



GREAT RIVERS PREVAILS IN COURT OF APPEALS!

*Shaw Nature Reserve, Gray Summit, Mo. Photo by DanielStL.
For now, when you walk in the Shaw Nature Reserve, your visit is not disturbed
by noises from a concrete plant. But if the developers get their way, this may
change in the future.*

CITIZENS REGAIN RIGHT TO SPEAK TO PLANNING AND ZONING COMMISSION BEFORE COMMISSION VOTES

For several years, citizens in Franklin County had been denied the right to address the zoning body that makes recommendations on development proposals before that body voted. The developers, on the other hand, could speak for as long as they wanted. After Great Rivers brought this due process violation to the Missouri Court of Appeals, the Court held people have the right to speak!

Letter from the President:



Your Donations Make A Difference!

Great Rivers has had four recent successes: the Court of Appeals' victory on the Franklin County issue; the Missouri Supreme Court victory on Clean Line; the Save Sugar Creek victory in the Kirkwood City Council; and the Jefferson County Preservation Task Force victory in the silica sand mine issue. These victories have both local and global consequences: the Franklin County court order ensures that Franklin County citizens have the right to speak at Planning and Zoning Commission meetings before the Commission votes; the Clean Line victory brings wind power to eastern states, reducing climate change-causing pollutants; the Kirkwood victory discourages increased pollutants from entering an impaired creek; and the Jefferson County victory helps prevent the construction of a silica sand mine that would have produced sand for fracking.



Our work on fighting a concrete plant and silica sand plant still continues, as the proponents continue to press for these plants to be built, and with your help we continue to provide assistance to people who live near them and will directly feel their impacts.

It is your donations that make these victories and our work possible. In all four of these matters, the clients could not afford to pay private attorneys but depended on our nonprofit law center to assist them. We are grateful to our donors.

Kathleen Henry

BOARD NEWS

Kay Drey had an op-ed printed in the St. Louis Post-Dispatch on September 17, 2018, in which she called on the EPA to remove all radioactive wastes in West Lake Landfill from the floodplain of the Missouri River. Kay has been working on environmental issues for at least six decades and we are fortunate to have her on our Board of Directors.

You can read Kay's op-ed here: <https://bit.ly/2PsGpat>

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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Office Address

319 North Fourth Street, Suite 800
St. Louis, MO 63102
(314) 231-4181
(314) 231-4184 (facsimile)
e-mail: khenry@greatriverslaw.org
Website: www.greatriverslaw.org

GREAT RIVERS' LAND USE PROGRAM

Victory in the Court of Appeals over Concrete Plant and Zoning Hearing Procedures!

At Great Rivers we fight so that the people have the right to be heard. In May, 2018, the Missouri Court of Appeals agreed. The Franklin County Planning and Zoning Commission would hear from developers but refused to allow the public to speak before the Commission voted on zoning proposals. For several years, the people had been denied the right to speak at P & Z hearings! In our case concerning a concrete plant proposed for rolling hills by the Shaw Nature Reserve, the Court said the hearing was not fair. It voided the permit.

After the opinion came down, Franklin County canceled P & Z meetings until it notified citizens they now have this right. Unfortunately for people concerned with public health, the concrete plant applicant has reapplied for a permit to build a plant in the same location. This time, however, the people will have the right to be heard.



Sugar Creek in Kirkwood, MO

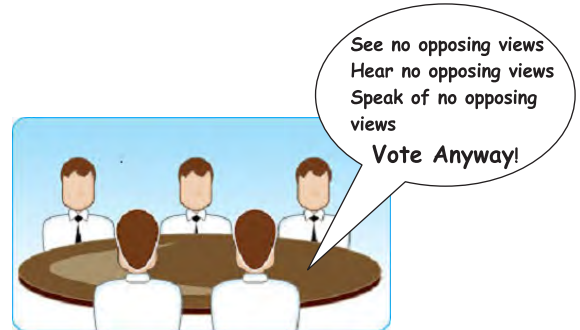
Victory in Kirkwood City Council for Save Sugar Creek

Save Sugar Creek, a citizens group, came to Great Rivers with concerns over increased storm water flows and additional pollution to an already impaired Sugar Creek in Kirkwood, MO. The City's Planning and Zoning Commission had recommended approving a proposal to increase the housing density in the City's Sugar Creek neighborhood which would have added to these water-related problems. In June 2018, with Great Rivers' help, the City Council voted unanimously to reject the potentially damaging proposal!

Victory in Jefferson County Planning and Zoning and County Council over Proposed Silica Sand Mine!

In the Spring of 2018, a citizens' group contacted Great Rivers seeking help in fighting a frac sand mine in a residential area in Jefferson County, MO. Fracking is the process of

drilling down into the earth before a high-pressure water mixture is directed at the rock to release the gas inside. Water, sand and chemicals are injected into the rock at high pressure which allows the gas to flow out to the head of the well. Residents are concerned about health impacts and water quality issues of silica sand mines. The Planning and Zoning Commission denied the request in June, and the County Council denied it in July. Unfortunately, the developer filed suit against Jefferson County in August, 2018, so the fight is not over.



Great Rivers Files Suit over Subdivision Proposed for Missouri River Bluffs in St. Charles

Last December, a developer announced it would purchase from the University of Missouri about 400 acres of land in Missouri Research Park, and develop it with hundreds of houses. This land is on the Katy Trail and close to the Busch and Weldon Spring Conservation Areas just west of Chesterfield. NT Home Builders filed an application to develop the land with the St. Charles Planning and Zoning Commission, which denied it in early 2018, but the County Council approved the development in June, 2018. On behalf of people who seek to preserve the natural beauty of this land, Great Rivers filed suit against the County Council in July, 2018.

Suit over New State Statute Concerning Parks

Senate Bill 35, passed in the state legislature in 2017, requires the Department of Natural Resources, when purchasing land, to hold public hearings in every county in which part of the land lies, to notify every elected official in each county and to publish notice in newspapers. This is burdensome and not required of other state agencies that also purchase land. On behalf of **Tom Sager** and the **Missouri Coalition for the Environment**, we filed a petition in May, 2018, alleging violations of the constitutional requirements for bill passage and that SB 35 is a "special law" because it does not apply to other similarly situated agencies such as the Dept. of Conservation and Highway Commission, which can also purchase land on their own. We are litigating the case in the trial court.

GREAT RIVERS' CLIMATE CHANGE, ENERGY AND CLEAN AIR PROGRAMS

Ameren Charge Ahead Pilot Program

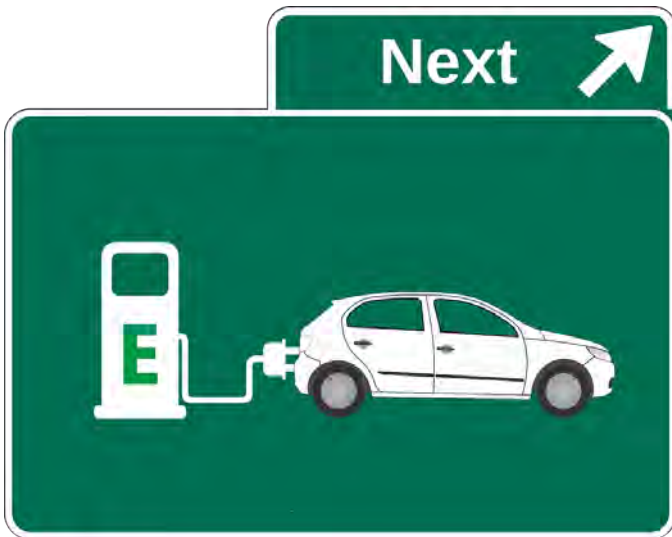
Ameren Missouri and Kansas City Power & Light were denied Public Service Commission (PSC) approval last year to own electric vehicle (EV) charging infrastructure.



Henry Robertson is Great Rivers' Climate and Energy Program Director. He wrote the Renewable Energy Act that the voters overwhelmingly passed in 2008.

EVs face a chicken-and-egg problem — there aren't enough charging stations on the road to support them, but no one will build charging

stations until there are more EVs. This new plan seeks permission for the utility to pay incentives to EV charging providers and to electrify other uses like fork lifts and airport baggage haulers. We intervened on behalf of **Sierra Club** and **Natural Resources Defense Council**. Missouri needs to wake up to the reality that electric vehicles are the way to go! The Missouri Court of Appeals in Kansas City has now decided that utilities can own charging stations.



Ameren's Efficiency Plan—Cycle 3

Ameren has just filed its third energy efficiency plan. Unlike prior utility EE plans, this would last six years instead of just three. Initial indications are favorable. On behalf of the **NAACP** and **NRDC**, we are urging the Public Service Commission to approve Ameren's plan.

It's weird but gratifying to find ourselves agreeing with Ameren; they're starting to do some good things with renewable energy and efficiency.

Ameren Green Tariff

Ameren negotiated a green tariff with Walmart. A green tariff allows a company that wants more access to renewable energy to obtain it despite being subject to a monopoly utility like Ameren. Ameren would build wind farms and buy energy from third-party wind farms up to 400 MW (megawatts). Cities are also eligible to participate, which is good for cities that have set 100% clean energy goals. We intervened on behalf of **Sierra Club** and **NRDC**. We strongly support the concept of green tariffs. A unanimous settlement was reached and approved by the PSC in favor of the tariff. It went up on Ameren's website October 1.

Ameren Wind Energy Plans

Ameren has applied to build a 400 MW wind farm in Adair and Schuyler Counties. The PSC must grant a CCN (certificate of convenience and necessity). We intervened on behalf of **NRDC** and **Sierra Club** to support the project. The Missouri Department of Conservation has raised objections concerning bat and bird fatalities. The case is going to hearing over this issue. Ameren plans to add another 300 MW wind farm plus the 400 MW for its green tariff.



Clean Line Wind Power Gets the Green Light from the Missouri Supreme Court!

Clean Line is a Houston company with plans to build wind-only transmission lines from the windy areas of the Great Plains to the population centers near the coasts. One of these, the Grain Belt Express, would run from Kansas across northern Missouri and on to Indiana, dropping off 500 MW worth of wind energy in Ameren's territory. The Missouri Public Service commission rejected the project because it considers itself bound by an opinion of the Missouri Court of Appeals Western District on a different transmission line. Clean Line appealed to the Mo Court of Appeals Eastern District. Great Rivers intervened on behalf of the **Sierra Club** and **Renew Missouri**, and filed a brief in support of Clean Line. The Court of Appeals ruled in our favor, at the same time transferring the case to the Supreme Court. The Supreme Court agreed in July, 2018, so Clean Line's victory stands.

Empire District Electric Customer Savings Plan

Empire District Electric is under new, more progressive ownership. They have asked the PSC to approve a plan to build 800 MW of wind (*proportionately many times what Ameren proposes*) and **retire** its one Missouri coal plant. We intervened on behalf of **Sierra Club**, hoping to support what looks at first blush to be an excellent plan. Other parties succeeded in weakening the plan by keeping the coal plant open and reducing the amount of wind to 600 MW. (Amazingly enough, the PSC staff does not seem to believe climate change is real!)

Sierra Club did not sign on to the settlement but reluctantly did not oppose it. The PSC approved the watered-down settlement. We got 600 MW of new wind power, and we have reason to believe Empire is still bent on shutting down that coal plant!

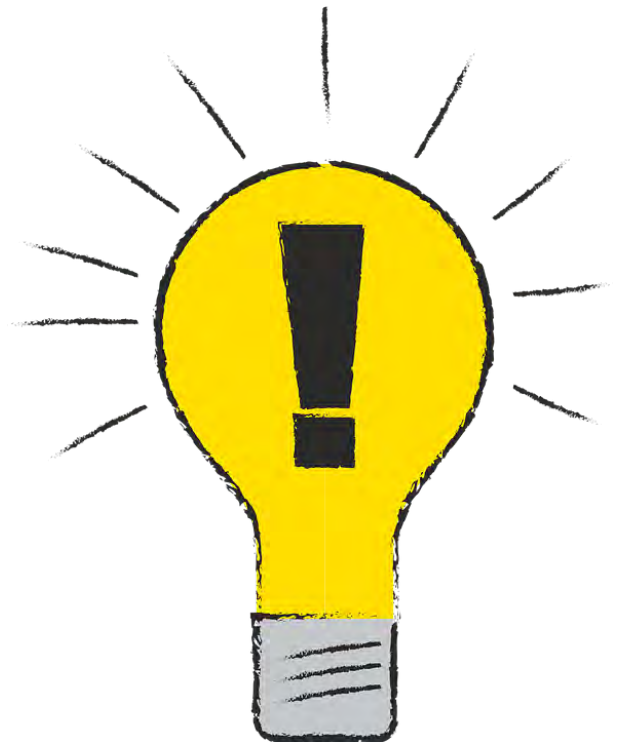
Fighting a Pipeline that will cross Missouri and Illinois

Spire (formerly Laclede Gas) is asking the Federal Energy Regulatory Commission

(FERC) for a permit to build a pipeline from Illinois into St. Charles and St. Louis Counties to deliver gas from eastern states that is produced by hydraulic fracturing (fracking). Spire admits it has no need for more gas; it simply wants to diversify its supply. FERC takes a cavalier approach to environmental review, which it says is not part of its job. On behalf of Juli Viel, who lives near the path of the pipeline, Great Rivers filed comments with FERC, particularly calling out its assessment of climate change. FERC granted Spire its permission in August, and we intend to appeal.

St. Louis City 100% Renewable Electricity Plan

Last fall the St. Louis Board of Aldermen passed a resolution to get all the city's electricity from clean energy and efficiency by 2035. The resolution called for a plan to be made by the end of 2018. Great Rivers' Bruce Morrison is on the Advisory Committee on behalf of **NAACP**, while Henry Robertson is on the Technical Committee that will be advising on measures the City can use to achieve its goal. We're hoping St. Louis succeeds in this because the stakes are great!



GREAT RIVERS' ENVIRONMENTAL JUSTICE PROGRAM

NAACP and Ameren Enter Agreement to Address Low-Income Energy Needs



Bruce Morrison,
General Counsel

Great Rivers' Attorney Bruce Morrison serves as the Chair of the Environmental Justice Committee of the Missouri State Conference of the **NAACP**. In April 2018, on

behalf of the NAACP, Great Rivers reached an agreement with Ameren Missouri calling for Ameren to provide affordable renewable energy in minority communities and low income communities within Ameren Missouri's service territory, which is roughly the Eastern half of the State. "The more than 35 million families in the United States with incomes below twice the federal poverty level use approximately 30 percent of the nation's residential electricity, but consistently are denied access to clean and affordable wind and solar-generated renewable power," said Bruce Morrison.

NAACP Urges the Public Service Commission to Require Kansas City Power and Light to Provide Affordable Renewable Energy to Minority and Low-Income Communities

In August 2018, on behalf of the **NAACP**, Great Rivers submitted comments to the Missouri Public Service Commission urging it to require Kansas City Power and Light to provide affordable renewable energy in minority communities and low income communities within its service territory, which is roughly the Western half of the State.

Missouri NAACP Energy Justice Roundtables

Energy and climate change are civil rights issues! On the last Tuesday of each month, Great Rivers' Bruce Morrison moderates the **Missouri NAACP Energy Justice Roundtable** at the Sustainability Lab at TRex, 911 Washington Ave, St. Louis, MO 63101, 5th Floor. Reach out to Bruce at bamorrison@greatriverslaw.org if you would like to participate.

GREAT RIVERS' WETLANDS AND FLOODPLAIN PROTECTION PROGRAMS

EPA Makes Final Announcement on West Lake Landfill

On behalf of the NAACP, we filed comments on the EPA

removal plan for radioactive wastes last April. We urged the EPA to remove all the wastes and not stop at an arbitrary 16-feet. The EPA announced its final decision in September, 2018, saying it would remove more than 16 feet where it finds the need, and less than 16 feet in other places, and then put a cap on the site. While removal of some wastes is good, the wastes will remain radioactive for millions of years sitting in an unlined floodplain, above the source of drinking water for millions of people. Full removal is necessary to protect human health.

GREAT RIVERS' CLEAN WATER PROGRAM

Suit filed over State Law Stacking Clean Water Commission with Agribusiness Interests



Bob Menees is Great Rivers' staff attorney working on water, wetlands and floodplain protection issues.

Last year the state legislature passed HB 1713, which enables the governor and senate to stack the Clean Water Commission with agribusiness interests.

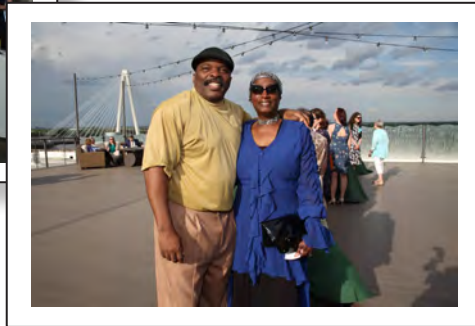
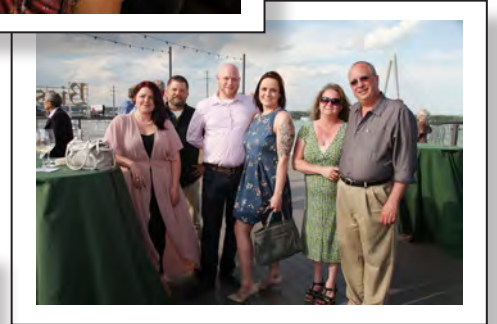
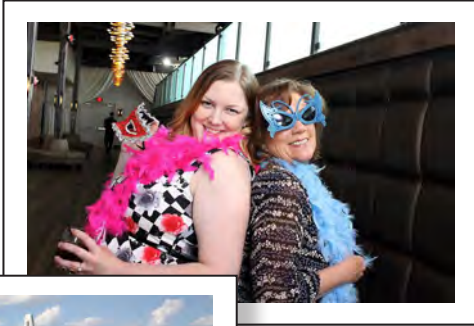
Instead of four members representing the public, industry can now make up the majority or even six of the seven Commissioners. This change was tacked on to a bill for the "regulation of water systems." On behalf of the **Missouri Coalition for the Environment**, we filed suit in the Spring of 2018, arguing that this was unconstitutional legislative procedure since a bill is allowed to have only one purpose which is clearly designated in its title, and the original purpose cannot be changed. We are litigating this case in the trial court.

Monitoring Doe Run's Lead Tailings Pond near Boss, Missouri

On behalf of the **Sierra Club**, we have been actively monitoring the Corps' possible permitting of a massive tailings pond near Boss, Missouri. The project was stopped under the Obama Administration EPA and because of the state's veto of the project. However, it appears that the state and EPA have green-lighted the project. The Corps appears to be arguing that a project of this size does not require the preparation of an EIS because the Corps requires mitigation under its 404 program. It appears that the project has moved forward without preparation of an EIS. We continue to review the voluminous records from the Corps.

Great Rivers at the Chocolate Factory Was a Great Event This Spring!

In May, 2018, we hosted “Great Rivers at the Chocolate Factory” at Bissinger’s Chocolate Factory on the Mississippi River. Over 100 of you joined us to save – and savor – chocolate, while enjoying the beautiful space and terrace, overlooking the Mississippi River. One of the many ways climate change can impact our lives is by harming the production of chocolate. Learn more at: <https://bit.ly/2pRo0ZL>. Great Rivers extends its sincere appreciation to EFS Energy and the Great Rivers Habitat Alliance for their generosity in making this event possible.



Great Rivers Extends Our Appreciation to All of Our 2018 Donors

We could not provide legal services without your help, as we are dependent on contributions from individuals and foundations to do our work. We will list our donors for the year 2018 in the Spring 2019 newsletter so that we can thank everyone for the year at one time. Donate today

and help us meet our goal for 2018! There are many ways to donate to Great Rivers. You can donate one through our website, www.greatriverslaw.org/donate, or by U.S. Postal Service. Donate in memory of or in honor of someone if you wish. Consider a bequest to Great Rivers as a legacy gift. Your gift helps us help others.

GREAT
RIVERS



Environmental Law Center
Lawyers for the Environment

319 North Fourth Street
Suite 800
St. Louis, MO 63102

(314) 231-4181 *phone*
(314) 231-4184 *fax*
www.greatriverslaw.org

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JOIN US! TRIVIA NIGHT WILL BE NOVEMBER 16, 2018!

Tickets are available now for our upcoming Trivia Night at the Kirkwood Community Center on Friday, November 16th - \$160 for a table of 8 or \$20 for each individual ticket. Beer, soft drinks, and snacks included, plus a 50/50 raffle, wine pull, and silent auction! The top 2 teams will win prizes.

The Young Professionals Board organizes this event for Great Rivers, and attendees of all ages are encouraged to attend. Questions are not limited to the environment!

Reserve your space today at:

<https://greatriverslaw.org/trivia-night-2018-tickets/>

