

# Annual Report

## FISCAL YEAR 2020

This report focuses on the work of EJC in four primary areas:

1. **Middle Fork** - Continuing EJC's campaign calling on Dynegy-Midwest Generation to move its coal ash out of the floodplain of the Middle Fork of the Vermilion River, Illinois' only National Scenic River.
2. **Coal Ash Rules** - Partnering with state-wide environmental organizations and community groups to bring about strong coal ash rules via the Illinois Pollution Control Board's rule-making process.
3. **Downstate Caucus** - Co-leading work with the Downstate Caucus of the Illinois Climate Table to achieve an equitable, de-carbonization to combat climate change and build resilient communities based on assets and opportunities in central and southern Illinois.
4. **Regenerative Agriculture** - Working with the Illinois Clean Jobs Coalition and the RE-AMP Network to develop strategies for reducing greenhouse gas emissions and creating carbon sinks via regenerative agriculture.



*Coal ash pollution seeping out of banks of the Middle Fork of the Vermilion River is visible in areas where gabions, installed to stop erosion, have failed. Photo by EJC.*

### MIDDLE FORK CAMPAIGN

The Vermilion Power Station closed in 2011, leaving behind three, unlined coal ash pits in the floodplain of the Middle Fork of the Vermilion river, Illinois' only National Scenic river. These pits hold enough toxic ash to fill Chicago's Willis (Sears) Tower nearly two times. Two of the three pits are known to be leaking, and the river is moving towards them at a rate nearly 3 times that previously predicted by Dynegy Midwest Generation's consultants, leaving some sections vulnerable to a breach. Given the need to protect the river "in perpetuity" from the threat of a

spill and to stop the pollution, our work in 2020 continued to push for ash relocation. Dynegy-Vistra has sought approval to cap the ash; temporarily stabilize adjacent riverbanks; and leave the ash permanently in place.

The IEPA has issued Vistra two Notices of Violation of the Clean Water Act. The most recent Notice, issued in June of 2018 was referred to the Illinois Attorney General's office for enforcement the following March. When this happened the path to requiring Vistra to relocate its ash away out of the floodplain moved out of the public domain and into litigation/enforcement.

Over the past year, EJC has continued, as able, to keep the threat of a coal ash breach at the forefront of agencies and the general public.

1. In the early part of 2020, EJC made presentations to groups such as the Vermilion County Soil and Water Conservation District; Vermilion County Conservation Foundation; Danville Area Community College; Vermilion County Democrats; and the Middle Fork Audubon Society, giving them updates on the status of the campaign and keeping the issue fresh on their agendas.
2. We maintained regular contact with the Illinois EPA, the U.S. Army Corps of Engineers, and the National Park Service regarding Vistra's need to prevent the catastrophic discharge of coal ash that could occur if stream bank erosion continues at its current rate. Despite urging from the The Corps of Engineers and the National Park Service, Vistra-Dynegy has, thus far, failed to develop an interim or emergency plan to stabilize the banks of the river. Neither agency has the authority to require Vistra-Dynegy to do so, but would need to respond quickly in the event of an emergency request from the utility.
3. We have attempted to determine, through calls and correspondence with agencies, who has jurisdiction over the eroding riverbanks, that hold back Dynegy-Vistra's coal ash. To date, none of the agencies claim jurisdiction, and the protection of the river appears to rest solely in the hands of the corporation.
4. We are working to resurrect the Citizen Advisory Committee required by the 1992 "Corridor Management Plan-the Middle Fork of the Vermilion River", prepared by the then Illinois Department of Conservation in conjunction with the river's designation as a National Scenic River. The Plan directs the establishment of a Citizen Advisory Committee charged with evaluating all proposed man-made changes within the National Scenic River Corridor.
  - We believe that current advocates for the river should have membership on the committee and that any plans put forth by Vistra to work in or along the river should be subject to review by local citizens and environmental groups. Despite plans by Vistra to armor the banks of the Middle Fork, the Committee has not been called.
  - In the spring of 2020, EJC drafted a letter which state senator, Scott Bennett; County Board Chair Larry Baughn; and Kevin Green, Vermilion County Conservation District, sent to the IDNR requesting reinstatement of the committee and its intended function. We also have raised this concern with the Deputy Director of the Illinois DNR through written correspondence and phone calls.

EJC continues to be in informal dialogue with applicable agencies on this issue. In 2021, we anticipate using public pressure through letter-writing campaigns, social media and print media to again raise the profile of coal ash threats to our state's National Scenic River. This includes obtaining additional support for our request to the Illinois DNR for a Citizen Advisory Committee; restating our request to move the coal ash out of the floodplain and away from the river; and highlighting our concerns over the lack of agency oversight of the riverbank erosion.

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*Lan Richart speaking at a January 2020 stakeholder meeting held in Springfield by the Illinois EPA to obtain public input on coal ash rules. Photo by Germaine Light.*

## **COAL ASH REGULATION**

### **Background**

While leading a grassroots effort to protect the Middle Fork of the Vermilion River from leaking coal ash pollution, local legislators became aware of the magnitude of the problem state-wide and agreed to support legislation to regulate coal ash across the state. Eco-Justice Collaborative joined forces with Earthjustice, Faith-in-Place, Illinois Environmental Council, Prairie Rivers Network, and Sierra Club to move coal ash legislation and/or rules forward as a 2019 priority. Under the leadership of Senator Scott Bennett, the Coal Ash Pollution Prevention Act was drafted, negotiated with key stakeholders (industry, farm bureau, chamber of commerce, labor, the Illinois EPA, Illinois IDNR, and more); and passed by the General Assembly on May 31. The bill was signed into law by Governor Pritzker on July 30, 2019.

### **Strengthening Legislation via the Coal Ash Rule-Making Process**

In December of 2019, the Illinois EPA issued their preliminary proposal for coal ash rules in compliance with the requirements of the Coal Ash Pollution Prevention Act. Eco-Justice Collaborative was invited to participate in a stakeholder meeting hosted by the IEPA on January 6th to discuss the details of their proposal and hear any comments and concerns from industry, community and environmental groups. Lan Richart spoke at that meeting, expressing concerns over the agencies proposed public involvement plan, and offered specific recommendations for meeting the statutory requirements for meaningful public participation. EJC subsequently submitted formal written comments on the proposal. On March 30th of this year the IEPA filed their proposed rules with the Illinois Pollution Control Board (IPCB) beginning a year-long administrative process for the approval of coal ash regulations.

Over the ensuing months, EJC:

1. Worked with a coalition of environmental groups to solicit written comments from local elected officials and community groups asking the IPCB and IEPA to call for strong rules regulating coal ash.



2. Mounted a campaign to inform and prepare the public to provide oral and written testimony at virtual public hearings held both in July and September. This included participating in a webinar explaining IPCB's administrative process and preparing individuals to give effective testimony. It also included participating in the July hearing, providing both oral testimony and submitting written comments.
3. Prepared a second round of written comments, submitted imid September.
4. Helped organize a state-wide letter signed by over 1700 citizens and community groups calling on the IPCB to recommend strict coal ash rules that will fully protect Illinois residents from coal ash pollution.

The IPCB will likely issue a "First Notice" on the regulations in February, 2021. Comments will follow and the final rule is anticipated to be adopted by March 30, 2021. Once approved by the Illinois Joint Committee on Administrative Rules, the regulations will become codified. Once rules are in place, Illinois will become one of only four states in the nation to regulate coal ash pollution. This will conclude a multiple-year saga that began with EJC's grassroots organizing in the Champaign and Vermilion Counties.

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*Downstate Caucus members at March Retreat, Makanda, Illinois. Photo by EJC.*

### **Downstate Caucus of the Illinois Climate Table**

Pam Richart is a founding member of the Downstate Caucus of the Illinois Clean Jobs Coalition (ICJC). The primary purpose of the DSC is to coordinate work between downstate advocacy organizations across Illinois with the ICJC in support of reducing carbon and other greenhouse gases. Pam has served on the Leadership Team for the Downstate Caucus since 2017. This is an elected position. Pam will have completed her last term on the Leadership Team at the end of 2020.

The Leadership Team is responsible for administration; coordinating work with the larger Illinois Clean Jobs Coalition (of which the DSC is a member); and identifying, and prioritizing climate-related work specific to downstate. Other members of this team include: Scott Allen, Citizens Utility Board; Gregory Norris, ACES 4 Youth; Christina Krost, Faith in Place; and Amanda Pankau, Prairie Rivers Network.

During this past year, Pam has taken a lead role in the following areas:

1. Updating DSC norms, required, for participation in the larger Illinois Clean Energy Jobs Coalition (ICJC), to incorporate four member categories; roles and responsibilities of the leadership team; a grievance process; and clarification on expectations from new members.
2. Working with the Steering Committee of the ICJC to move the Downstate Caucus from a subgroup of the Climate Table, to a group that now has equal standing with the Climate Table, along with the Business Table and the Environmental Justice Caucus. This included preparation of the first-ever organizational chart for the ICJC, and a push to increase Downstate Caucus member participation in ICJC committees and subgroups.
3. Ramping up DSC recruitment, particularly for Black, Indigenous, and people of color (BIPOC). The focus on diversification the Caucus began the prior year, but the importance of incorporating voices from BIPOC communities grew as the Illinois Clean Jobs Coalition began to amend the proposed Clean Energy Jobs Act to expand jobs and wealth building for BIPOC. The Downstate Caucus was instrumental in pushing policies for the BIPOC Prime Contract Accelerator Program and expanded Illinois Solar for All.
4. Preparing materials for recruiting and orienting new members to the DSC. This included organizing and holding orientation meetings for the first time.
5. Creating a database for Downstate Caucus members that identifies members by member group (including membership in the Climate or Business Table); and tracks member participation in DSC working groups and ICJC committees and subgroups. Pam will work with the Coordinating Committee of the Illinois Clean Jobs Coalition to modify the database to become a tool the entire coalition can use.
6. Introducing Slack to the Leadership Team, and then encouraging and helping DSC members to join Slack. This tool is being used by the Leadership Team to plan meetings and discuss administrative work. But it also will be used by DSC members to discuss negotiations related to the Clean Energy Jobs Act, expected to begin in the coming weeks.
7. Establishing working groups for municipal and rural electric cooperatives; policy discussions; and regenerative agriculture (see more on Regenerative Agriculture, below). The Downstate Caucus has successfully pushed coalition work to tackle the inequities in access to renewable energy that are associated with downstate energy cooperatives.
8. Writing up recommendations from strategic planning sessions held with the RE-AMP Network, who has helped fund our work, to ensure the Leadership Team maintains its commitment to move forward in the areas of diversity and equity; municipal and rural electric cooperatives; and regenerative agriculture.
9. Preparing agendas for Downstate Caucus meetings, and ensuring that these meetings included time for the DSC to discuss and work through exercises in the Jemez Principles for Democratic Organizing. Maintaining a focus on inclusivity and bottom-up organizing is important to the DSC.

Over the past year, Pam also participated, as able, in working groups of the ICJC. Additionally, she took a lead role in organizing and leading three legislative meetings for the Illinois Clean Jobs Coalition's annual lobby day, which was held virtually due to the pandemic.

Progress on moving the Clean Energy Jobs Act forward during the pandemic has been difficult, given the fact that meetings must be held virtually, and the General Assembly is not meeting regularly. The recent ComEd scandal and bribery tied to Speaker Madigan's office has also made it difficult to move anything forward.

While it is hoped that the Clean Energy Jobs Act might be considered during the lame duck session in January, this session is just three days long. It is more likely that the bill will be brought to the floor in January. In the meantime, the Downstate Caucus is beginning two new campaigns to "ramp" up the pressure on Governor Pritzker:

1. A media campaign that paints Ameren as the bad actor that it is, with a call to adopt CEJA to expand energy and call for utility accountability.
2. A campaign that calls on the Governor to pass CEJA, because the just transition components of the bill, supported by Governor Pritzker can't wait. This campaign includes sign on letters (one by elected officials and the other by organizations and the general public; and virtual town halls and press conferences featuring local officials and frontline community representatives in communities with coal plant closures happening or planned. These communities are losing jobs for fossil fuel workers as well as their tax base, and CEJA provides tax relief, job training, and job creation.

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*Photo by Catherine Ulitsky, USDA / Flickr*

## **REGENERATIVE AGRICULTURE**

### **Background**

Conventional farming is a major emitter of carbon that substantially contributes to climate change, threatening this sector of the state's economy. Wetter winters and heavy spring floods erode nutrient rich farmland; pose challenges to farmers for spring planting; and disrupt the centralized agricultural supply chain, which is dependent on shipping by highway, river, and rail.

These challenges are followed by summer dry spells and heat waves, which affect both farmer yield and quality of product. Changed precipitation patterns also result in wetter fall seasons, making harvesting difficult.

All of this can lead to food shocks and food insecurity. The recent COVID-19 pandemic has exposed just how insecure our food system throughout Illinois really is, and climate change will only make things worse.

### **Illinois Clean Jobs Coalition / New State Table**

For these (and other) reasons, Pam Richart decided to move forward with a regenerative agriculture group of the Downstate Caucus. The purpose of the group, as initially conceived, was to explore ways to curb greenhouse gas emissions from conventional agriculture and expand the local food movement downstate, which could reduce food shortages that were being experienced downstate due to the pandemic. Regenerative farming and grazing practices can rebuild soil organic matter and restore degraded soil biodiversity, drawing down carbon and improving the water cycle. This work is consistent with the interests expressed by members during the summer of 2018 and re-affirmed at the DSC March 2019 Summit held in southern Illinois.

After considerable discussion with the Illinois Environmental Council it was agreed that the work would take place in a newly-created committee of the Illinois Clean Jobs Coalition (rather than the Downstate Caucus) that worked on conservation and regenerative agriculture. Pam was named as one of the lead organizers, along with Rodger Cooley from CFPAC, and Eliot Clay from IEC. In the meantime, the work of the Clean Jobs Coalition ramped up, and setting aside time to spend on regenerative agriculture and conservation was difficult.



Recently, a proposal was made by the Illinois Environmental Council to establish a “sister” table for regenerative agriculture and conservation work. This ensures the broader participation of groups that otherwise would not be interested in the energy focus of the Illinois Clean Jobs Coalition (including farmers). The nexus between the Climate Table (which, like the Downstate Caucus is part of the Clean Jobs Coalition) and the newly-created Natural Climate Solutions Table will be around policies that curb greenhouse gas emissions and energy (fewer miles traveled, electrification of farms and farm vehicles, avoided land conversion, etc.).

This work is expected to begin in January, 2021, with legislation proposed as soon as 2022. The organizing structure will be similar to that of the Illinois Clean Jobs Coalition. Pam expects to be able to bring forward ideas for equity and wealth-building opportunities for BIPOC communities that include the expansion of local food (procurement and education); creation of alternative supply chains (decentralization); farmer training; and access to land and capital.

### **Agriculture Hub Team, RE-AMP Network**

In the summer of 2020, Pam was selected to participate in the newly-created nine-person Agricultural Hub Team of RE-AMP, a network of over 130 environmental organizations and funders in the Midwest. This team consists of ten people, with representation from Illinois, Iowa, Kansas, Michigan, North Dakota, Minnesota, and Wisconsin.

The mission of the RE-AMP Network is to set collective strategy and enable collaboration on climate solutions in the Midwest. RE-AMP’s “North Star” is to equitably eliminate greenhouse gas emissions in the Midwest by 2050. RE-AMP recognizes that it cannot achieve zero emissions by 2050 by working with energy policy alone. The agricultural sector is known to generate about 10% of the total greenhouse gas emissions in the Midwest, and 40% of the cropland land in the U.S. is in RE-AMP’s footprint.

The Agricultural Hub Team is charged with developing a regional strategy to equitably reduce greenhouse gas emissions from the agricultural sector to bring them to zero emissions by 2050. This will be accomplished by:

1. Developing a list of relevant research to review and experts to interview (completed).
2. Conducting interviews with 25-40 experts on regenerative agriculture and review existing research and literature (completed).
3. Developing a report with recommendations for reducing the threat of climate change through regenerative agriculture in the Midwest, including policy and pilot project opportunities (beginning after the first of the year).
4. Socializing the report with RE-AMP members and obtain feedback.
5. Updating and finalizing the report.
6. Sharing the report via a webinar.
7. Planning a Summit for summer (or fall) of 2021 to build the capacity of members to engage in regenerative agriculture, establish new connections and develop strategy on expanding regenerative agriculture in the Midwest.

This work is synergistic with the work associated with the newly forming Regenerative Agriculture / Conservation Table. Pam is expecting to be able to bring recommendations from RE-AMP’s Agriculture Hub to the work of the newly-forming Natural Climate Solutions Table, as well as bring the experience and expertise of Natural Climate Solutions Table to RE-AMP.

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