

Midwest Environmental Advocates

2004 ANNUAL REPORT

it starts when you say **we**



the low road

What can they do
to you? Whatever they want.
They can set you up, they can
bust you, they can break
your fingers, they can
burn your brain with electricity,
blur you with drugs till you
can't walk, can't remember, they can
take your child, wall up
your lover. They can do anything
you can't stop them
from doing. How can you stop
them? Alone, you can fight,
you can refuse, you can
take what revenge you can
but they roll over you.

But two people fighting
back to back can cut through
a mob, a snake-dancing file
can break a cordon, an army
can meet an army.

Two people can keep each other
sane, can give support, conviction,
love, massage, hope, sex.

Three people are a delegation
a committee, a wedge. With four
you can play bridge and start
an organization. With six
you can rent a whole house,
eat pie for dinner with no
seconds, and hold a fund raising party.
A dozen make a demonstration.
A hundred fill a hall.
A thousand have solidarity and your own newsletter;
ten thousand, power and your own paper;
a hundred thousand, your own media;
ten million, your own country.

It goes on one at a time,
it starts when you care
to act, it starts when you do
it again after they said no,
it starts when you say *We*
and know who you mean, and each
day you mean one more.

Marge Piercy

Dear Friends,

Protecting the air we breathe and the water we drink are values on which we all agree. Yet, there is a disconnect between your values and those of many elected officials in Madison and Washington, D.C. Instead of participating in the slow, but more or less steady, progress that began in the 70's, elected officials are trying to dismantle our environmental laws. Budget cuts require environmental protection agencies to cut staff to the bone. Corporate polluters wield unprecedented influence in legislatures and government agencies.

Yet, we have not lost hope because we see the inspiring progress that people can make in the places where they live. Energized and organized, local conservation groups can have enormous impact when they know their legal rights and have access to legal representation. Midwest Environmental Advocates provides a unique blend of services, from educating and organizing local groups to representing them in court and in legislative and agency hearings.

As you read through our Annual Report for fiscal year 2004 (September 1, 2003–August 31, 2004), we know that you too will understand that hope is alive and well, and that we are making progress to protect the places we love and the air and water that sustain us.

Thank you to our staff, board, clients, funders, elected officials, reporters, and agency staff, for being part of this work in progress.



Arlen Christenson
President, Board of Directors



Melissa K. Scanlan
Founder and Executive Director





a small group of dedicated people formed Midwest Environmental Advocates, Inc. (MEA) to provide legal, organizing and technical assistance to groups fighting for clean air, clean water, and a clean government. MEA's mission is to provide high quality legal services that support a diverse, grassroots social movement; build local leadership; and implement innovative solutions to environmental problems.

In addition to direct legal representation, MEA also connects groups with the 38 attorneys and experts who have joined our Advocacy Network and have agreed to provide free or reduced fee services. Additionally, through MEA's Impact Litigation Fund, we have expanded environmental groups' access to excellent legal representation by providing a one third matching grant for cases that have the potential to set an important legal precedent.



BUILDING LOCAL LEADERS AND EDUCATING THE PUBLIC

"Midwest Environmental Advocates is more than a law firm. They not only provided excellent legal representation, but they also taught us how to get our neighbors involved. We learned what our rights were and how to be effective, and now we can help others facing similar problems."

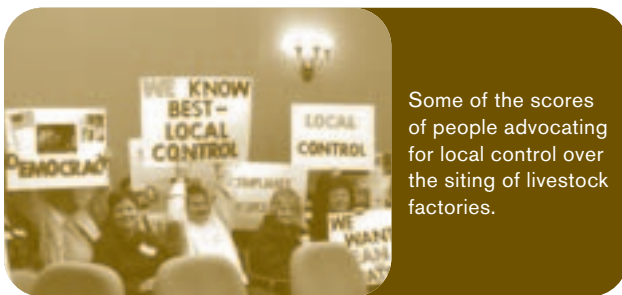
Ann Zelinski, Citizens for Responsible Agriculture and a Clean Environment

Midwest Environmental Advocates is laying the foundation for long-term change by providing the tools to build the leadership skills of grassroots activists throughout the state. Our unique advocacy combines community organizing and education with litigation and lobbying. Our focus is to teach people how to speak for themselves.

BUILDING LOCAL LEADERS

Midwest Environmental Advocates helped form several new grassroots conservation groups this year. One such group, Citizens for Responsible Agriculture and a Clean Environment, hired Midwest Environmental Advocates and Garvey & Stoddard, S.C., to stop the expansion of a livestock factory in Manitowoc County, a geologically fragile area highly susceptible to drinking water contamination.

Motivated by this victory, members of the local group went on to advocate for sustainable agriculture on a statewide level. In early 2004, when livestock factory supporters proposed a state law that threatened local communities' ability to have a voice in the siting of livestock factories, these now-experienced activists were able to help mobilize almost 80 people to attend and testify at the hearing in the State Capitol.



Some of the scores of people advocating for local control over the siting of livestock factories.

GETTING ACTIVE IN YOUR COMMUNITY

Midwest Environmental Advocates also helped organize Centerville CARES, a grassroots group dedicated to protecting the community's air, water and quality of life from a livestock factory only one mile from Lake Michigan that may expand to 9,000 cows. Centerville CARES and

Midwest Environmental Advocates worked together to convince the Wisconsin Department of Natural Resources (DNR) to implement stronger air regulations for all livestock factories in the state. Now Midwest Environmental Advocates is working to get the community further engaged in protecting Lake Michigan beaches by finding sources of water pollution and engaging in volunteer water monitoring.

With Midwest Environmental Advocates' help, Centerville CARES is now involved in a pilot project with the DNR to monitor water quality near Lake Michigan.



Members of Centerville CARES, a group focused on protecting air and water.

EDUCATING THE PUBLIC

Communities can solve environmental problems with access to information and advocacy training. Midwest Environmental Advocates developed a curriculum to train grassroots watershed groups on the tools available to implement and enforce the Clean Water Act. In collaboration with the River Alliance of Wisconsin, we provided free workshops to train grassroots leaders to implement this important law designed to provide clean water for all.

FISCAL YEAR 2004 NUMBERS

MEA has:

- ⊙ **Increased the education of the public through almost 30 speaking events.**
- ⊙ **Appeared in over 100 media stories about protecting air and water.**

BUILDING BRIDGES

“Growing up on the Lac Du Flambeau reservation in northern Wisconsin, I enjoyed first hand our pristine air and water. As enforcement of environmental rules have relaxed over the years, I have seen a gradual degradation of our resources. That is why I believe the work of Midwest Environmental Advocates is so essential. Seeing also the value in collaborative efforts among the Tribes and Midwest Environmental Advocates, I became a founding Board Member and continue to serve on the Board of Directors today.”

Carol J. Brown, Partner in the law firm of Brown & LaCounte

Clean air and water are values that we all share. Midwest Environmental Advocates is building strategic alliances between diverse groups to protect our land, air and water.

HONORING NORTHERN WATERS

Midwest Environmental Advocates has worked to bring together an alliance of conservation groups and Native American tribal governments to support a petition to the Wisconsin Department of Natural Resources to protect over 433 rivers and streams in Northern Wisconsin.

The rulemaking petition represents an effort to limit the damage caused by discharges of sewage and industrial waste, as well as by new Wisconsin laws that make it easier to put expensive vacation homes and resorts on the shores of Wisconsin's northern rivers and streams.

The petition will not only help safeguard our waters today, but will ensure future generations have the same pristine waters that have come to define Wisconsin as a tourist and



The Thornapple River in Rusk County is just one of the 433 rivers MEA is petitioning the DNR to protect for future generations.

recreational gem. Equally important, the petition will help honor treaty rights held by the Chippewa Tribes in northern Wisconsin, which benefits all Wisconsin residents.

CONNECTING FARMERS AND CONSERVATIONISTS

Midwest Environmental Advocates builds alliances between farmers engaged in sustainable agriculture and conservationists. We recognize the importance of farming to Wisconsin's economy and landscape, and are working to discourage industrial agribusiness practices that abuse our air and water and give farming a bad name.

We are currently representing the Concerned Farmers and Neighbors of the Town of Hixton, a grassroots group that consists of farmers, trout anglers, and rural people who rely on clean water. We helped the group form after their neighboring livestock factory polluted two valuable trout streams by discharging manure from its feedlots and land spreading fields.

After the Department of Natural Resources failed to prevent future damage to the trout streams, the group hired Midwest Environmental Advocates to take legal action. We are now fighting for clean water in Wisconsin's Western District Federal Court in *Concerned Farmers and Neighbors in the Town of Hixton v. Sedelbauer Farms*.



Members of Concerned Farmers and Neighbors in the Town of Hixton, standing in front of family farmer Mike Helstad's barn

IMPROVING PUBLIC POLICY

"Midwest Environmental Advocates provides a necessary voice for clean air and water in a sea of industry lobbyists."

Wisconsin State Senator Mark Miller

The political process can move at a blinding pace, and it is difficult and time-consuming for citizens to participate in every political decision that may affect their lives. This is why Midwest Environmental Advocates has two lobbyists on staff to advocate for laws and policies that protect your right to clean air and water.

THE "GO AWAY PERRIER" FIGHT LEADS TO NEW GROUNDWATER QUANTITY LEGISLATION

After helping the Concerned Citizens of Newport keep Perrier from bottling Wisconsin's spring water, Midwest Environmental Advocates turned to the State Legislature to pass a law to protect groundwater quantity. We played an important role by providing legal advice to the Clean Water Coalition on drafts of the law. Governor Doyle signed the Groundwater Protection Act on Earth Day 2004. The law is an important first step towards a comprehensive policy designed to make sure Wisconsin's buried treasure is safe and abundant for generations to come.



Residents concerned about protecting Wisconsin's water demonstrate against Perrier.

ADVOCATES FOR CLEAN AIR FOR ALL

Midwest Environmental Advocates is working to minimize the damage done by the environmentally destructive and poorly named "Jobs Creation Act." We are working to ensure that industry lobbyists do not undermine public health by gutting existing clean air permit protections. We have testified and submitted comments opposing several proposed regulatory changes that would weaken the Department of Natural Resources' ability to control air pollution and protect public health.

RESTORING THE PUBLIC INTERVENOR OFFICE

In the Spring of 2004, Midwest Environmental Advocates released a report entitled, "At a Loss: The State of Wisconsin After Eight Years Without a Public Intervenor Office." We brought together all of the former Public Intervenors to release the report and call on the Legislature and the Governor to restore this vital office that served as a watchdog for public rights in the environment. To obtain a free copy of the report, visit our website at www.midwestadvocates.org.



Dane County Executive and former Public Intervenor, Kathleen Falk, at press conference releasing report on the need for the Public Intervenor.

CLEARING THE COUNTRY AIR

Livestock factories emit dangerous levels of ammonia and hydrogen sulfide that can harm the health and quality of life of neighbors nearby. Midwest Environmental Advocates convinced the Wisconsin Department of Natural Resources to amend NR 445 to limit the air pollution created by millions of gallons of liquid animal waste and thousands of animals at livestock factories.



Midwest Environment Advocates is working to reduce air pollution from smokestacks like these.

LEVELING THE PLAYING FIELD

“Midwest Environmental Advocates should be congratulated for forcing Cintas Corporation to comply with Clean Water laws. Now all industrial laundries in the Greater Milwaukee area are on a level playing field, and no one company has an unfair competitive advantage by failing to invest in the technology necessary for clean water.”

Robert Miller, President and owner of the Milwaukee-based company Spic and Span, Inc.

Companies that do not play by the environmental rules not only harm the air we breathe and the water we drink, but can gain an unfair competitive advantage. Midwest Environmental Advocates brings “citizen suits” to enforce clean air and water laws when the government has failed to take action. We are holding polluters accountable for their misuse of our public air and water.

CLEANING UP LAKE MICHIGAN

We successfully enforced the Clean Water Act against Cintas Corporation, the largest industrial laundry company in the United States. On behalf of the Sierra Club, we sued Cintas in order to stop their three year history of sending illegal amounts of oil and grease into Milwaukee’s sewage system—and ultimately Lake Michigan. Cintas Corporation is one of five industrial laundries discharging waste directly into Milwaukee’s sewage system. Unlike its competitors, Cintas was the only industrial laundry that had failed to invest in the pretreatment equipment needed to remove excessive amounts of oil and grease from its waste water. As a result, it was regularly violating the Clean Water Act and obtaining an illegal competitive advantage over other companies that had invested in clean water. We enforced the law, and the company agreed to install pretreatment technology and pay \$95,000 in penalties and fees for their past violations.

CLEANING UP OUR AIR

The largest sources of air pollution in the United States are supposed to be regulated under Title V operating permits.

When we found that Wisconsin lagged behind most states in ensuring the largest sources of asthma-causing pollution were controlled by Title V permits, we filed a petition with the Environmental Protection Agency requesting that they require Wisconsin to follow the law.

In response to our petition, on March 4, 2004, the Environmental Protection Agency issued a Notice of Deficiency to the State of Wisconsin for its air program. The deficiencies found by the EPA include:

- The fees paid by polluters are not adequate to cover the costs of the program;
- Wisconsin has allowed major sources of air pollution to operate without permits;
- Wisconsin has issued permits that do not contain all applicable requirements and that fail to make certain requirements federally enforceable.

If the deficiencies are not addressed within two years, Wisconsin will lose the opportunity to run the program and may lose federal highway funding. Our advocacy is leveling the playing field and ensuring that all—not merely some—companies are regulated by operating permits for clean air.



Midwest Environmental Advocates is working for a cleaner Lake Michigan.

INNOVATIVE SOLUTIONS

Violators of the Clean Air and Clean Water Acts are liable for up to \$32,500 per day of violation. Penalties are typically paid to the state or federal government. When Midwest Environmental Advocates seeks penalties from a polluter, however, we try to direct the money back to the local community that has been harmed by the pollution by using “Supplemental Environmental Projects.”

As a way of implementing innovative solutions to environmental problems, we directed \$47,200 of the

penalties from the settlement with Cintas Corporation to fund local environmental organizations working to revitalize Milwaukee’s urban environment. The Friends of Milwaukee’s Rivers will use the settlement proceeds to purchase water testing equipment, a boat, and a digital camera to monitor water quality problems in Milwaukee. The River Revitalization Foundation will use their portion of the funds to purchase land for the Beerline B Bicycle Trail to increase the community’s access to the Milwaukee River.

EXPANDING RESOURCES FOR ENVIRONMENTAL JUSTICE

"We spent months unsuccessfully searching for an attorney who could help us fight the largest landfill expansion in the state. Then we called Midwest Environmental Advocates, and they were able to connect us with two attorneys in their Advocacy Network who were as committed and passionate about the issue as we were."

Robin Fate, Concerned Citizens of Sarona

ADVOCACY NETWORK

When Midwest Environmental Advocates opened its doors five years ago with one full time attorney and no other staff, we knew that we needed a strategy to expand the legal resources for public interest environmental issues beyond our office. So we formed an Advocacy Network of attorneys and experts who have agreed to provide free and reduced fee services to environmental groups.

The cases we refer to Advocacy Network members involve people who are facing toxic pollution, road expansions, and sprawling developments, among other things. Without the resources we provide, they would have lacked legal representation.

Midwest Environmental Advocates is the only place a person with an environmental legal problem can turn to for free help.

FISCAL YEAR 2004 NUMBERS

- ⊙ **MEA has 38 attorneys and experts in the Advocacy Network.**
- ⊙ **MEA advised 82 groups or individuals and connected them to attorneys in our Advocacy Network.**

THE ADVOCACY NETWORK IN ACTION

When a City of Madison alderperson introduced an ordinance banning the use of phosphorus fertilizer, a local community group embraced it as a way to reduce the algae blooms that discourage swimmers from using Madison's

lakes during the summer months. But when chemical companies questioned the legality of the ordinance, the group turned to Midwest Environmental Advocates for help. We connected them to an attorney in our Advocacy Network who was able to provide a written legal opinion to support clean water. In early 2004, the Madison City Council passed the phosphorus ban. Then Dane County, the county surrounding Madison, enacted a similar ban. With just a few hours of time, Midwest Environmental Advocates' Advocacy Network attorney was able to give a community group the necessary information and assistance to help make their lakes cleaner.

IMPACT LITIGATION FUND

While our Advocacy Network is essential for small cases or issues that require short term time commitments, we found that lawyers in the Advocacy Network were unable to take on larger cases on a *pro bono* basis. Likewise, we saw community groups struggling to pay lawyers' bills for cases that really served a general, widespread public interest. To address this problem, we created the Impact Litigation Fund in order to fund legal actions that have the potential to set a statewide or larger precedent and expand low income community groups' access to excellent legal representation.

The Impact Litigation Fund is a valuable tool to increase access to justice. We work with an Advocacy Network attorney to cap the total costs of the case so the client will have a full opportunity to assess the costs and benefits of a lawsuit. Then the lawyer donates one third of his or her time, the client group pays one third of the fees, and Midwest Environmental Advocates provides a one third matching grant.

In FY 2004, we made grant commitments of \$62,733 to other groups to fund important litigation. We are funding a variety of cases ranging from those fighting against global warming and asthma-causing pollution by coal-burning utilities to those fighting for reasonable land use decisions.

"Too often individuals or small community groups advocating for the public interest have to go up against large, well-funded corporations. Midwest Environmental Advocates' Impact Litigation Fund provides the funding necessary for these community groups to move forward."

Glenn Reynolds, Advocacy Network attorney in private practice with Reynolds and Associates

FY 2004 IMPACT LITIGATION FUND GRANT RECIPIENTS

Lloyd and Werner: \$500
Ripley Lake Association: \$1,500
Waukesha County Environmental Action League and Wisconsin Wetlands Association: \$2,500
Southeastern Minnesotans for Environmental Protection (SEMEP): \$3,333
Taxpayers Against Airport Growth: \$5,400
Friends of Richland County: \$7,500
Anti-mining coalition: \$10,000
Clean Air Madison: \$10,000
Coalition including Wisconsin Trout Unlimited: \$10,000
Coalition including Green-Rock Audubon Society: \$12,000

THE IMPACT LITIGATION FUND IN ACTION

We used the Impact Fund to help the Wisconsin Wetlands Association and other community groups bring a legal challenge to stop environmental damage by the proposed construction of a natural gas pipeline across southern Wisconsin. Our Advocacy Network attorney negotiated a settlement that prevented Guardian Pipeline from filling 70 acres of wetlands.



Construction from the Guardian Pipeline Project in the wetlands at the Bank River Crossing in Jefferson County.

FY 2004 CASE DOCKET

In addition to educating the public, organizing local conservation groups, and promoting sound legislation and administrative rules, Midwest Environmental Advocates provides legal representation to community groups in judicial and administrative courts. These legal actions range from ensuring the government is accountable to the public interest to reducing asthma-causing air pollution. Our FY 2004 docket of cases included the following:

Centerville CARES v. Maple Leaf Dairy, 60 Day Notice of Intent to Sue

Concerned Farmers and Neighbors of the Town of Hixton v. Sedelbauer Farms, Western District Federal Court

River Alliance and Friends of Jump River v. Department of Natural Resources, Wisconsin Court of Appeals

River Alliance and Friends of Jump River v. Department of Natural Resources, Contested Case Hearing

Scott and Judy Tremel v. Stahl Farms, Eastern District Federal Court

Sierra Club v. Barron County Incinerator, 60 Day Notice of Intent to Sue

Sierra Club v. Cintas Corp., Eastern District Federal Court

Sierra Club v. Emmpak Foods, LLC, a subsidiary of Cargill, Eastern District Federal Court

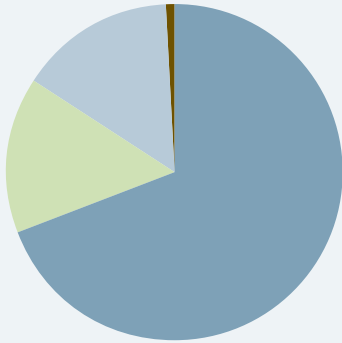
Trout Unlimited, et. al., v. Department of Natural Resources, Wisconsin Circuit Court

Waupaca Coalition for Public Response v. Department of Natural Resources, Wisconsin Circuit Court

Waupaca Coalition for Public Response v. Department of Natural Resources, Contested Case Hearing

SOURCE OF FUNDING

For FY 2004

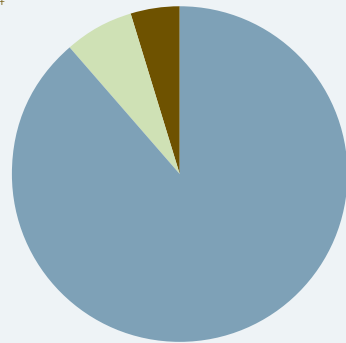


■	\$ 216,000	GRANTS
■	\$ 47,000	DONATIONS
■	\$ 46,500	FEES
■	\$ 1,000	INTEREST/INVESTMENTS

\$ 310,500 TOTAL INCOME

USE OF FUNDS

For FY 2004



■	\$ 266,000	PROGRAM SERVICES
■	\$ 20,500	MANAGEMENT & GENERAL
■	\$ 13,500	FUNDRAISING

\$ 300,000 TOTAL EXPENSES

STAFF

Andrew C. Hanson, *Staff Attorney and Environmental Leadership Program Fellow*

Felicia Lin, *Legal Assistant and Community Organizer*

Melissa K. Scanlan, *Executive Director*



(left to right)

Andrew Hanson, Felicia Lin, Melissa Scanlan

BOARD OF DIRECTORS

Arlen Christenson, *President*

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Beth Anne Yeager, *Treasurer*

Glenn Stoddard, *Secretary*

Dennis Grzezinski

Mark Kastel

Larry Wawronowicz



(left to right) Mark Kastel, Arlen Christenson, Carol J. Brown, Larry Wawronowicz, Beth Anne Yeager

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