



Environmental Law Center
Lawyers for the Environment

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**Form 990—2014
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Part III - Statement of Program Service Accomplishments

I. CLIMATE CHANGE, ENERGY AND AIR QUALITY PROGRAM

An important part of our climate change, energy and air quality program involves monitoring actions taken by federal, state and local governments that will impact climate change and the quality of the air breathed by the citizens of Missouri and surrounding states. All of our air quality work is also public health work, as air pollution causes asthma and other respiratory problems as well as climate change. Great Rivers is frequently involved in matters that adversely affect air quality and climate change. Measures taken by Great Rivers include commenting on proposed rules, issuing position papers about hazardous air pollutants, drafting legislation, assisting clients with negotiations with governmental agencies, and, as a last resort, handling litigation for clients seeking to protect air quality and public health and to prevent the emission of climate change causing pollutants.

**1. Intervention in Ameren Mo and Kansas City Power and Light's
Integrated Resource Plans**

On behalf of the **Natural Resources Defense Council, Sierra Club, and Renew Missouri**, Great Rivers has intervened in the proceedings held before the Missouri Public Service Commission (PSC) on utility Integrated Resource Plans (IRPs), which are filed every three years explaining how the utility intends to meet its customers' needs for the next 20 years through supply-side (electricity generation) and demand-side (customer end-use efficiency programs) options at the lowest possible cost.

The utilities must also file annual updates, on which the parties are allowed to comment, and consult the parties on their intentions for the next triennial filing. Great Rivers continued to represent its clients in these ongoing IRP matters.

AmerenMO filed a rate case in July, 2014, a long-range plan (IRP) in October, 2014, and a second energy efficiency plan for the three-year cycle 2016–18 at year's end. This means a major amount of work directed to retiring coal plants, resisting new nuclear capacity, and strengthening renewable energy and efficiency at Ameren.

In 2014, Kansas City Power & Light filed a rate case seeking compensation for over a billion dollars in environmental upgrades to an aging coal-fired power plant. KCP&L's efficiency programs are underperforming compared to Ameren's.

In 2014 our clients paid us \$2,220.00 for work on these matters.

2. Defending Proposition C

In November 2008, 66% of Missouri voters enacted Proposition C, the "Renewable Energy Standard Act ("RES"). The RES requires utilities to obtain increasing percentages of their energy portfolio from renewable resources, reaching 15% in 2021. The utilities have fought it fiercely since (and even before) its passage in 2008.

a. Renew Mo v. Empire District Electric

Before the voters could vote on Prop C, in 2008, the Missouri legislature granted an exemption from the solar rebate requirements imposed by Proposition C, for one utility in southern Missouri, Empire District Electric.

On behalf of **Renew Mo**, in 2013 Great Rivers filed a Complaint in the Public Service Commission against Empire District Electric's claimed exemption from the solar energy requirements of the law, which was the basis for an earlier declaratory judgment action that ended when the courts ruled that we must first exhaust administrative remedies at the PSC.

The PSC ruled against **Renew Mo** in November 2013, and **Renew Mo** appealed the Empire exemption issue to the Missouri Supreme Court since the validity of a statute is in question. We conducted an oral argument in the Missouri Supreme Court in September, 2014, and won the case in February, 2015.

In 2014 our clients paid us \$7,365.00 for work on this case.

b. SOLAR and Missouri Coalition for the Environment v. Public Service Commission

Proposition C enacted § 393.1030.3, RSMo, which requires the Utilities to pay solar rebates. The solar rebates serve to offset a portion of solar energy project costs which otherwise would be incurred by the Utilities' customers who install solar energy projects, and, thereby, serve as an incentive to encourage the use of solar energy in Missouri which in turn serves to reduce the dependency of Missouri residents on the use of fossil-fuel sources of electricity.

In 2013, in House Bill 142, the General Assembly amended § 393.1030.3 to impose a phase-down for the Utilities' payments of solar rebates. Also, in House Bill 142, the General Assembly amended § 393.1030.3 to enact a cap on the amount of solar rebates that the Utilities are required to pay in any calendar year.

The Public Service Commission ("PSC") adopted a rule which establishes a methodology to determine when a utility may cap its solar rebates. The methodology is based upon 10-year projections and forecasts contained in a Utility's Integrated Resource Plan ("IRP"). An IRP is a planning and economic forecast document. It imposes no obligation on a Utility to construct in fact any proposed project set forth in the IRP.

Based upon the PSC's methodology for calculating solar rebate caps and upon settlements reached with entities who are not parties to this litigation, in November 2013, the PSC entered Orders capping the solar rebates issued by Ameren Missouri, Kansas City Power & Light, and Kansas City Power & Light-Greater Missouri Operations. The orders effectively have ended the solar rebates called for in proposition C. The **Missouri Coalition for the**

Environment (“MCE”) and **SOLAR (“Save Our Lawfully Authorized Rebates”)** believe that the application of the methodology to calculate the cap is unlawful, and serves to significantly understate the amount of solar rebates that should otherwise be paid under § 393.1030.3.

In 2013, Great Rivers entered its appearance on behalf of **MCE**, in the suit filed by **SOLAR** and **MCE** seeking a judgment declaring that the PSC’s application of the “planning analysis”, including the hypothetical and speculative ten-year projections and forecasts contained in a Utility’s Integrated Resource Plan to determine how much solar rebates should be paid in a calendar year, are invalid. **SOLAR** and **MCE** also seek a judgment declaring that the PSC’s Orders, which have in effect ended the solar rebates, are invalid. Further, **MCE** and **SOLAR** seek a judgment declaring that the Utilities must continue to pay solar rebates, and that the Utilities must retroactively pay solar rebates that otherwise should have been paid.

In 2014, the parties litigated the case in the trial court. The motions for summary judgment has been fully briefed and argued and we await the court’s decision.

In 2014 our clients paid us \$360.00 for work on this case.

3. Utility Energy Efficiency Programs

Kansas City Power and Light filed a plan in January 2014 to offer energy efficiency programs to its customers under the Missouri Energy Efficiency Investment Act (“MEEIA”). Great Rivers intervened on behalf of the **Natural Resources Defense Council (“NRDC”)** and the **Sierra Club**. The parties reached a unanimous settlement in June 2014. Under the rules of the Public Service Commission, each utility must work with a stakeholder collaborative and take input from it on the progress of its EE programs. These take the form of quarterly meetings and periodic distribution of updates. A statewide collaborative of all the utilities is being created.

Empire District Electric became the last utility to file a plan, and Great Rivers filed a motion to intervene on behalf of the **Sierra Club** in November, 2013, and followed the matter in 2014.

In 2014 our clients paid us \$3,135.00 for work on these matters.

4. Missouri Coalition for the Environment v. US Army Corps of Engineers

Overlooked in all the uproar over the Keystone XL pipeline, the Canadian company Enbridge is building a line through Missouri. The Flanagan South is part of a line, slightly bigger than the Keystone, from Alberta to the Texas Gulf Coast. The pipeline would cross hundreds of streams and wetlands in northern and western Missouri, including impaired waters.

On behalf of the **Missouri Coalition for the Environment**, in 2013, Great Rivers sought information under the Freedom of Information Act (“FOIA”) from three Corps of Engineers Districts concerning the proposed Enbridge pipeline that will cross Missouri—the Flanagan South pipeline. The Corps refused to release any documents and Great Rivers filed suit in the US District Court for the District of Columbia in 2013. Defendant released some 20,000 pages of documents after the suit was filed. We settled the suit in February, 2014, and Great Rivers retained \$2,375.79 in attorney fees.

5. Missouri Coalition for the Environment, et al., v. Joint Committee on Administrative Rules, et al.

On behalf of the **Missouri Coalition for the Environment, Missouri Solar Applications** and **Tom Sager**, Great Rivers filed suit in August, 2013, against the Joint

Committee on Administrative Rules (“JCAR”), Secretary of State Jason Kander, the Public Service Commission, and Governor Jay Nixon, asserting that JCAR acted unconstitutionally in disapproving two key paragraphs of the Public Service Commission’s Renewable Energy Standard rules, and the Secretary of State had a duty to publish them. In 2014, Great Rivers engaged in litigating this case in the trial court. We are awaiting the court’s decision.

In 2014 our clients paid us \$11,895.30 for work on this case.

6. “Crude by Rail”—Transportation of Crude Oil by Rail

On behalf of the **Sierra Club, Eastern Missouri Group**, in 2014 Great Rivers advised a group of residents of Holly Hills in south St. Louis, where a rail line runs carrying tanker trains of shale oil from North Dakota. This oil is highly volatile and flammable, and there has been a series of derailments in the past year including one in Quebec resulting in an explosion and fire that killed 47 people. The goal is to reroute the trains around St. Louis City.

No attorney fees were sought and recovered for this work.

II. PUBLIC HEALTH PROGRAM

Great Rivers seeks to protect the public health by preventing further deterioration of the region’s air and water quality, and by reducing and preventing exposure to toxic substances. Our public health program consists of aiding individuals, citizens’ groups and organizations that seek legal assistance in connection with their work to protect the public health. Our work in the Public Health Program overlaps our work in Climate Change, Energy and Air Quality and Water Quality Programs.

1. Cleaning Up Existing Coal Plants

Great Rivers seeks to reduce emissions of pollutants from existing coal-fired power plants. Each year, coal-fired power plants emit thousands of tons of mercury, nitrogen oxides, sulfur dioxide, and carbon into the air. The pollutants cause asthma, respiratory problems, cancer and contribute to climate change.

In Missouri, there are more than 20 existing power plants which are 38–61 years old. In 2014, Great Rivers worked to enforce laws requiring the Missouri Department of Natural Resources (“MDNR”) to issue stringent, enforceable permits and to ensure that plant operators have in place the required technologies on their plants, or to shut down the plants and to meet energy demand using efficiencies, solar and wind power instead.

No attorney fees were sought and recovered for this work.

The following are specific matters we worked on in this project.

In May of 2013, Great Rivers and the **Sierra Club** jointly submitted comments to MDNR addressing deficiencies in the draft operating permit for Kansas City Power & Light’s (“KCPL”) Montrose Generating Station. This facility operates three coal-fired boilers, and is one of the dirtiest facilities KCP&L operates. Great Rivers urged the MDNR to require more stringent controls on the plant.

In July of 2013, Great Rivers and the **Sierra Club** jointly submitted comments to MDNR addressing deficiencies in the draft operating permit for Aquila’s Lake Road Generating Station, also urging the MDNR to require more stringent controls.

The DNR has still not issued the permits as of December, 2014.

No attorney fees were sought and recovered for this work.

2. City of Grandview v. City of Kansas City

In 2013, Great Rivers filed suit on behalf of the **Concerned Citizens for Air, Inc.**, and the **City of Grandview** against the Missouri Department of Natural Resources (“MDNR”) concerning a hot mix asphalt plant recently constructed in Kansas City, Missouri, just across the boundary line the City of Grandview shares with the city of Kansas City. The Grandview School District and many residents in close proximity to the asphalt plant are concerned about the short and long-term environmental, health, and land use development impacts arising from the plant’s operations. The Circuit Judge issued a temporary restraining order on October 15, 2013, restraining the MDNR from issuing a permit for a permanent asphalt plant at the current location (the facility currently is operating under a temporary permit).

In 2014, Great Rivers engaged in litigating this case. MDNR sought writs of prohibition in the Missouri Court of Appeals and in the Missouri Supreme Court to prohibit the Circuit Judge from exercising jurisdiction in the matter. Both courts denied the petitions for a writ. The facility operator, Ideker, moved to intervene. The Circuit Judge denied Ideker’s motion. Ideker then sought a writ of mandamus in the Court of Appeals, seeking an order requiring the Circuit Judge to permit it to intervene. The Court of Appeals has issued the writ. In the meantime, MDNR attempted to issue a permanent permit to Ideker. The case moved to the circuit court. Plaintiffs moved for contempt against MDNR for attempting to issue the permanent permit. A hearing on the motion for contempt was held in December, 2014.

In 2014 our clients paid us \$12,375 for work on this case.

3. Kelly Brothers and the Concerned Citizens Against Landvatter Ready-Mix Against the Board of Zoning Adjustment of Franklin County

Kelly Brothers and a citizens’ group, the Concerned Citizens Against Landvatter Ready-Mix, contacted us after a company received a conditional use permit from the Franklin County Planning and Zoning Commission in March, 2014, to construct a ready-mix concrete plant in Franklin County in a location very near to the Shaw Nature Reserve (Missouri Botanical Garden’s Arboretum). They are opposed to the concrete plant for many reasons including that the area is not suited for it as it is so close to the Arboretum and residences, and that it will create noise, dust, traffic, and stormwater runoff. We assisted the citizens in their appeal of the Planning and Zoning Commission to the Board of Zoning Adjustment July, 2014. The Board voted 3-2 to deny the permit, but under the Board’s rules the Board had to have 4 members to reverse the lower Commission. We appealed the Board’s decision to the Franklin County Circuit Court in August, 2014 and litigated the case in the trial court during the remainder of 2014.

No attorney fees were sought and recovered for this work.

4. Callaway 1 Relicensing

In February, 2014, Ameren Mo issued a Final Environmental Report and the Nuclear Regulatory Commission (“NRC”) issued a Draft Supplemental Environmental Impact Statement (“DSEIS”), both justifying a license extension for the Callaway1 nuclear power plant, whose license does not expire until 2024. Great Rivers filed comments on behalf of the **Missouri Coalition for the Environment** in March, 2014, in opposition to the license extension.

In March, 2014 the NRC held a public meeting at Fulton City Hall to hear public comment on the DSEIS. Great Rivers' board member Kay Drey and Great Rivers' staff attorney Henry Robertson spoke against the license extension—and no one spoke in its favor.

All relicensing cases in the NRC were suspended while the NRC considered its “waste confidence rule” regarding long-term storage of irradiated reactor fuel. The NRC finalized the rule in August and lifted the suspensions.

On behalf of the **Missouri Coalition for the Environment**, in 2014 Great Rivers filed a new contention objecting to the final rule. In December, 2014, we filed an additional contention concerning the same rule. Great Rivers serves as local counsel to an attorney in Washington, D. C. in this matter.

No attorney fees were sought and recovered for this work.

5. Westlake Landfill

On behalf of the **Missouri Coalition for the Environment** and individuals, we are investigating the problem of the radioactive wastes being permanently stored in the floodplain of the Missouri River, upstream from drinking water intakes which serve millions of people. The problem is exacerbated by an ongoing fire in the landfill adjacent to the radioactive wastes. We are evaluating the viability of claims and other actions.

No attorney fees were sought and recovered for this work.

III. WETLANDS AND FLOODPLAIN PROTECTION PROGRAM: MISSISSIPPI & MISSOURI RIVERS' BASINS

Our wetlands and floodplain protection program consists of challenging environmentally detrimental floodplain development and the over-engineering of rivers by means of levees and dams which destroy floodplains and aggravate flooding risk. We monitor permit applications to dredge and fill wetlands. Great Rivers issues comments on proposals and assists environmental groups and individuals in their legal challenges to protect wetlands. These activities affect all of the people who inhabit and work in the watersheds of the Missouri and Mississippi Rivers which drain major portions of the central and northwestern United States. Wetlands and floodplains are vital to public health in that they affect our water supply and the quality, recharge and discharge of water; they assist in the cleansing of pollutants from waters; and they provide valuable services for flood and storm hazards, and for the controlling of sediment and erosion. In addition, they are necessary for the maintenance of natural systems, including conservation and long term productivity of existing flora and fauna, species and habitat diversity and stability, hydrologic utility, fish, wildlife, timber, and food and fiber resources.

1. Halt the Rapid Loss of Wetlands Project

In 2014, we continued our project to end the rapid loss of wetlands within the Mississippi River corridor. At one time almost 7 million acres (37%) of the 18.4 million acres in the 100-year flood zone were wetlands. Four million acres of these former wetlands have now been drained, and federal levees isolate approximately 2.3 million acres (13%) of floodplain from their parent rivers.

Great Rivers continued with its work involving permits issued by the U.S. Army Corps of Engineers (“Corps”) and Corps Civil Works activities. On the regulatory side, the Corps often is not requiring the amount and type of mitigation necessary to halt wetlands losses. When the

Corps does require appropriate mitigation, often the Corps does not require the developer to actually create or restore the wetlands. The situation is worse on the Civil Works side, where the Corps is failing to put in place for its own projects even the most basic of the critical mitigation requirements. In addition to identifying Corps' deficiencies, we advocated for compliance with the law through formal comment, correspondence, position papers, and meetings. Great Rivers is monitoring the effectiveness and enforcement of mitigation banks and in-lieu fee programs under the 2008 Mitigation Rule.

Great Rivers' attorneys participate in a work group sponsored by MDNR to develop rules that the agency can implement in issuing water quality certifications under Section 401 of the Clean Water Act. These efforts should strengthen the State's ability to require and enforce appropriate mitigation actions for Corps permitted activities. The efforts may also lead to agency requirements that Great Rivers can use to require the state to protect wetlands. Great Rivers is strategizing other ways to enforce wetland mitigation requirements under current 401 certifications.

No attorney fees were sought and recovered for this work.

We worked on the following specific Corps' projects:

a. The Corps' Memphis District New Madrid Floodway Project

The most serious, recurring threat to our region's wetlands and floodplain habitat is the Corps of Engineers' St. Johns Bayou/New Madrid Floodway. If built, the project will close one of the last sections of the Mississippi River which is still connected to the River's wetlands and floodplains. The project will drain 80,000 acres of regularly inundated floodplain habitat, including 30,000 acres of wetlands. The Corps released its draft Environmental Impact Statement (DEIS) in July, 2013. In 2013, Great Rivers analyzed the DEIS with particular emphasis on habitat loss, environmental justice and economic impacts, and analyzed Corps responses to Independent Peer Review panel recommendations. In 2014 we worked with the National Wildlife Federation, and focused on requesting from the Environmental Protection Agency ("EPA") a Clean Water Act section 404(c) veto of the project. The veto would be necessary if the Army Corps continues to recommend the project's construction, which we expect it will. We anticipate the Corps will release its environmental impact statement, recommending the project go forward, in the summer of 2015.

No attorney fees were sought and recovered for this work.

b. Advocating for the Preservation of the Wetlands

In January, 2014, Great Rivers filed comments on behalf of the **Sierra Club, Eastern Missouri Group**, in opposition to Pinnacle Land Development's proposal to construct a retail development in the floodplain of the Meramec River. If authorized, the project would decimate 15.47 acres of rare, high quality wetlands including 9.21 acres of forested wetlands. Pinnacle withdrew its application.

Also in January, 2014, Great Rivers submitted comments along with **Prairie Rivers Network** and the **Illinois Chapter of the Sierra Club** in opposition to Knight Hawk Coal, LLC's application for a 404 permit that would allow it to strip mine an area of 297.4 acres of land. If authorized, the project would destroy 1,892.7 linear feet of stream and 8.24 acres of wetlands. The project is located in Pinckneyville, Illinois, within the Big Muddy River watershed, which is already severely degraded from pollutants associated with mining. Great

Rivers argued that if the Corps issues Knight Hawk a 404 permit, it will exacerbate the effects on an already overburdened watershed and contribute to water quality violations. Great Rivers also argued that Knight Hawk should be required to create more compensatory mitigation than what was originally proposed. The Surface Mining Control and Reclamation Act does not require completion of compensatory mitigation until many years into the future, after mining has ceased. Knight Hawk neglected to account for the temporal losses of wetland functions that will be occasioned if it is granted a permit. We are awaiting the Corps' decision.

In 2014, we also analyzed documents produced by the Corps in response to FOIA requests made on several other projects.

In addition, we devoted a substantial amount of time to serving as counsel in a suit brought against the Corps in the U.S. District Court for the Southern District of Illinois by the **National Wildlife Federation, Prairie Rivers Network, Missouri Coalition for the Environment, River Alliance of Wisconsin, Great Rivers Habitat Alliance, and Minnesota Conservation Federation**, concerning various actions taken by the Corps to maintain a navigation channel within the upper Mississippi River system which have adverse impacts on wetlands within the Mississippi River corridor. The matter concerns the Corps' Operation and Maintenance activities for the Upper Mississippi River Navigation System ("O&M activities"). These O & M activities occur in portions of the Upper Mississippi River Navigation System which include the Mississippi River north of Cairo, Illinois, the Illinois River, and portions of smaller tributary rivers. The O & M activities include construction of river training structures (wing dikes, bendway weirs, and chevrons), among other things.

The claims are for violations of the National Environmental Policy Act ("NEPA"). The claim alleges that the Corps has violated NEPA by failing to prepare a supplemental Environmental Impact Statement ("EIS") in light of new information and new circumstances affecting flood heights as well as the health of the Mississippi River ecosystem. The claim further alleges that the Corps has violated NEPA by failing to prepare a supplemental EIS in light of changes to the Corps' O & M activities.

Plaintiffs filed a motion for a preliminary injunction to enjoin three projects the Corps is poised to bid out for construction. The district judge denied the motion in November, 2014.

No attorney fees were sought and recovered for this work.

c. Missouri Coalition for the Environment v. US Army Corps of Engineers

On behalf of the **Missouri Coalition for the Environment**, Great Rivers requested documents under the Freedom of Information Act ("FOIA") in connection with sixteen Clean Water Act Section 404 Permits granted by the Corps. While the Corps allowed Great Rivers' staff to inspect and copy documents for most of the permits, some important documents were missing from the permit files. Great Rivers sent four more FOIA requests asking specifically for the missing files. The Corps did not respond to any of the FOIA requests within the statutorily mandated timeframe under the FOIA. We filed suit in September, 2013, in the U.S. District Court for the District of Columbia and the Corps allowed us to review documents in November, 2013 and provided us with more documents in subsequent weeks. In February, 2014, we settled the case for and retained \$1,622.97 in attorney fees.

IV. WATER QUALITY PROGRAM

Great Rivers seeks to protect and preserve the waters of Missouri and surrounding states. Our water quality program begins with monitoring proposed federal, state and local actions that

will adversely affect water quality. Great Rivers is frequently involved in matters that adversely impact water quality. This includes assisting environmental groups, citizens' organizations and individuals in their legal challenges designed to protect the quality of the waters.

1. Ozark National Scenic Riverways Management Plan

The National Park Service ("NPS") issued its long-awaited draft General Management Plan for the Ozark National Scenic Riverways ("ONSR") in November, 2013. Great Rivers submitted comments on the draft plan in February, 2014, on behalf of an individual.

No attorney fees were sought and recovered for this work.

2. National Park Service's Compliance with the National Environmental Policy Act

In 2014, we started working on a project in which we will analyze the NPS' management of the ONSR. We will look at the NPS's future projects, and a number of currently listed projects, within the ONSR for NEPA compliance, identify deficiencies in complying with NEPA's procedural obligations, advocate for compliance, and engage the public in obtaining compliance.

No attorney fees were sought and recovered for this work.

V. LAND USE PROGRAM: PRESERVATION OF OPEN SPACE & PARKS

Our land use program consists of assisting environmental groups, citizens' groups and individuals in their efforts to preserve and protect open space, forests and wilderness areas. Great Rivers issues comments on proposed rules that may affect environmentally sensitive areas, and as a last resort, represents environmental groups in litigation to enforce the laws.

1. Olivette Parks Initiative

Great Rivers helped a citizens' group in Olivette, Missouri, "**Save Warson Park d/b/a/ Olivette Parks Forever,**" who were opposed to development in Warson Park, intended to consist of skating rinks, a medical building and astroturf lacrosse fields. Great Rivers prepared a charter amendment based on the successful St. Louis City parks protection initiative and the similar St. Louis County measure, and advised the group on conducting a petition drive. The petition drive was successful. The amendment required the City to hold a vote before selling park land.

In August, however, the City refused to put the charter amendment on the ballot. We filed for a writ of mandamus in St. Louis County Circuit Court and argued the case on August 26, 2014, the last day for the St. Louis County Election Board to certify the measure for the November ballot. The Court granted the writ. The voters passed the measure at the election.

No attorney fees were sought and recovered for this work.

2. Sustainable Landscaping

On behalf of a citizen of Maplewood, Missouri, we investigated the City of Maplewood's selective prosecution of its "weed" ordinance in a manner which discourages natural, sustainable landscaping. Although Maplewood's ordinance in fact exempts from the definition of "weeds" plants which are "maintained" or "cultivated," the City appears to be issuing citations to citizens

whose plantings do not resemble a traditional lawn. Sustainable landscaping is an issue of growing environmental importance as it allows people to plant gardens that do not need much water in places where water is scarce, and allows people to maintain gardens that might not need as many pesticides as they would otherwise.

A resident contacted Great Rivers after she was cited by the City for “high weeds and grass on property in excess of 12 inches.” The resident asked Great Rivers to defend her in municipal court if Maplewood issued her a summons, and, if necessary, represent her in trial court if the municipal judge were to find her in violation of the City’s weed ordinance.

After Great Rivers met with City officials, the City elected not to pursue its claim. No attorney fees were sought and recovered for this work.

3. Ken Midkiff, et al. v. City of Columbia, et al.

The City of Columbia, MO, approved an ordinance in September, 2013, allowing a developer to build a subdivision next to Rock Bridge Memorial State Park. The ordinance contained what appear to be five subjects in violation of the state law prohibiting ordinances from containing only one subject. On behalf of **Ken Midkiff, Sandra McCann**, and the **Friends of Rock Bridge Memorial State Park**, Great Rivers filed suit in June, 2014, seeking an injunction preventing the developer from building the subdivision. After the plaintiffs’ motion for a restraining order was denied, the plaintiffs decided not to pursue the lawsuit and Great Rivers dismissed the suit in September, 2014.

No attorney fees were sought and recovered for this work.

4. Conservation Easements

On behalf of the Greenbelt Land Trust, in Columbia, MO, Great Rivers assisted with the drafting of a conservation easement to protect 102 acres of land.

We received \$750 for this work.

VI. ENVIRONMENTAL JUSTICE PROGRAM

Great Rivers is committed to monitoring permitting actions for sites proposed for development that will unfairly burden minority or low income populations. Great Rivers has evaluated proposed developments to determine whether permitting authorities have unfairly targeted disadvantaged populations.

Bring Environmental Justice to North St. Louis Project

The need for environmental justice in North St. Louis is pressing. This region is rife with toxic industries that impact the health of its community members. More than 90% of this area’s population is African-American, and a staggering number of families live below the poverty line. The per capita income in the area we are targeting ranges from \$7,865 and \$10,008 annually. Low-income families and minorities in North St. Louis bear a disproportionate burden of toxicity in their environment as compared to their racial and socioeconomic counterparts. In 2013, Great Rivers investigated businesses along the Mississippi River in North St. Louis, reviewing permit applications and self-monitoring reports of emitted pollutants.

Residents of the neighborhoods of Old North and Hyde experience decreased life expectancy, as well as increased risk of asthma, hospitalizations, cancer and chronic conditions

because they are exposed to disproportionate environmental harm. Because these neighborhoods are mostly low-income, minority populations, this area has been condemned to environmental injustices, as polluting businesses tend to settle where people have limited resources to resist them.

In 2013, Great Rivers requested MDNR to inspect some of these businesses. MDNR found a scrap metal recycler to be in violation of several of the state's water quality laws. The scrap metal recycler failed to renew its permit in time, did not submit an annual operations report, and caused pollution to a tributary of the Mississippi River. MDNR is requesting the facility to redress these problems or be faced with a Notice of Violation.

In July 2013, Great Rivers submitted comments addressing deficiencies in the stormwater permit of a metal recycling facility, Grossman Iron & Steel, on behalf of North St. Louis residents, the **Missouri Coalition for the Environment** and the **Old North St. Louis Restoration Group**. We urged the MDNR to require stricter effluent limitations for pollutants typically found at scrap metal recyclers.

In September 2013, Great Rivers submitted comments on behalf of North St. Louis residents and the Missouri Coalition for the Environment to MDNR to address deficiencies within Beelman River Terminals' stormwater permit. In addition, several individual commenters from North St. Louis made their concerns known to MDNR. The facility maintains enormous piles of salt along the Mississippi River. Because the piles are uncovered, stormwater and snow melt wash the salt down the riverbank into the Mississippi unabated. Great Rivers worked with residents assisting them in submitting comments to the MDNR on the permit. We urged the MDNR to require that a permanent berm be installed around the salt piles, and that MDNR require the "best management practices" for stormwater runoff be implemented, and that MDNR require stricter effluent limitations for pollutants in the permit. In response to these comments, in December, 2013, MDNR reissued the permit with stricter controls. The facility must keep its salt piles covered and maintain an earthen berm around them so contaminated stormwater will not reach the river. Great Rivers submitted comments on the re-issued permit in January, 2014.

Throughout the summer of 2014, we sent out more Sunshine Law requests seeking permits on various plants. In November, 2014, we attended a meeting of St. Louis U. showcasing the University's initiatives in North St. Louis and we met people who may assist us in engaging the community. We continue to pursue available avenues against many businesses located in North St. Louis.

No attorney fees were sought and recovered for this work.