



Kentucky
Resources
Council

2024 ANNUAL REPORT

40TH ANNIVERSARY SPECIAL EDITION

FISCAL YEAR 2024

July 1, 2023 - June 30, 2024

2024 marks our 40th year of working tirelessly to protect Kentucky's natural resources – our environment, our communities and our people.

What began as a commitment to provide effective legal assistance for those living downhill, downwind, and downstream of pollution has expanded into a statewide movement for environmental justice, clean energy, and community empowerment.

This annual report highlights our Fiscal Year 2024 achievements, including providing over \$1.75 million in legal services across the Commonwealth. We acted on multiple fronts—advocating in courts, before the legislature, and with state and local governments. Our team tackled key environmental and energy issues, from making the case for coal plant retirements, to preventing illegal pollution discharges into our waterways, to defending citizens' rights to appeal planning and zoning decisions. We supported local communities, including citizens in Letcher County in fighting a proposed federal prison and those in Madison County concerned about environmental impacts of new development projects.

Our flagship initiative, Kentucky Environmental Accountability Project, entered its second year, advancing environmental health, justice, and equity. We scrutinized pollution permits, submitted public comments on all proposed permits for major air pollution sources, and investigated environmental violations by aluminum smelters, concrete manufacturers, and coal mines. We are pushing for systemic change in how Kentucky generates electricity by representing the Joint Intervenors in key Public Service Commission cases, advocating for decarbonization of our utilities and a more sustainable and just energy future for our state.

We strengthened our team by welcoming attorney Liz Natter, former General Counsel for the Kentucky Energy and Environment Cabinet, as Of Counsel, and added Emily Tolliver as Communications and Outreach Strategist to deepen our community engagement. Tom FitzGerald continues to play a key role in supporting and advancing our legal efforts and training the next generation. Our team is stronger than ever, aided by community advocates and our partnerships with allied local, state, and national organizations.


As we celebrate 40 years of victories, we remain focused on the work ahead, guided by a vision of clean air, safe water, healthy soil, and protected natural resources. This report highlights our continuing legacy – one which would not exist without your support. **Thank you for your continued commitment to a healthier, more just Kentucky.**

Ashley Wilmes

Ashley Wilmes
Executive Director



TURNING 40

A look back at 40 years of environmental advocacy and community defense 

DEFENDING OUR HOME: A view of a rock formation in the Red River Gorge.





1984

Formerly the Kentucky Rivers Coalition, KRC is **officially founded**. This year, KRC successfully opposed oil and gas drilling in designated wild rivers corridors.

1985



Helped develop and defend water quality standards controlling pollution from oil and gas operations.

1986



Developed citizens' guide to Superfund "right to know" law on storage and releases of hazardous substances.

1987

Authored the first "Lands Unsuitable For Mining" petition; protected Pikeville's Cannon Creek Lake watershed from coal strip mining.

Settled a comprehensive lawsuit regarding non-enforcement of strip mining laws, resulting in \$13.5 million to fund inspection and enforcement activities.

1988



Helped to end the scourge of strip mining under the notorious "broad form" mineral deed.

1989

Assisted local citizens in addressing land and groundwater contamination by National Electric Coil Company in Harlan County, which later became a federal "Superfund" site.

1990



Helped defeat proposed waste incinerators in Lawrence and Simpson Counties, leading to a moratorium on new permits and regulation of air toxics.

1991



Successfully petitioned to designate UK's Robinson Forest as unsuitable for coal mining.

1992



Assisted in securing a \$250,000 donation to help acquire old-growth Blanton Forest in Harlan County.

Crafted bill creating certification program for water well drillers.

Led negotiations for the public and authored much of the legislation overhauling solid waste laws, giving counties control over disposal and stopping Kentucky from becoming a dumping ground for out-of-state garbage.

THE DIFFERENCE ONE KENTUCKIAN CAN MAKE:
Tom FitzGerald started KRC to build a better Kentucky for all.





1994

Led negotiations to strengthen the Kentucky Agricultural Water Quality Act and helped Franklin, KY oppose an industrial chicken processing facility.

1993

Helped facilitate designation of the Red River Gorge into the federal Wild and Scenic River System.



1995

Protected Lilley Cornett Woods from strip mining and helped improve state regulations on limestone, sand, and gravel mining.



1996



Secured federal enforcement requiring a coal company to repair hillside and home damage caused by water seeping from an underground mine.

Protected Fern Lake, the source of drinking water for Middlesboro, from mining.

1998

Fought for modifications of a riverfront development and marina proposal in Jefferson County that would have destroyed wetland habitat along the Ohio River.

Helped negotiate the Kentucky Forest Conservation Act, requiring Best Management Practices for commercial logging operations.

1999

Successfully reformed Kentucky mining program's handling of mine spoil.

2000

Authored investigative report on the causes of Martin County coal slurry impoundment failure and spill.



2001

Negotiated a solid waste reform bill establishing durable funding for closing substandard landfills and supporting litter abatement.

Authored petition to designate Harlan County's Black Mountain as Unsuitable for Mining and negotiated a settlement on behalf of KFTC that permanently protects Kentucky's highest peak from coal mining and logging.

Drafted a successful petition to declare historic Pine Mountain Settlement School and its viewshed as unsuitable for coal mining.



2002

Helped defend regulations better controlling the environmental impacts of industrial-scale hog operations.



Negotiated the language of a new law creating a process for voluntary remediation of contamination on "brownfields" properties.

2003

Assisted Taylor County residents in successfully opposing the use of municipal solid waste and sludges to fuel boilers at the Cox Interior wood products plant.

Solid waste reforms negotiated by KRC are implemented, raising over \$30 million to clean up old landfills.



2005

Helped craft and defend Louisville Air Toxics Control (STAR) Program.



2007

Drafted and helped secure passage of "Incentives for Energy Independence Act" creating tax incentives for renewable and innovative energy projects.



2008

Represented solar advocates and installers in negotiating standard guidelines for net metering system approval with all regulated electric utilities in Kentucky.



2009

Collaborated with the state and federal agencies for adoption of more strict guidelines to minimize placement of mine-related rock in "valley fills" at mountaintop removal sites.

Secured enhancements to the coal general permit regulating water discharges from coal-related activities.



2010

Represented AARP in negotiating a multi-party settlement in utility rate cases that secured extensions of energy and bill assistance to low- and fixed-income ratepayers.

2012

Worked with local residents on the investigation and cleanup of arsenic and lead associated with the former pesticide manufacturing plant in Louisville.



2013

Began successful opposition to the proposed Bluegrass Pipeline; secured court decision limiting condemnation for oil and gas pipelines to public utilities.

2014

Partnered with Appalshop, AARP, AFL-CIO and KFTC to protect consumers' needs and save landline service, as many areas lacked broadband and cell service.



2017

KRC continued representing citizens in an administrative appeal against the Class II Landfarm permit issued to Triple M in Simpson County, where petroleum-contaminated soil treatment has caused off-site odor and dust issues.

2018

Proposed Kinder Morgan natural gas liquids pipeline was withdrawn after KRC pushed back, drafting protective zoning ordinance and filing appeals with the U.S. District Court.



2018 (cont.)

In 2018, KRC drafted a stock brief opposing a 2017 law requiring a bond for zoning appeals. Circuit courts ruled it unconstitutional, and the Kentucky Supreme Court struck it down in 2024, with KRC filing an amicus brief.

2019

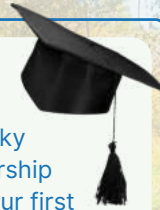
KRC helped Scott County with solid waste planning, leading to a decision to halt future landfill expansions after years of nuisance odors. KRC revised the local plan and defended the county against several challenges. The landfill is now closing.



Ensured Winchester recycling facility complied with law after an unlawful expansion.

2020

Launched the Kentucky Environmental Leadership Institute (KELI) with our first podcast, How to Pursue a Career in Environmental Justice, with KRC attorney Liz Edmonson.



Helped Estill County residents address unlawful disposal of radioactive waste, securing settlement funds for post-closure landfill care.

Won eight-year fight to protect water and viewsheds in Benham and Lynch from mining. A related case is ongoing, and no mining is occurring while the case is pending.



Began representing Bernheim Forest in opposing LG&E's natural gas pipeline across its property.

2021

KRC hires new Executive Director, Ashley Wilmes, as Tom FitzGerald takes "of counsel" role.



2022

Represented citizen intervening in administrative enforcement procedure against a large-scale hog farm near Owensboro and a neighboring pumpkin farm business opposing a permit for an industrial hog operation in Graves County, continuing our efforts to protect communities and waterways from industrial hog pollution.



Helped draft and negotiate a bill that amends the definition of "orphan wells" so that Kentucky can obtain up to \$104 million in federal aid to plug and reclaim some 14,000+ abandoned oil and gas wells.

Filed suit against Trump Administration rulemaking that weakened federal oversight of violations of Surface Mining Control and Reclamation Act, leading to new rule restoring those protections in 2024.

Began assisting a Knox County nonprofit, whose land was damaged by an oil and gas operation without proper authorization and permits, in securing enforcement and restoration.

Represented Mountain Association, KFTC and Kentucky Solar Energy Society before PSC, fighting for fair net-metering for rooftop solar and establishing "Joint Intervenor" model to pool resources and work toward shared goals.

2023

Began the Kentucky Environmental Accountability Project to enhance citizen participation, use science, and legal expertise in protecting public health and the environment.



2024

Kentucky Resources Council celebrates 40 years of impact!





PROTECTING WATERWAYS STATEWIDE: War Creek flows peacefully through eastern Kentucky.

Environmental and Community Defense

STRONGER TOGETHER

Whether listening, teaching, lobbying, or defending, our partnerships amplify our impact. Below are many of the organizations we partnered with or represented in the past year:

- [Air Justice](#)
- [Appalachian Citizens Law Center](#)
- [Appalachian Voices](#)
- [Center for Biological Diversity](#)
- [Citizens Coal Council](#)
- [Earthjustice](#)
- [Environmental Integrity Project](#)
- [Kentuckians for the Commonwealth](#)
- [Kentucky Conservation Committee](#)
- [Kentucky Sierra Club](#)
- [Kentucky Solar Energy Society](#)
- [Kentucky Waterways Alliance](#)
- [Metropolitan Housing Coalition](#)
- [Mountain Association](#)
- [National Parks Conservation Association](#)
- [National Trust for Historic Preservation](#)
- [Sierra Club](#)

Preventing Illegal Discharges into Kentucky's Waterways

Between 2017 and 2024, Kentucky Division of Water (KDOW) issued at least 280 “off permit” or “one-time discharge” authorizations, allowing power plants, pipelines, landfills, gas stations and others to discharge pollutants into Kentucky waters without a permit. We worked with the Environment Integrity Project (EIP) in urging KDOW and the Environmental Protection Agency to shutter the off-permit program, which violates the Clean Water Act.

When we discovered that a subsidiary of LG&E/KU received an “off permit” authorization under the program to dump sediment pond waste from a coal-loading dock into the Green River, we took immediate action. Partnering with EIP, Kentucky Sierra Club and Kentucky Waterways Alliance, we notified the company of our intent to sue if the illegal discharge occurred. After receiving our letter, KDOW withdrew the authorization and paused the entire off-permit discharge program, putting it under review.

Preserving Citizens' Right to Judicial Review of Planning and Zoning Decisions

In 2017, the Kentucky General Assembly passed a law requiring a substantial financial bond to appeal any planning or zoning decision from circuit court to the court of appeals. KRC testified against the bill and drafted a "stock" brief used by several attorneys across the Commonwealth to challenge the bond requirements. Several circuit courts declared the law unconstitutional, and this year those cases reached the Kentucky Supreme Court. In FY2024, our legal team, on behalf of KRC and the National Trust for Historic Preservation, filed a "friend of the court" brief asking the Court to reject the law as unconstitutional. In *Bluegrass Trust for Historic Preservation v. LFUCG*, the Kentucky Supreme Court agreed, stating, "we hold KRS 100.3471 is unconstitutional since it encumbers the individual right of Kentuckians to at least one appeal; and, in so doing, it invades the rule-making power of this Court and operates to strip the Court of Appeals of its inherent appellate jurisdiction."

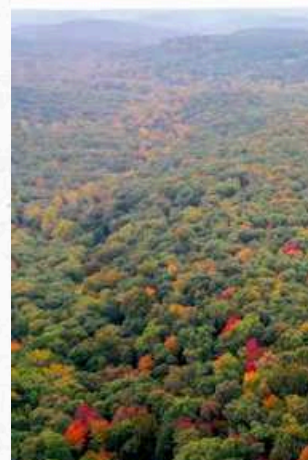


Strengthening Waste Management Practices

The increasing volume and complexity of waste associated with the modern economy is posing a serious risk to ecosystems and human health. KRC has long advocated for better waste management and planning in Kentucky. In 1990, we helped defeat proposed waste incinerators and called for a moratorium on new solid and medical waste incinerators. In 1991, KRC led the overhaul of Kentucky's solid waste laws, giving counties control over disposal within their borders. In 2000, we helped secure an assessment on each ton of landfilled waste to create durable funding for closing substandard landfills, and for ongoing litter abatement efforts. In 2020, KRC authored an amicus brief successfully challenging a state law that would have allowed up to 83 cities in Jefferson County to opt out of solid waste planning. In the past year, KRC continued this critical work by assisting many counties with their solid waste planning, including Scott, Grant, Pendleton, Graves, Boone, Franklin, Campbell, Rowan, Jefferson, Grant, Estill, and Oldham Counties.

Protecting Bernheim Forest and Endangered Species

KRC continued to represent the Isaac Bernheim Foundation in matters relating to a proposed natural gas pipeline that LG&E is seeking to construct across Bernheim and adjoining properties in Bullitt County. In April 2024, the KY Court of Appeals affirmed a lower court's decision affirming the right of LG&E to "take" the easement across Bernheim property. In May 2024, on behalf of Bernheim, KRC and our co-counsel at Strobo Barkley wrote and filed a Motion for Discretionary Review asking the Kentucky Supreme Court to review and overturn this decision. KRC continues to use every legal avenue to fight this pipeline, which still needs federal permits and new studies as to its impacts on endangered bats and other protected species.





PROTECTING HABITATS AND ECOSYSTEMS STATEWIDE: An American Gold Finch rests on an evergreen branch.

Kentucky Environmental Accountability Project

Our newest program combines meaningful citizen participation, science-backed information, and technical and legal expertise to ensure that Kentucky's environmental decisions better protect public health, the environment and our climate. This year, KRC worked with our partners to increase community participation in the public permitting process and ensure facilities' compliance with environmental laws. We tracked and reviewed hundreds of proposed state and federal agency actions and submitted dozens of public comments — including on a draft permit to build a new natural gas plant near Louisville, an air permit renewal for the TVA Shawnee power plant, Kentucky Pollution Discharge Elimination System permits, the proposed Jellico Vegetation Management Project decision for the Daniel Boone National Forest, and the draft environmental analysis for the proposed Letcher County federal prison.

Our team also spent this year researching and designing citizen-based resources for communities to engage effectively in environmental decision-making and to advocate for more stringent controls and accountability in permit decisions. KRC attorney Byron Gary presented our first KEAP workshop for attorneys and citizens, *The Clean Air Act and Moving Environmental Justice Forward*. Our new website — coming soon! — will offer many of these new resources, including Planning & Zoning 101, A Citizen's Guide to Open Records, Hazardous Waste 101, Environmental Justice 101, and a series of Clean Water Act trainings.

“Speak up, speak out, get in the way. Get in good trouble, necessary trouble, and help redeem the soul of America.”

— John Lewis, late Civil Rights Leader & U.S. Representative

Supporting Decarbonization & Clean Energy

KRC, along with our co-counsel Earthjustice, provided free legal representation to allied low-income, affordable housing, clean energy and social justice partners in eight cases before the Kentucky Public Service Commission (PSC) this year, including the Integrated Resource Planning (IRP) cases of Kentucky Power and Big Rivers Electric Corporation, a Kentucky Power rate case and the PSC’s LG&E/KU Winter Storm Elliott Investigation. The “Joint Intervenors” pooled resources and coordinated goals, allowing us to maximize our impact and take on these cases from all angles – from load and resource modeling, to utility economics and ratepayer affordability, to environmental compliance. We brought more transparency to the IRP process, helped secure lower rates than proposed for Kentucky Power customers, and pushed back on the utilities’ false narrative that renewables are not as reliable as coal.

Our work this year also included fighting back against Senate Bill 4, a 2023 law intended to make it harder to retire Kentucky’s coal-fired power plants. The law, for the first time, requires utilities to obtain PSC approval to retire a fossil fuel-fired electric generating unit. We participated in the first “retirement” case under SB 4, where KU and LG&E requested approval to retire four coal-fired units and three peak gas units, along with building two new natural gas plants. Although the PSC approved one new gas plant and required two of the coal plants to remain open for now, it also approved closing two coal plants, a major buildout of solar facilities, a utility-scale battery plant and an expansion of customer energy efficiency programs. Overall, the order offered major advances for clean energy in Kentucky.

Next, KRC and the Joint Intervenors will be addressing Senate Bill 349, passed during the 2024 legislative session despite strong opposition from KRC, Kentucky’s investor-owned utilities, and economic development interests. SB 349 “games” the energy planning process by imposing additional barriers and delays on retiring aging and uneconomic fossil-fuel electric utility plants, and rigs the regulatory process against renewable energy. It makes the transition to a decarbonized energy future more costly for Kentucky’s ratepayers. KRC intends to challenge the legal and factual flaws underlying these new laws in our work before the PSC.

BUILDING CLEANER COMMUNITIES: A solar array absorbs energy, generating clean power.



Championing Smart Policy

During the 2024 General Assembly Regular Session, KRC analyzed and took a formal position on more than 74 bills on environmental, conservation, energy, social justice and general government matters. KRC attorney Audrey Ernstberger joined Ashley Wilmes to lobby on issues including funding for regulatory agencies, energy policy, strategies to address “forever” chemicals and more. Audrey testified before legislative committee seven times this session, continuing KRC’s reputation as a valued resource for fact-based information and a reasoned public-interest perspective on legislation. KRC accomplished good things in Frankfort this year, despite the many bad bills that were passed this session. Throughout, we carried the banner for environmental health and justice for all.



STANDING STRONG IN FRANKFORT: The Kentucky Capitol building at dusk.

Successful Advocacy for Mine Safety

Current safety laws require coal mines to hire and have two emergency medical or mine emergency technicians on shift, providing a safety net if one is injured or incapable of performing their duties. HB 85 would have reduced this required number of emergency personnel from two to one when less than 15 miners are on shift, compromising worker safety in the event of a mining accident or health crisis. KRC worked with Appalachian Citizens Law Center in successfully opposing the bill.

A Win for Government Transparency

HB 509, called an “unprecedented attack on the public’s right to know” by the Kentucky Press Association, would have narrowed the definition of “public record” in the Kentucky Open Records Act to exclude all deliberative and pre-decisional documents, among other items. KRC strongly opposed these exemptions, which were removed before the bill was sent to the House. The bill later died in the Senate.

Federal Advocacy and Engagement in Washington, D.C.

Audrey Ernstberger joined a coalition with the Alliance for Appalachia to lobby for federal legislative measures that safeguard communities and environments impacted by coal mining activities, including a Zombie Mine Prevention Package. Meetings with over 40 legislators and key agencies underscored our coalition's commitment to environmental justice and community empowerment in Appalachia!



Ashley Wilmes joined the Sierra Club for their 2023 Farm Bill Lobby Weekend. Each 5-year farm bill sets policy and funding levels for agriculture, food and conservation programs. In meetings with legislators, the Kentucky team advocated for a Farm Bill that prioritizes climate, conservation and communities, and that creates a healthy and sustainable farming future for generations to come.

Opposing Sludge Regulations that Could Harm Farmers, Damage Farmland

In March, KRC's Tom FitzGerald testified before the Administrative Regulations Review Subcommittee in opposition to proposed biosolids regulations that will allow city sewage sludges from municipal wastewater treatment plants, which may be contaminated with PFAs and other chemicals, to be used as farm fertilizers. Although these regulations passed, we will continue to push Kentucky to strengthen standards and enforce testing requirements to assure that sludge used by farmers will not damage the productivity of their farmlands, contaminate their crops, harm their livestock or otherwise threaten the health of our communities.

Revised Model Solar Zoning & Siting Ordinances

KRC updated its Model Solar Zoning Ordinance in order to assist localities in adopting provisions to regulate the siting of solar energy facilities in their communities. It is based upon a review of best practices from across the U.S. and is tailored to meet the unique needs of Kentucky's landowners, communities and environment. KRC's correlative Model Siting Ordinance is for those counties in Kentucky that have not adopted planning and zoning, with the same goals of encouraging appropriate siting of solar facilities and protecting the correlative rights of landowners to the use and enjoyment of their lands. Find the model ordinances at kyrc.org/policy/solar.

Honoring the Past, Shaping our Future

Sue Anne Salmon Award

The 2023 Sue Anne Salmon Award honored **Roy Silver, Carl Shoupe, Stanley Sturgill and Bennie Massey** for their decades-long fight to protect the Harlan County towns of Benham and Lynch from mining. In 2010, with KRC's support, they petitioned to declare the historic coal towns' viewsheds and water sources off-limits to strip mining. After years of litigation, they overturned an initial rejection of the petition and have challenged a second denial from 2018. During the appeal, no mining permits will be issued. The award was given in honor of Roy and Carl and posthumously, in memory of Stanley and Bennie.



Winnie Hepler Lifetime Achievement Award

The Winnie Hepler Lifetime Achievement Award was presented to **Art Williams** for his lifelong dedication to environmental protection. Starting in college with a recycling program, Art's career led him to the White House on the Local

Government Energy Policy Advisory Committee, to Kentucky's Environmental Protection Cabinet, and finally to the Louisville Metro Air Pollution Control District. As director of APCD, he launched the nationally recognized Strategic Toxic Air Reduction Program (STAR) program, achieving significant reductions in air toxics and setting a model for the nation.



AWARD-WINNING DETERMINATION:

Art Williams (pictured above) won KRC's Winnie Hepler Lifetime Achievement Award. Carl Shoupe (pictured left with KRC Founder Tom FitzGerald and Board Member Joe Childers) accepted KRC's Sue Anne Salmon Award, honoring not only Carl's contributions but also those of Roy Silver, Stanley Sturgill, and Bennie Massey.

We pursue a Kentucky where the air is clean, the water is safe, and our natural resources are protected from abuse.



Fiscal Year 2024

July 1, 2023 - June 30, 2024

Support & Revenue

Donations	\$ 472,729
Grants	\$ 138,426
Investment Income	\$ 21,170
Other Income	\$ 4,572
Grant \$ released from restriction from FY23	\$ 191,958

Total Revenue* **\$ 828,855**

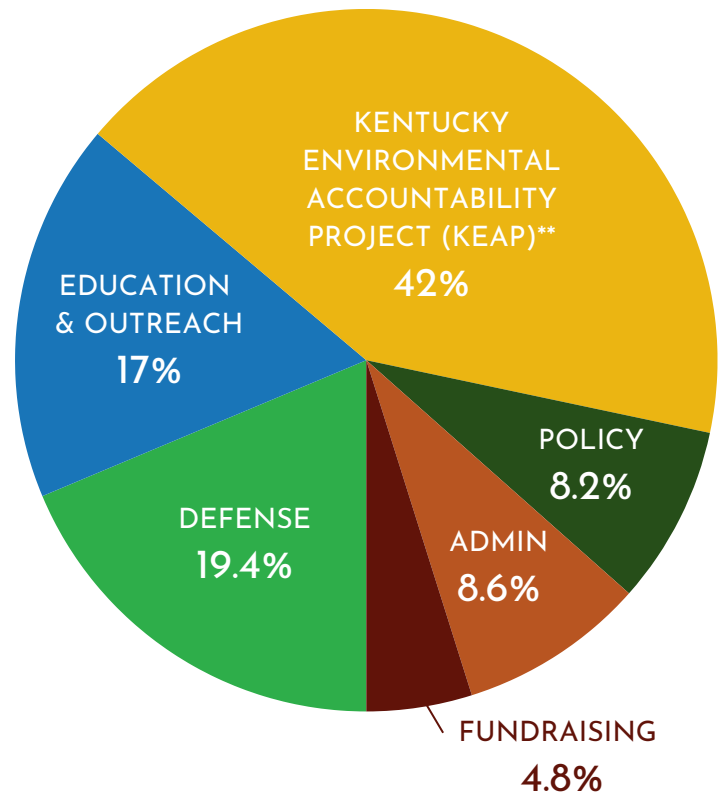
Expenses

Defense	\$ 128,018
Education & Outreach	\$ 119,738
KEAP**	\$ 289,045
Policy	\$ 56,414
Administration	\$ 58,880
Fundraising	\$ 33,298

Total Expenses **\$685,393**

Value of Endowment 6/30/24

Endowment **\$ 147,626**



*Total revenue includes \$191,958 from grants and family foundations raised in Fiscal Year 2023, but restricted for specific projects and programs, including KEAP, and released in Fiscal Year 2024. KRC raised an additional \$104,763 in FY24, which is restricted for use in FY25. The organization holds additional funds and assets for future use.

**KEAP (Kentucky Environmental Accountability Project) includes KRC's energy work representing the Joint Intervenor before the Kentucky Public Service Commission, our work reviewing and commenting on permits, and educational programming to increase public engagement in environmental decision-making.

Planning for our future

In honor of our 40th anniversary, we've set a goal to increase our endowment to \$400,000. In FY2024, KRC received an unrestricted bequest from a Kentuckian who cared deeply about protecting our environment and communities. To kickstart our endowment campaign, the board directed \$40,000 from this bequest to our endowment, raising it to \$187,000. To help us reach our goal, consider including KRC in your estate plans, or listing us as a beneficiary of a life insurance policy, retirement account, or donor advised fund. **For more information, please contact us at 502-875-2428 or elizabeth@kyrc.org.**

INFORM. EMPOWER. PROTECT.

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EXECUTIVE DIRECTOR



Elizabeth Graves
DIRECTOR OF DEVELOPMENT



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Sarah Mitchum
OFFICE ADMINISTRATOR



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SPECIALIST & BIOLOGIST



Audrey Ernstberger
ASSOCIATE ATTORNEY &
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Emily Tolliver
COMMUNICATIONS AND
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Byron Gary
PROGRAM ATTORNEY

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SUPPORT OUR WORK

We accept no corporate or government funds and rely solely on our supporters and members — individuals, organizations, and charitable donors — who commit time, talent, and financial support.

Please join us in envisioning and creating a better world! Donate today using the QR code or by mailing a check to the address below.

