—a Kansas-based chemical and grain processing company that is owned by Koch Industries—to reduce air pollution from its refineries in Rosemont, Minnesota, and Corpus Christi, Texas. The agreements will eliminate more than 57,000 tons of greenhouse gases and 100 tons of toxic air pollutants annually from the Minnesota refinery, and 350 tons of smog-forming nitrogen oxide emissions.

New Standards for 20,000 Oil and Gas Storage Tanks

EIP and its partner organizations in 2013 helped to stop EPA's proposed rollback of air emission controls for 20,000 new oil and gas storage tanks across the nation.

The tanks are now required to meet new standards which will reduce emissions of methane and volatile organic compounds by 95 percent, eliminating over 500,000 tons of methane (which is a potent greenhouse gas, the equivalent of 10 million tons of carbon dioxide) and 2 million tons of volatile organic compounds over 10 years.

EPA to Reduce Refinery Air Pollution

Prompted by a lawsuit filed by Earthjustice on behalf of EIP, EPA in May 2014 issued proposed rules to reduce toxic air pollution from oil refineries. The rule is expected to reduce exposure to benzene and other carcinogens or toxins in low-income neighborhoods near refineries, and require monitoring for benzene along the fence lines of the facilities. EPA is also tightening methods used to monitor and control emissions from flares.

EIP Report Exposes Drinking Water Act Violations by Drillers

In August 2014, EIP released an investigative report, "Fracking Beyond the Law," which documented the illegal injection of diesel fuel by 33 companies at 351 wells in 12 states. The report found troubling evidence that drilling companies have been changing and eliminating their disclosures of past diesel use from the industry's self-disclosure database of chemicals used in hydraulic fracturing, called FracFocus.

Injecting diesel fuel into the ground to fracture shale and extract gas or oil is a potential threat to drinking water supplies and public health because diesel contains toxic chemicals, such as benzene, that cause cancer or other serious health problems, even at microscopic doses.

EIP Urges EPA to Require Reporting of Pollution from Oil and Gas

The oil and gas extraction industry is one of the biggest sources of toxic pollution releases in the U.S. yet it remains exempt from reporting to the publicly available federal Toxic Release Inventory (TRI). In October 2012, EIP formally petitioned EPA on behalf of 16 partners to require this industry to report to the TRI. Since then, we submitted significant information and data in support of our petition, including research submitted in January 2014 indicating that 400 facilities in six states are emitting a combined 8.5 million tons of toxic chemicals each year. We intend to file suit asking a federal court to set a deadline for EPA action if the agency fails to act on our petition before the end of the year.

environmental justice

Low-income neighborhoods and communities of color often bear a disproportionate health burden from pollution—including from chemical plants and oil refineries, landfills, incinerators, and highways.

EIP fights for environmental justice by engaging directly with local residents and helping communities with legal needs. We review the permits of proposed and expanding industrial plants to make sure they meet the requirements of environmental laws. And we also make pollution data more accessible to local residents.

Baltimore Incinerator Project Halted, Violations Exposed

EIP conducted an investigation into a trash-burning plant proposed for a lower income neighborhood in Baltimore that, if built, would be the largest incinerator in the U.S.

Our work helped to expose permit violations at the Energy Answers project in the Fairfield neighborhood. And these violations prompted the Maryland Department of the Environment in June 2014 to issue a stop-work order and notice of violation with fines that could add up to millions of dollars.

We also supported a local, student-led environmental justice campaign to stop the incinerator. Student rappers performed on a weekly public radio program that is sponsored by the Environmental Integrity Project.

Additional Monitoring and Stormwater Requirements for Baltimore Coal Export Terminals

The Maryland Department of the Environment made substantial improvements to three different environmental permits for two coal export terminals in Baltimore City—the CSX Terminal in Curtis Bay and the CNX Terminal in Dundalk—after EIP submitted extensive legal and technical comments challenging the facilities' air and water permits.

Continued Air Quality Monitoring in Baltimore and Houston

We continue to collect primary data through the use of air quality monitors in Baltimore and Houston—monitoring for pollution related to heavy industry, power generation, and mobile sources like large ships and heavy trucks. Our experts are working with local and state governments and agencies to assess the data, and determine next steps.

Maryland Looking at Pollution in Overburdened Communities, Soliciting Stakeholder Input

During Maryland's 2014 legislative session, EIP joined a large coalition of environmental, health, and community groups in supporting a bill requiring that the "cumulative impacts" of multiple pollution sources on human health and the quality of life in already-polluted neighborhoods be considered when permitting industrial expansions or new plants. Although the bill did not ultimately pass, the coalition that supported the legislation is improving the bill and will push for passage during the 2015 legislative session.



The Environmental Integrity Project has done a beautiful job of providing our students with the skills and information they need to have a voice in environmental decision-making in the Brooklyn and Curtis Bay neighborhoods of Baltimore. Democracy relies on information. Putting that in the hands of our young people enables them to be participants rather than observers in their own community.

DANTE M. DE TABLAN, Executive Director, The Ben Franklin Center for Community Schools in Baltimore



Students and other residents of the Curtis Bay neighborhood of Baltimore marched in December 2013 to protest the planned construction of what would be the largest trash-burning incinerator in the U.S. EIP's attorneys helped win a stop-work order for the Energy Answers waste-to-energy plant, which residents fear will worsen toxic air pollution in their neighborhood.

chesapeake bay



The Chesapeake Bay is both an ecological treasure and an economic engine, providing jobs for watermen and many others. EIP helps to protect the Bay by making sure polluters and governments meet pollution limits and follow the federal Clean Water Act.



The Environmental Integrity Project helps with a task critical to our core mission: going after polluters when regulators fail. EIP's attorneys represent us in key cases aimed at reducing phosphorus, nitrogen, and sediment pollution, which have a big impact on the Chesapeake Bay.

JEFF KELBLE, President of Potomac Riverkeeper, Inc.



The Chesapeake Bay is the nation's largest estuary and a key to the region's identity and economy. But water pollution has severely damaged the Chesapeake's iconic blue crabs and oysters, and threatens the ability of people to make a living on the Bay and enjoy a national treasure.

EIP Sues Regional Water Authority for Potomac River Pollution

On behalf of the Potomac Riverkeeper organization, EIP and allies in February 2014 filed a lawsuit in federal court against the Washington Suburban Sanitary Commission for illegally discharging over 28 million pounds of pollution into the Potomac River over four years.

The water treatment plant—located near Seneca, Maryland—has been operating under a 5-year permit, issued in 1997, which expired 12 years ago, but has been administratively extended by Maryland's environmental agency. In response to EIP's action, the Maryland Department of the Environment filed a notice of intent to sue the plant over the pollution violations.

Reports Highlight Problems of Pollution in Bay

In the last year, EIP has released three ground-breaking investigative reports that exposed major sources of pollution in the Chesapeake and troubling gaps in enforcement.

EIP's January 2014 report, "The Clean Water Act and the Chesapeake," found that EPA and the Bay region states impose penalties on less than one third of water pollution violations by sewage treatment plants and factories.

In July 2014, EIP released "Poultry's Pollution Problem," an analysis of trends in phosphorus pollution in the eight major waterways on Maryland's Eastern Shore that are surrounded by the poultry industry. The report found no improvement over the decade between 2003 and 2013. Three rivers actually became more polluted during this time, despite the poultry industry's claims of success in reducing runoff.

A third report, "Murky Waters," documented how EPA and the states may be overestimating the success of farmers in reducing farm runoff pollution. Our research highlighted the need for more monitoring of streams near farms and accountability for the agricultural industry.

Investigation Exposes Factory Farm Violations

In Virginia, EIP's investigation and notice of intent to sue George's Chicken, LLC, for Clean Water Act violations at its poultry processing plant in the Shenandoah Valley led the Virginia Department of Environmental Quality to conduct an in-depth inspection of the plant. State officials found illegal discharges of ammonia, oil, and grease into a Shenandoah River tributary, as well as stormwater violations, and ordered the plant to fix the problems.

EIP Challenges Maryland's Industrial Stormwater General Permit

In December 2013, EIP represented several local Riverkeeper organizations in challenging Maryland's statewide general permit for industrial stormwater. EIP cited inadequate monitoring requirements and a lack of public participation as key deficiencies in the permit. The legal case has been argued in Baltimore City Circuit Court, and the parties are now waiting for a ruling.

factory farms

Over the last half century, the raising of livestock in the U.S. and around the world has become increasingly industrialized. Thousands or sometimes even hundreds of thousands of chickens, hogs, and cows are packed into metal buildings that produce as much waste as cities of humans—but without any treatment of the waste.

The result is vast quantities of manure that spill into waterways, causing fish kills and bacterial contamination. Concentrated Animal Feeding Operations (CAFOs) also emit ammonia and other pollutants that worsen air quality and threaten public health.

EPA and Iowa Adopt Factory Farm Work Plan and Rules

At the urging of EIP through the filing of a legal petition to revoke Iowa's Clean Water Act authority, the EPA and Iowa Department of Natural Resources adopted a work plan in September 2013 to bring the state's CAFO program into compliance with federal law. Iowa must inspect and evaluate 8,000 hog, cattle, and poultry operations, establish Clean Water Act permit rules for the industry, and strengthen enforcement.

By taking action, Iowa sets a precedent nationally and will reduce nitrogen and phosphorous pollution from livestock operations, which have overloaded the state's rivers.

Petitions in Illinois and Virginia to Reduce Runoff from CAFOs

A similar EIP legal petition to revoke Illinois' authority under the Clean Water Act has prompted EPA and Illinois to adopt a work plan to update permit rules and reduce pollution from factory farms.

EIP's comments during Illinois' recent CAFO permit rulemaking process helped defeat an industry attempt to limit water quality protections around livestock confinement buildings and imposed better pollution control restrictions on some facilities.

In September 2014, EIP filed a legal petition on behalf of Chesapeake Bay region Riverkeepers against Virginia for failure to issue a single CAFO permit as required under the Clean Water Act.

EPA Sued for Unlawful Abandonment of Factory Farm Rule

Our organization also worked with partners to challenge EPA's withdrawal of a proposed rule that would have allowed the agency to collect basic information—like locations and animal population sizes—from factory farms nationwide. Reasonable information collection by the agency would have allowed for the creation of the first national database of factory farms, and strengthened EPA's ability to protect waterways from farm pollution, which is one of the largest sources of water pollution in the country.



Factory farms in Iowa are a major source of water pollution, and EIP continues to play a critical role in our work to hold the industry accountable. EIP's legal representation has helped us win statewide improvements to Iowa's factory farm clean water rules, inspections, and enforcement.

HUGH ESPEY, Executive Director of Iowa Citizens for Community Improvement



Tens of thousands of animals are packed into windowless steel buildings in factory farms, which produce large amounts of manure and ammonia that pollute the air and nearby waterways. EIP takes legal action to force these animal feeding operations to obtain and follow pollution control permits.

thanks to our supporters

None of these important efforts to protect the environment and safeguard human health could have been possible without the support of our donors, our partners in other environmental organizations, and the courage and dedication of the community activists we represent. We thank you for your generous commitment to our common cause.

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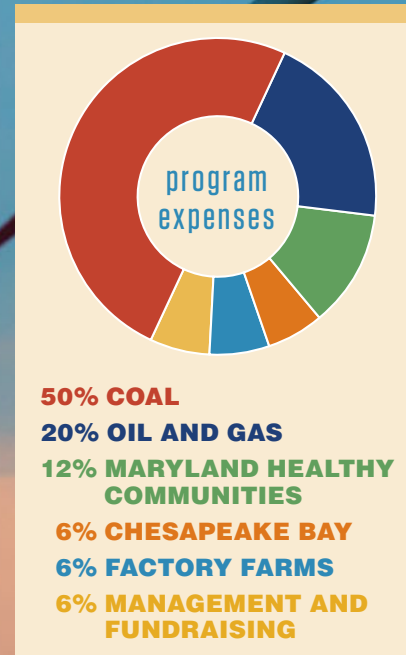


financial information & staff

ENVIRONMENTAL INTEGRITY PROJECT • STATEMENT OF ACTIVITIES

for the year ended december 31, 2013

SUPPORT AND REVENUE	
grants and contributions	\$2,722,916
recoverable revenue	\$196,428
rental and other income	\$9,713
total support and revenue	\$2,929,057
EXPENSES	
program services	\$2,747,144
supporting services:	
purchases of furniture and equipment	\$86,902
fundraising	\$71,667
total supporting services	\$158,569
total expenses	\$2,905,713
CHANGE IN NET ASSETS	\$23,344
NET ASSETS, BEGINNING OF YEAR	\$1,614,181
NET ASSETS, END OF YEAR	\$1,637,525



EIP STAFF

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Lisa Graves-Marcucci

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 Daniela Bloch



An aerial photograph of a factory farm that raises more than three million chickens a year on the Eastern Shore of Maryland. Manure from these poultry houses, each longer than a U.S. Navy destroyer, is spread on fields and runs off to pollute the Chesapeake Bay. The Environmental Integrity Project is working with local allies to reduce this runoff, which causes algal blooms, low-oxygen 'dead zones,' and fish kills.



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