



**ENVIRONMENTAL LAW
& POLICY CENTER**



30
YEARS

**Protecting
the Midwest**



Cleaner Air, Safer Water, Healthier Communities



Stopping a Toxic Waste Dump on Chicago's Southeast Side

ELPC is litigating on behalf of Alliance of the Southeast and Friends of the Parks to protect vulnerable communities, protect Lake Michigan, and deal with climate change realities. The U.S. Army Corps of Engineers' misguided proposal would put a new toxic dredge waste dump in an environmental justice community already overloaded with toxic pollution. Building an additional 25 feet of vertical waste would put clean water and communities at risk, especially as the shoreline is increasingly battered by more intense storms and heavy waves due to climate change. Moreover, this lakefront site was long ago promised to be capped, restored, and converted into a public park for all.

The Army Corps must identify alternative sites away from the lakeshore and outside of environmental justice communities. In May 2023, ELPC successfully blocked the Army Corps' first attempt to begin the toxic dump construction. The public and the Great Lakes deserve better. Let's recognize and adapt for the real-world impacts of climate change. The lakefront should be for community parks, not more toxic pollution.



Less Pollution, More Accountability in Northwest Indiana

Northwest Indiana has an unusually diverse mix of communities, beaches, and natural areas alongside huge polluting industrial facilities. The iconic Indiana Dunes National Park is the 4th most biodiverse in the nation and 11th most visited. After our successful litigation to hold the Cleveland-Cliffs steel mill accountable for polluting Lake Michigan and requiring clean up of the Burns Harbor, ELPC is expanding the scope of our environmental protection work.

ELPC's new Northwest Indiana Air, Parks, and Water Protector Project focuses on reducing air and water pollution from the area's three large steel mills, BP oil refinery, and chemical plants. We will better protect public health, Lake Michigan's ecology, and the National Park. Representing Gary Advocates for Responsible Development, ELPC is in litigation to stop two large waste-to-energy facilities that would worsen air pollution for community residents. We represent Save the Dunes and other local environmental groups to tighten permits to reduce pollution from the oil refineries and steel mills.



Protecting Michigan's Right to Regulate Manure Pollution

ELPC attorneys represent a dozen Michigan environmental and civic groups to reduce water pollution from concentrated animal feeding operations (CAFOs) that confine thousands of animals. CAFO manure and other waste is spread on crop fields, where it can contaminate local waterways. The result: E. coli bacteria and more toxic algal outbreaks.

Through advocacy, Michigan tightened Clean Water Act permit terms for CAFOs, but the Michigan Farm Bureau fought those changes and won a ruling in the Michigan Court of Appeals, sharply limiting the state's permitting authority. ELPC attorneys joined the Michigan Attorney General in persuading the state Supreme Court to review that ruling. We'll be presenting an oral argument in January 2024, seeking to reinstate strong regulations that protect safe, clean water in Michigan.



ELPC Receives American Bar Association's Prestigious National 2023 Legal Award



ELPC is very proud and honored to receive the American Bar Association's national 2023 Award for Excellence in Environmental, Energy, and Resources Stewardship. This award recognizes the talented and effective ELPC public interest attorneys, who, working with our colleagues, clients, and community partners, have achieved ELPC's many successes. ELPC's win-win-win approach puts sustainability principles into action to achieve solutions that are good for the environment, good for jobs, and good for economic growth together. Combining savvy legal strategies and smart public advocacy is key to ELPC's success in protecting our environment, vital natural resources, and healthy and livable communities for all.

Climate Solutions Clean Energy and Transportation

Advancing Grid Equity and Affordability

ELPC achieved two big wins as a founding member of the Grid Equity Midwest coalition. ELPC attorneys and partners achieved a settlement with DTE Energy that will mean thousands of megawatts of renewable energy added to the grid, millions invested in low-income communities, and earlier coal plant retirements. In Minnesota, ELPC represented the Just Solar Coalition to achieve a first-ever declaration from the Public Utilities Commission that energy justice is relevant when setting Xcel Energy's rates. That means more affordability, lower fixed charges, and a more flexible, distributed grid to support community solar and battery storage systems.

Implementing Illinois' Climate & Equitable Jobs Act

In 2021, Illinois jumped to a national leadership position with ambitious goals that will ramp the state up to a completely decarbonized power sector by 2050. This requires the kind of "nuts and bolts" regulatory implementation work in which ELPC specializes. ELPC and our allies achieved three wins in gas rate cases requiring the utilities to plan for a future with less gas use and less carbon pollution. ELPC attorneys are also litigating ComEd and Ameren electric rate cases to advance comprehensive distribution grid planning requirements. ELPC works to ensure utilities spend wisely, reduce fossil fuel use, and ramp up innovative technologies to reach Illinois' ambitious climate goals.

Taking on Coal in Iowa

After the Iowa Utilities Board excluded evidence, presented by ELPC and allies, that showed retiring coal plants was a cost-effective way for MidAmerican to meet air pollution standards, ELPC argued before the Iowa Supreme Court and won. The court found that regulators can't exclude this evidence.

Advancing Midwest Higher-Speed Passenger Rail

ELPC's sustained advocacy to advance higher-speed passenger rail is finally paying off in real progress. In 2023, Illinois joined Michigan in providing 110-mph rail service, and new railcars rolled out across the Midwest. Chicago's Union Station – the natural hub of the Midwest regional rail network – secured \$93 million for better facilities and track improvements. Modern, fast, comfortable, and convenient Midwest passenger rail service will reduce pollution, improve mobility, and boost the regional economy.

Protecting the Great Lakes and Midwest's Wild & Natural Places

'Wildly Creative' New Opportunities for Old Coal Plant Sites

Too often, when a coal plant shuts down, the site is fenced off and remains closed as a polluted brownfield site. ELPC is pursuing a better path. Our innovative Michigan Power Plants to Parklands project seizes the once-in-a-generation strategic opportunity to clean up and transform retired coal plant sites. We work to 1) provide public access to natural areas by expanding adjacent parks & beaches for recreation & wildlife; 2) build solar energy & battery storage that cleans up the grid, create jobs, and generates local property tax revenues; and 3) protect safe, clean water. ELPC is working with Michigan utilities and community partners to accomplish what one recent news article described as these "wildly creative" redevelopment agreements.

Cleaning Up Lake Erie, Reducing Recurring Toxic Algae Outbreaks

ELPC's lawsuit with co-plaintiff Lucas County Board of Commissioners' achieved a nationally precedential victory that requires Ohio to reduce agricultural runoff pollution – excessive fertilizer and manure – through a Total Maximum Daily Load (TMDL) plan. The federal district court judge complimented the "plaintiffs' persistent, unyielding quest to obtain joint commitment from the EPA and the State to undertake a crucial first step towards the restoration of Lake Erie's Western Basin." Unfortunately, both the Ohio EPA and the U.S. EPA failed to do their jobs well, and the TMDL plan is woefully inadequate to reduce pollution sufficiently to remediate the recurring toxic algae outbreaks in Lake Erie. ELPC and the Lucas County Board are preparing a new lawsuit to achieve our shared goal of a clean and safe Lake Erie for all.

Expanding Midwest Wilderness Areas

ELPC has built the "Keep the UP Wild" coalition of 400 organizations and businesses across Michigan supporting federal legislation to create 50,000 acres of new designated Wilderness in Michigan's Upper Peninsula. At the same time, ELPC is working to expand Wilderness and conservation areas in the Shawnee National Forest in Southern Illinois. These special places deserve better protection for biodiversity and outdoor recreation enjoyment.

Protecting the Driftless Area

ELPC attorneys represent the Driftless Area Land Conservancy, National Wildlife Refuge Association, Defenders of Wildlife, and Wisconsin Wildlife Federation in federal court litigation to stop the huge Cardinal-Hickory Creek high-voltage transmission line from running through the protected Upper Mississippi River National Wildlife and Fish Refuge. This refuge is one of the most visited wildlife refuges in the country. ELPC is also working to advance a second round of federal funding for the Driftless Area Land Conservation Initiative to protect biodiversity, wildlife habitat, and key natural resources.

Preserving Wildlife & Drinking Water in South Dakota

ELPC filed formal comments and is engaging to better protect the Sand Lake National Wildlife Refuge from potential damaging development and protect key Black Hills watersheds from gold mining that could pose a significant threat to water quality.

Protecting Migrant Farmworkers from Pesticide Spraying

In 2019, crop dusters in Central Illinois sprayed workers in cornfields, causing injuries and illnesses. As co-counsel with Legal Aid Chicago, Texas RioGrande Legal Aid, and Farmworker Justice, ELPC attorneys filed a lawsuit on behalf of the plaintiff farmworkers. Additionally, ELPC's legislative advocates worked for three years to increase the fines to provide more accountability, fairness, and justice. This year, the legislation passed and was signed into law.

**Looking ahead to 2024 and all the progress
to come in ELPC's next 30 years!!**



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2023 Awards



METROPOLITAN WATER RECLAMATION DISTRICT OF GREATER CHICAGO
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Howard A. Learner, President and Executive Director

2023 CRAIN'S CHICAGO BUSINESS
NOTABLE LEADERS
 IN SUSTAINABILITY



Community Partner Award

A Message from ELPC's Board Chair & Executive Director

It's as true today as when ELPC started in 1993: ELPC is a mission and a calling. We've built ELPC from a visionary ground floor startup into a Midwest powerhouse for the environment. Thank you to ELPC's Board and Advisory Council members, great staff, community partners, environmental colleagues and many clients for ELPC's 30 years of success.

We're very proud that ELPC received the American Bar Association's 2023 Award for Excellence in Environmental, Energy, and Resources Stewardship. This prestigious national award recognizes ELPC's significant accomplishments and demonstrated leadership on sustainable environmental and energy advocacy. That's great!

ELPC's mission is protecting the Midwest's environment and making sure all people have healthy clean air to breathe, safe clean water to drink, and communities without toxic threats. We litigate to protect the Great Lakes and the Midwest's great places and hold polluters accountable. We accelerate clean energy, modern transportation, and other vital climate change solutions. We put into practice our core sustainability belief that environmental progress and economic growth can be achieved together.

This report highlights some of ELPC's 2023 big wins for the Midwest's environment:

We fight to protect the Great Lakes. ELPC attorneys represent two community groups challenging a misguided toxic dredged waste dump along Lake Michigan's shoreline on Chicago's Southeast Side on a site long-promised as a park for this environmental justice community. We're also launching more legal firepower into Northwest Indiana to protect its diverse communities, the Indiana Dunes National Park, and Lake Michigan beaches amidst heavily polluting industries.

We accelerate climate change solutions. ELPC's clean energy team intervenes before public utilities commissions in seven Midwest states to modernize the electric grid cleanly, wisely, equitably, and justly. We ensure that new federal funds are spent productively to modernize Chicago's Union Station (the Midwest higher-speed rail network hub), improve public transit, get more EV school buses to protect kids' health, and avoid boondoggle highways.

We are bold and innovative. ELPC's Michigan Powerplants to Parklands Project reimagines and works with utilities and community partners to redevelop retired coal plant sites into new lakefront parklands for people to enjoy and solar energy + storage installations to provide new clean renewable energy. We make a difference.

30 years ago, ELPC's vision was called *ambitious*. Today, sustainability is conventional wisdom. Imagine what we can do together in the next 30 years. That will require tenacious and effective public interest attorneys, policy advocates, scientists, forward-thinking business leaders, creative union leaders, and expansive civic thinkers. That will also require us to make choices to save the planet – choices about what we purchase and who gets our votes.

Working together, we can do it. Thank you for all you do to help ELPC succeed.

~ **Howard & Manny**



Howard A. Leaner

President and
Executive Director



Manny Flores

Chair of the Board

Headquarters

35 E. Wacker Dr., Suite 1600
Chicago, IL 60601
(312) 673-6500

Online

ELPC.org
elpcinfo@elpc.org
@ELPCenter

Regional Offices

Columbus, OH Minneapolis, MN
Des Moines, IA Washington, DC
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