

GREAT
RIVERS



Spring 2014

REPORTER

Great Rivers Environmental Law Center
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Great Rivers' Climate Change and Energy Programs Continue Pressuring Government to Decrease Carbon Emissions

Great Rivers Fights Against Flanagan South Pipeline, a Pipeline as Destructive as the Keystone XL Pipeline in Making the Planet Uninhabitable Because of Carbon Emissions



Photo by the National Park Service

The U.S. Must Lead the Way in Taking the Necessary Steps to Deal with Climate Change by Stopping Business as Usual With Coal, Gas and Oil

Letter from the President:



Poor People Still Targeted by Polluting Companies

In our Environmental Justice Program, we are helping citizens living on separate sides of Missouri but suffering from similar injustices. In Kansas City, adjacent to the City of Grandview, an asphalt plant operator seeks to build a permanent plant dangerously close to two elementary schools. We are working to see that this plant is relocated to a site that does not pose a threat to these school children and others who live and work close to the plant.

In North St. Louis, many businesses spew pollutants into the air, often with little or no government oversight. Our clients find sediment on their vegetable gardens and sludge in their rain barrels. Great Rivers has held meetings in the community helping people urge the Missouri Department of Natural Resources to require companies to implement tighter controls on emissions.

Companies all across America frequently locate plants lacking adequate pollution controls in poor neighborhoods because citizens there often lack the resources or knowledge to monitor compliance with environmental requirements. Great Rivers helps fill that void, by providing our services for free or at reduced-cost to all of our clients.

Your donations make it possible for us to do this work. In this newsletter, we thank all of our 2013 donors for your generous support. The people of Grandview and North St. Louis are just some of the people who benefit from your benevolence.

Kathleen Henry

Board News

Board Member Ken Midkiff serves on the Missouri Agricultural Council of the Humane Society of the United States, speaking out against animal cruelty found on Missouri Concentrated Animal Feeding Operations.

Great Rivers Environmental Law Center *Lawyers for the Environment*

(a 501(c)(3) tax-exempt nonprofit corporation)

Mission Statement

We provide free and reduced-fee legal services to citizens' groups, organizations and individuals who seek to protect and preserve the environment.

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GREAT RIVERS' CLIMATE CHANGE, ENERGY AND CLEAN AIR PROGRAMS

Great Rivers Fights for Government to Say No to Another Pipeline: The Flanagan South Pipeline Will do as Much Harm to the Climate as Will the KeystoneXL

The proposed Flanagan South pipeline will carry 830,000 barrels per day of diluted bitumen from the Canadian tar sands to the Gulf of Mexico. This form of oil extraction puts huge amounts of carbon dioxide into the air in its extraction as well as in the burning of the oil in vehicles.

On behalf of the **Missouri Coalition for the Environment**, we are fighting the Corps of Engineers over the Environmental Assessment it issued to Enbridge allowing the bitumen to cross the Mississippi River north of Hannibal, Missouri. In addition to contributing to climate change, this crossing is bad because people, including those in St. Louis, rely on the Mississippi River downstream from this crossing for their drinking water. Enbridge has had leaks in its pipelines before, fouling drinking water, and no pipeline is immune from leaks for all time. Great Rivers and the **Missouri Coalition for the Environment** will continue fighting this pipeline on all possible fronts.



There were about 300 vigils across the US on February 3, 2014, to protest the Keystone XL pipeline.

Great Rivers' Suit against Missouri's Joint Committee on Administrative Rules Moves Forward

Last August we filed suit on behalf of the **Missouri Coalition for the Environment, Missouri Solar Applications**, and **Thomas J. Sager**, in St. Louis County against the Joint Committee on Administrative Rules (JCAR) over its role in thwarting the proper implementation of the state's Renewable Energy Standard law, passed by voters in the 2008 election as Proposition C.

We are working hard to enforce Proposition C, passed by 66% of Missouri voters, which requires the state's investor-owned utilities (Ameren Missouri, Kansas City Power & Light, KCPL Greater Missouri Operations and Empire District Electric Company) to ramp up their use of renewable energy to at least 15% of the power they sell to their Missouri customers by 2021. Plaintiffs contend that Missouri's Secretary of State failed to publish key provisions of the PSC's regulation enforcing the law, leaving it unclear whether utilities are actually required to build new renewable energy generation, or whether they can comply instead by buying pieces of paper called "renewable energy credits" from solar and wind projects in faraway places like California or Canada.

Plaintiffs argue that the Secretary of State should have published the full rules sent to it by the Public Service Commission, and should not have left out two key paragraphs that JCAR voted to disapprove in 2010. Furthermore, plaintiffs argue that JCAR lacked the authority to interfere with the publication of the Public Service Commission's rules and ask the court to declare JCAR's removal of the provisions illegal and restore the law as written and passed by Missouri voters.

Energy Program continued on page 7

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GREAT RIVERS' FLOODPLAINS AND WETLANDS PRESERVATION PROGRAM

Great Rivers Continues to Work to Stop Environmental Catastrophe and Taxpayer Boondoggle in the Mississippi River Corridor—the New Madrid Floodway Project

The New Madrid Floodway project will waste 165 million taxpayer dollars and close the last remaining connection the Mississippi River has to its floodplain in the state of Missouri, increase the potential for flooding in a dozen communities and harm fish and wildlife through the central portion of the Mississippi River. Great Rivers, along with the **National Wildlife Federation, Kentucky Waterways Alliance, Missouri Coalition for the Environment, Missouri Parks Association** and **Sierra Club** is pushing the Corps to abandon the Project, and if the Corps chooses to pursue the Project, despite its devastating environmental impacts, will push the Environmental Protection Agency to exercise its authority to veto the Project.

Great Rivers Fights Surface Coal Mining in Southern Illinois

If you thought surface coal mining was only destroying the mountains in West Virginia, take a drive through Southern Illinois to see some other natural areas fouled by it. Great Rivers, along with the **Sierra Club** and **Prairie Rivers Network**, is fighting a newly proposed surface coal mine for Perry County, Illinois, that would destroy 297.4 acres of land, 1,892.7 lineal feet of stream channels and 8.24 acres of wetlands.

We are urging the U.S. Army Corps of Engineers to deny a permit applied for by Knight Hawk Coal, LLC.

The **Sierra Club** and **Prairie Rivers Network** oppose this mine because of its massive destruction of natural resources and because the coal mined will contribute to climate change. We are long overdue for the U.S. to become serious about fighting climate change and to stop allowing projects of this sort.

The Save the Meramec River Campaign is Reborn: Great Rivers Fights Proposed Development for Meramec River Floodplain in Jefferson County

It seems like a nightmare: In 1978 people thought they had saved the Meramec after winning a huge battle, halting a plan to dam the River. But the U.S. Army Corps of Engineers is poised to allow projects to destroy it, bit by bit, again in 2014.

Pinnacle Land Development LLC, has proposed building a new retail and grocery center on the Meramec River floodplain in Jefferson County. This development would destroy 15.47 acres of a larger 38.74-acre tract of valuable Meramec River wetlands for a retail development. Great Rivers and the **Sierra Club** are fighting this proposal because it will increase downstream flooding. Furthermore, these wetlands provide habitat and food supply for fish and wildlife, break down pollutants to improve water quality and support biodiversity in an overburdened, urbanized area. The Corps should not give the green light to destruction of the Meramec River watershed.

GREAT RIVERS' ENDANGERED SPECIES PROGRAM

Great Rivers Urges National Park Service to Adopt Best Management Plan for Ozark National Scenic Riverways

The National Park Service recently released its required 15-year plan for the Current and Jacks Fork Rivers. Great Rivers is fighting for the Park Service to adopt the management alternative most protective of the Park. On behalf of Mrs. Pat Jones, Great Rivers urged the Park Service to adopt "Alternative A" so that the Ozark Rivers would be best preserved for future generations to enjoy.

GREAT RIVERS' ENERGY PROGRAM *continued from page 3*

Great Rivers Files Appeal against Empire District Electric in Missouri Supreme Court over Renewable Energy Law

Under the Renewable Energy Standard (Proposition C) passed in 2008, electric utilities were required to offer a rebate of \$2 per watt to customers who installed their own solar energy systems. Ameren and KCPL have complied, but Empire District Electric sneaked a bill through the legislature in 2008, before Prop C even passed, that claimed to exempt Empire alone from paying the rebate or using any solar energy. The rebate gave a major boost to the solar industry in Missouri, but customers of Empire were left out.

Last year we filed a complaint in the Public Service Commission arguing that the law was constitutionally invalid and furthermore was repealed by the passage of Prop C. In December, 2013, the Public Service Commission ruled against us. On behalf of **Renew Missouri**, we are appealing the Commission's decision in favor of Empire to the Missouri Supreme Court.

GREAT RIVERS' ENVIRONMENTAL JUSTICE PROGRAM

Fighting an Asphalt Plant in the Kansas City Area

On behalf of **Concerned Citizens for Air**, a citizens' group in Grandview, Missouri, and the **City of Grandview**, adjacent to Kansas City, Great Rivers is suing over a proposed permanent asphalt plant which would pollute the air and harm people's health. We maintain that the plant, located within 4,000 feet of two elementary schools, should not be built so close to so many people, and that the Missouri Department of Natural Resources should deny the permit application.

Fighting to Stop Uncovered Salt Piles in North St. Louis from Leaching into the Mississippi River

Beelman River Terminals is a company that keeps huge salt piles on its ground in North St. Louis, adjacent to the Mississippi River. The salt blows in the wind and leaches down into the Mississippi River when it rains. Nearby residents of North St. Louis and the **Missouri Coalition for the Environment**, assisted by Great Rivers, are fighting to ensure that the piles are no longer allowed to leach into the Mississippi River.

Great Rivers Environmental Law Center Included in Best Law Firms 2014 by U.S. News Media Group and Best Lawyers in America

For the second year in a row, Great Rivers Environmental Law Center was included in the U.S. News-Best Lawyers® "*Best Law Firms*," receiving a Tier One ranking in the 2014 Edition. This ranking is based on an evaluation process that includes a review of client and lawyer evaluations, peer reviews from attorneys in their field, and additional information provided by law firms as part of the formal submission process. To be eligible for a ranking, a law firm must have at least one lawyer who is

included in *Best Lawyers in America* as part of the annual peer review assessment. Great Rivers' attorney Bruce Morrison has received that honor, making Great Rivers eligible to receive inclusion in the Best Law Firms rankings.

CONGRATULATIONS, BRUCE!

Join Great Rivers at the Busch Mansion

Come to Our Affair on Sunday, May 4, 2014. The party will be held inside the Mansion where you will be able to appreciate the elegant Mansion and enjoy delicious food and cocktails. There will be an opportunity as well to stroll the beautiful gardens and have your photograph taken with a gorgeous Clydesdale. Purchase your ticket online at www.brownpapertickets.com, or by calling us at 314-231-4181.



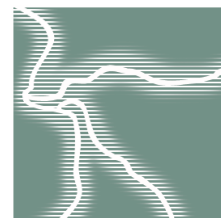
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