

IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION

NATURAL RESOURCES DEFENSE
COUNCIL, INC.; RESPIRATORY HEALTH
ASSOCIATION; and SIERRA CLUB, INC.,

Plaintiffs,

v.

ILLINOIS POWER RESOURCES
GENERATING, LLC,

Defendant.

Case No. 13-cv-01181

United States District Judge

Joe Billy McDade

Magistrate Judge

Thomas P. Schanzle-Haskins III

**PLAINTIFFS' NOTICE OF AMENDED PROJECT PLANS
PURSUANT TO CONSENT DECREE**

Plaintiffs Natural Resources Defense Council, Sierra Club, and Respiratory Health Association file this notice to update the Court about the implementation of and amendments to the Economic Transition and Beneficial Project Plans developed pursuant to the November 13, 2019 Consent Decree, ECF No. 283.

BACKGROUND

The Consent Decree in this case imposed three primary requirements on Defendant Illinois Power Resources Generating, LLC (IPRG):

- (1) to transfer, within 60 days of the Decree's entry, a total of \$8.6 million—\$1.72 million in Economic Transition funds, and \$6.88 million in Beneficial Projects funds—into an escrow account to be established by Plaintiffs. Decree, ECF No. 283, ¶¶ 4, 5, 15.
- (2) to close the E.D. Edwards coal-fired power plant on or before December 31, 2022, contingent upon obtaining necessary regulatory approvals, *id.* ¶ 2; and
- (3) to make additional payments to the Beneficial Projects fund based on the number of defined “opacity events” at the Edwards power plant starting at the effective date of the Decree and for each calendar year thereafter until the plant closed, *id.* ¶ 6.

IPRG has complied with each of these requirements. IPRG timely deposited the initial \$8.6 million into the escrow account. It has retired the Edwards power plant. And it has transferred a total of \$883,000 in additional payments—\$304,000 for calendar year 2021 and \$579,000 for calendar year 2022—to the escrow account to fund certain types of Beneficial Projects. These additional payments bring the total monies made available for projects under the Consent Decree to \$9.483 million.

The Consent Decree tasked Plaintiffs with selecting recipients for the Economic Transition and Beneficial Project funds, disbursing those funds, and overseeing grant implementation. ECF No. 283, ¶¶ 4.1, 5.1. The Decree also required Plaintiffs to inform the Court of their plans for the funds and update the Court should those plans change. *Id.* In February 2020, Plaintiffs submitted to the Court a notice identifying the planned recipients of the initial \$8.6 million in funds under the Consent Decree, and describing the projects funded. *See* Notice of Project Plans, ECF No. 288. As requested by the Department of Justice, Plaintiffs have also filed letters from Beneficial Project fund recipients prior to any initial disbursement of funds, *see* ECF No. 289, and once their projects are completed, *see* ECF Nos. 291, 293, 297.

Over three years have passed since Plaintiffs first introduced the Court to the projects funded under the Consent Decree. Since then, the projects have greatly benefited the communities in and around Peoria. Some projects have wrapped up; others remain in progress. Plaintiffs submit this notice to update the Court on the status of all completed projects funded under the Consent Decree; to notify the Court about reallocation of certain funds among projects; and to inform the Court about Plaintiffs' timeline for deciding how to allocate the \$883,000 in additional payments.

PROJECT UPDATES

I. Completed Economic Transition Projects

The Decree required that Plaintiffs use the \$1.72 million in Economic Transition funds “to pay for projects that provide funding for job training and/or re-training programs at Peoria-area colleges, schools, community centers, and/or other organizations, that encompass a range of industries and that may be made accessible to Edwards employees and others.” Decree, ECF No. 283, ¶ 4. Consistent with that directive, Plaintiffs allocated those Economic Transition Funds to seven grant recipients. Notice of Project Plans, ECF No. 288, at 5-7. Plaintiffs anticipate that they will finish disbursing all Economic Transition funds by December 2023, and that all Economic Transition projects will wrap up no later than summer 2025. To date, two grantees have completed their Economic Transition Projects:

- A. Jubilee Ministries. Plaintiffs allocated \$144,200 to Jubilee Ministries to help fund a two-year expansion of its Jubilee Jobs program. Notice of Project Plans, ECF No. 288, at 6. With this funding, Jubilee served residents in Peoria’s poorest and most underemployed neighborhoods, providing over 450 job-assistance stipends, placing more than 100 people in new jobs, and connecting hundreds with job-training resources.
- B. Tri-County Urban League (TCUL). Plaintiffs allocated \$300,100 to TCUL to fund participation of around forty people in its Workforce Empowerment Program from April 2020 through March 2023, with a special emphasis on residents of Peoria’s South Side. Notice of Project Plans, ECF No. 288, at 7. Nearly all program participants either secured work or are working toward or have completed job-related training. Several also returned to school to complete their GED or work toward an Associate’s degree.

II. Completed Beneficial Projects

The Decree required that Plaintiffs use the \$6.88 million in Beneficial Projects funds to pay for four types of projects: (1) school and public transit bus electrification; (2) energy-efficiency improvements for Peoria-area homes; (3) solar power installation; and (4) educational programs, home-improvement projects, and medical interventions related to lung health. ECF No. 283, ¶ 5 & app. A. In accord with these limits, Plaintiffs allocated the Beneficial Projects funds to nine grant recipients. *See* Notice of Project Plans, ECF No. 288, at 8-11. Plaintiffs anticipate completing disbursement of all Beneficial Project funds by December 2023, and that all Beneficial Projects will be complete by the end of 2024. To date, four grantees have completed their Beneficial Projects:

- A. Artists ReEnvisioning Tomorrow, Inc (Art Inc.). Plaintiffs allocated \$276,480 to Art Inc. for the purchase and installation of solar panels on the Romain Arts & Culture Community Center. Notice of Project Plans, ECF No. 288, at 10. The 282-panel solar array began providing electricity to the Center in November 2020. The array meets most of the Center's electricity demand and is projected to save Art Inc. at least \$10,000 per year in electricity costs over its thirty-year lifespan. *See* ECF No. 291-1 (Art Inc. project-completion letter).
- B. Peoria Housing Authority (PHA). Plaintiffs allocated \$163,515 to PHA to fund weather stripping, window caulking, and the installation of 140 new storm doors at its Harrison Homes property on Peoria's southwest side. Notice of Project Plans, ECF No. 288, at 9. PHA completed this work—which reduces energy consumption and minimizes air and

water intrusion into families' homes—in fall 2020. *See* ECF No. 291-2 (PHA project-completion letter).

- C. Hollis and Pekin school districts. Plaintiffs allocated \$882,000 to the Hollis and Pekin school districts to fund the purchase of two electric school buses, associated battery and charging equipment, and the electrical upgrades needed to support the chargers. Notice of Project Plans, ECF No. 288, at 8. One bus serves the Hollis district (which includes the Edwards power plant), and the other serves the City of Pekin district (across the river from the plant). Both electric buses replaced diesel buses, reducing the amount of harmful particulate pollution in the community. *See* ECF No. 293-1 (Hollis and Pekin project-completion letter).
- D. Elevate Energy. Plaintiffs allocated \$845,653 to Elevate to fund energy-efficiency retrofits and pre-requisite home improvements for lower-income homes in areas most affected by the Edwards plant's pollution. Notice of Project Plans, ECF No. 288, at 9. With these funds, Elevate helped retrofit forty low-income homes in Peoria with healthy home and energy-efficiency upgrades, such as rewiring homes to support new, more efficient appliances and reinsulating homes to reduce heat loss. *See* ECF No. 297-1 (Elevate project-completion letter).

REALLOCATION OF CERTAIN ECONOMIC TRANSITION FUNDS

Plaintiffs plan to reallocate \$72,000 of Economic Transition Funds from the City of Peoria's PeoriaCorps program to Illinois Central College (ICC).

Plaintiffs initially allocated \$288,000 to the PeoriaCorps green-infrastructure training and workforce development program to increase hourly stipends for program participants for four years. Notice of Project Plans, ECF No. 288, at 6. More than twenty community members have

completed the PeoriaCorps' program since summer 2020, and the program anticipates bringing on an additional twenty-five members between now and the end of 2024. The project, however, is substantially under budget, in large part because of participant attrition early in the COVID-19 pandemic. PeoriaCorps has remitted \$72,000 of its original grant for Plaintiffs to reallocate to another grantee.

Plaintiffs plan to reallocate the \$72,000 to ICC to allow it to extend its Certified Nursing Assistant (CNA) scholarship program by one year, through summer 2025. Plaintiffs initially allocated \$204,060 to ICC to cover enrollment costs and exam fees for around 100 people (25 people per year for four years) in its CNA program. Notice of Project Plans, ECF No. 288, at 5. So far, forty students who received scholarships under the program have passed their CNA exam, with many going on to pursue additional credentials in the healthcare industry. Extending the program by one year will allow up to 25 additional students from Peoria's most disadvantaged neighborhoods to join the program and work toward their CNA license, expense free.

ALLOCATION OF ADDITIONAL FUNDS

The Decree requires that Plaintiffs allocate any additional payments received from IPRG to fund either energy efficiency or lung health projects. ECF No. 283 ¶ 6.6 & app. A. Plaintiffs are currently engaged in discussions with potential grantees for the \$883,000 in additional payment funds. Plaintiffs hope to select any grantee(s) for additional payment funds by the end of June 2023 and disburse all additional payment funds by December 2023.

Respectfully submitted May 15, 2023

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