

Exhibit D

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New Richmond residents worry about blowing dust clouds as cleanup of former Beckjord site begins

Some residents are worried about coal fly ash



Photo by: Courtesy: Tom Belmont Jr.

Tom Belmont Jr. took this photo of a fly ash dust cloud across the street from his home on July 11.



By: [Paula Christian](#)

Posted at 5:00 AM, Sep 03, 2020 and last updated 10:02 AM, May 05, 2021

NEW RICHMOND — Jonathan Zimmerman and his 12-year-old son, Aiden, were driving to their New Richmond home on Sunday afternoon July 19 when a strange brown cloud blew over U.S. 52 like fog.

Behind them a thunderstorm was brewing and he saw lightning and wind.

“At first I thought it might have been rain and then I’m like, that’s not rain ... It was a big dust cloud you could barely see the road,” Zimmerman said. “You could not see the traffic lights.”



Lot Tan

Jonathan Zimmerman complained to Southwest Ohio Air Quality Agency about a blowing dust cloud on July 19.

Recent Stories from wcpo.com

Zimmerman pulled his car over and while his son took video footage, he called the Southwest Ohio Air Quality Agency (SOAQA).

“I just knew it was a bad situation,” said Zimmerman, who is an environmental and safety professional. “I said, 'I’m pretty sure it’s coming from the pond ash pits over here.’”



Courtesy: Tom Belmont Jr.

Tom Belmont Jr. took this photo of fly ash dust clouds at the Beckjord site on July 19.

Zimmerman is one of two residents who filed complaints with the Ohio EPA and Southwest Ohio Air Quality Agency this summer over brown clouds of dust that have been kicked up during periods of high wind. The agencies say they are looking into and monitoring it.

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Duke Energy sold the 1,400-acre site of the former Walter C. Beckjord power plant to a Missouri company – Commercial Liability Partners (CLP) – in 2018. Once CLP finishes remediating the site, it plans to build an industrial park and port terminal, which is marketed on its website as Progress Point.



Lot Tan

Former Beckjord power plant in New Richmond

Local leaders are hopeful [Progress Point revitalizes](#) a community that lost jobs and millions in tax revenue when Duke closed the Beckjord plant in 2014. Built

Electronic Filing: Received, Clerk's Office 08/02/2022 P.C. #24
in the 1950s as a coal-burning plant, it pumped electricity to hundreds of thousands of homes and businesses across Southwest Ohio for decades.

“Beckjord was here for a long time and we depended on it heavily,” said Clermont County Commissioner Dave Painter. “I want to see a remediation project that’s done correctly and it ends up with a site that we can reindustrialize and that we can create jobs on.”



Lot Tan

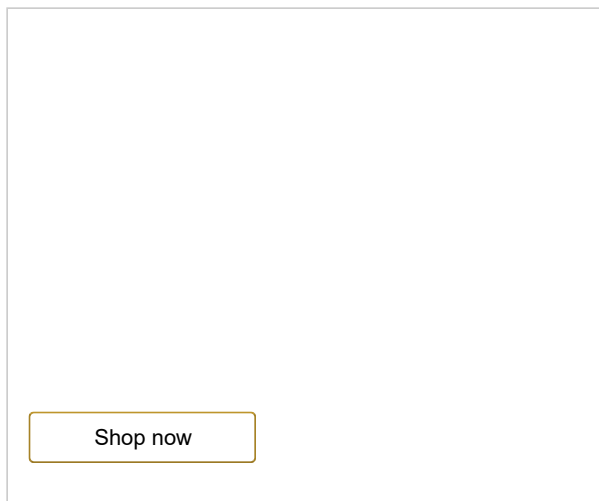
Clermont County Commissioner Dave Painter

While environmental field inspectors have been on the Beckjord site twice and not found any violations, residents say they are worried about the material they’ve been breathing this summer, especially during a pandemic.

Fly ash is the by-product of coal that is burned to produce electricity. [According to the EPA](#), the powdery substance may contain low levels of radioactivity and [contaminants](#) such as mercury, cadmium and arsenic

“When this stuff blows around it is definitely not something that you want to be breathing,” said environmental lawyer Dave Altman.

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Altman represents Neighbors Opposing Pit Expansion (NOPE), a nonprofit comprised of more than 100 Pierce Township residents who are suing Commercial Liability Partners and subsidiary New Richmond Development Corp. LLC.



Emily Maxwell | WCPO

The now closed Beckjord power plant that sits along the Ohio River in New Richmond and Pierce Township will soon be demolished under its new ownership, but law officials and residents are concerned about the remaining coal ash ponds on site.

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NOPE filed the suit on Dec. 31 in the Clermont County Court of Common Pleas accusing the power plant's new owners of violating a 1986 agreement to inform the public about contaminated waste disposal.

Attorneys for CLP removed the case in February to U.S. District Court, where it was assigned to U.S. District Court Judge Michael Barrett.

In recent court filings Altman accused CLP of “stonewalling” by refusing to turn over documents related to the remediation, despite an agreement that allegedly gives NOPE a right to know ahead of time when fly ash is being moved.

“New public information has revealed that the previously buried fly ash (highly toxic) is being unearthed and disposed of into the surrounding community. The environmental impact of the accumulations of fly ash and its relocation is substantial,” Altman wrote in an Aug. 18 filing.



Drone footage: Michael Benedic

Remediation work being done on site of former Beckjord plant on Aug. 18, 2020.

CLP declined an interview for this story, and didn't answer some questions in email. A spokesperson did provide a statement, which says in part:

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“Our team remains focused on ensuring minimal disruption to the community as we continue with the cleanup of the former Beckjord property. We have followed EPA-recommended best management practices to minimize any negative effect on air quality from the site and continue to monitor all activity at the site closely. Since we learned of questions last month from residents, we have been working with the Southwest Ohio Air Quality Agency (SOAQA) to implement additional measures to address any concerns regarding dust from the property.”

WCPO also asked about what remediation was occurring on site, what materials were contained in the dust clouds and if it was dangerous to the public. WCPO did not receive a response to those questions.



Drone footage: Michael Benedic

Cleanup work being done at the Beckjord site across the street from Tom Belmont on Aug. 18, 2020.

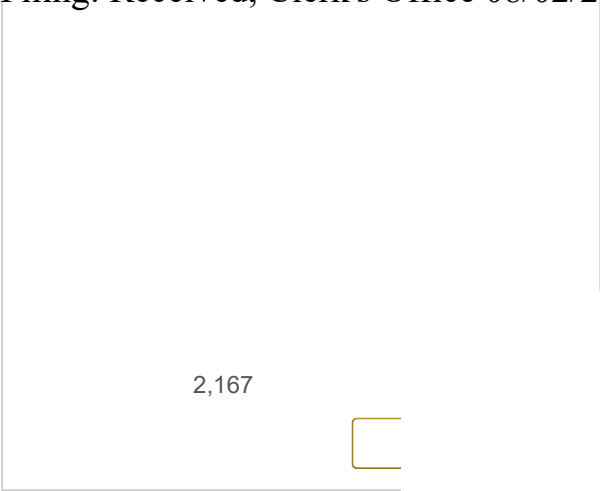
CLP's remediation team has added more water trucks and misters, water additives to suppress dust, new dust monitors and more weather monitoring to the site, according to CLP'S statement.

Joy Landry, spokesperson for Southwest Ohio Air Quality Agency, said field inspectors found no violations when they visited the site in June and July.

But agency reports show field inspectors did not arrive on site until one to two days after residents complained, and by then, no emissions were visible.

“When there’s an air nuisance complaint, it takes a day or two for somebody to get out there,” Altman said. “Three hours later, two hours later the wind has shifted ... The conditions aren’t there anymore.”

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Courtesy: Tom Belmont Jr.

Dust clouds photographed by Tom Belmont Jr. this summer from his New Richmond home.

Landry said the agency has not received any new complaints since CLP enacted a compliance plan after the July 19 dust cloud that Zimmerman reported.

Reports show the remediation contractor told agents from Southwest Ohio Air Quality via phone and email about the additional dust-control measures

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underway, and also sent photos and videos.



Courtesy: Southwest Ohio Air Quality Agency

Photo of dust remediation work provided by contractor to Southwest Ohio Air Quality Agency in August.

Tom Belmont Jr. lives across the street from what is known as Pond C and its extension pond on the former Beckjord site. That is one of the four man-made ponds along the Ohio River where [the Ohio EPA estimates 10 billion pounds of coal ash](#) are stored.



Lot Tan

Tom Belmont Jr. on his front porch overlooking what is known as Pond C extension on the Beckjord site.

From his front porch, Belmont said he can see trucks hauling in fly ash from northern ponds and dumping it in large piles on the southern end of the site, closer to New Richmond.

He's complained three times to the Ohio EPA and Southwest Ohio Air Quality Agency in June and July about fly ash blowing into dust clouds and covering his home during periods of high wind. Reports from SOAQA confirm his complaints.

"You could actually feel it. It gets on you, it kind of makes you itch," Belmont said. "It's a caustic material, too. It causes things to rust and deteriorate."

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In the mornings Belmont said he sometimes finds what appears to be fly ash covering his car that was blown in by overnight winds.

"Nobody has really given us any information as to why they're moving it, why it's being exposed, what are they going to do to keep us out of the way of this stuff blowing around," Belmont said.

Reports obtained by WCPO from the Southwest Ohio Air Quality Agency reveal some of the work being done.

"There are multiple ponds at the site that are being consolidated. Pond A will be removed by the end of the year. All ponds recognized as C will be completed by summer of 2022 ... an ash management plan is being finalized and will be shared with the agency," a field inspector wrote on Aug. 10.

Clermont County has hired a lawyer get access to the remediation plan, which also contains information about ground water and wells, Painter said.

"We would like to have the opportunity to review any remediation plans that they put forward to the Environmental Protection Agency and have a say," Painter said. "I want to make sure not only is the water kept safe, but ... these dusting conditions are mitigated."

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Painter wants to ensure that the county's wells located on the former Beckjord site, which provide drinking water to 46,000 residents, aren't in danger of contamination.

Pierce Township Trustee Allan Freeman said township leaders have been reaching out to CLP for a public meeting to talk about the dust clouds and other issues but haven't been able to get one.

CLP did not respond to several questions from WCPO about a potential public meeting.

During an interview with WCPO, Painter said he will call the owner of CLP and ask for a public meeting so that residents can understand what is happening on the site and hopefully transparency calms their worries.

But Belmont isn't so sure.

"Sometimes I think people wave things off because they're more concerned about the ability to develop the property than they are about the effect that they're going to have on the community in general," Belmont said. "We're going to bring development in ... but at what cost?"

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Exhibit E

ATTACHMENT T



Phil Morris
Illinois Power Resources Generating
Luminant
1500 Eastport Plaza Drive
Collinsville, IL 62234

May 19, 2021

Mr. Darin LeCrone, P.E.
Manager, Industrial Unit
Bureau of Water, Division of Water Pollution Control, Permits Section
Illinois Environmental Protection Agency
1021 North Grand Avenue, East
Springfield, IL 62794-9276

Re: CCR Surface Impoundment Category Designation and Justification for Illinois Power Resources Generating, LLC

Dear Mr. LeCrone:

Pursuant to 35 I.A.C. 845.700(c), Illinois Power Resources Generating, LLC submits the information necessary to categorize the CCR surface impoundments located at the Edwards Power Plant and the now retired Duck Creek Power Plant. The following parameters were used in assessing and justifying each assigned category.

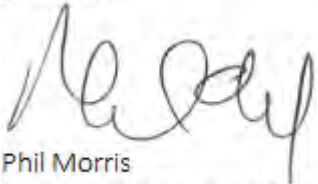
- **Category 1 – *Impacts to existing potable water supply well or impacts to groundwater quality within the setback of an existing potable water supply well.***
 - This review includes an assessment of potable water wells within 2,500 feet of CCR surface impoundments to determine whether any potential impacts are occurring within the setback zone of any community water supply well established under the Illinois Groundwater Protection Act.
 - This information was developed during the Part 845 rulemaking and is summarized in Attachment 1, Table 2: Impacts to Potable Water Supply.
- **Category 2 – *Imminent threat to human health or the environment or have been designated by IEPA under (g)(5)***
 - The surface impoundments at Edwards and Duck Creek Power Plants do not pose an imminent threat to human health or the environment. There are no known conditions at or around the facility where someone or something may be exposed to contaminant concentrations reasonably expected to cause harm
- **Category 3 – *Located in areas of environmental justice (“EJ”) concern***
 - EJ areas were evaluated using the EJ mapping link from IEPA’s webpage located at <https://www2.illinois.gov/epa/topics/environmental-justice>. Per the IEPA mapping tool, the EJ Status thresholds were determined as twice the state averages for Minority and Low Income consistent with 35 IAC 845.700(g)(6).
 - An EJ map denoting the facilities with impoundments is located in Attachment 2.

- **Category 4-7**
 - Category 4 - Inactive CCR surface impoundments that have an exceedance of the groundwater protection standards in Section 845.600
 - Category 5 - Existing CCR surface impoundments that have exceedances of the groundwater protection standards in Section 845.600
 - Category 6 - Inactive CCR surface impoundments that are in compliance with the groundwater protection standards in Section 845.600.
 - Category 7 – Existing CCR surface impoundments that are in compliance with the groundwater protection standards in Section 845.600

Based on the information above, category designations have been assigned. The category designations for each CCR impoundment are shown in Attachment 1, Table 1: Category Designations.

If you have any questions regarding this submittal, please contact Phil Morris at 618-343-7794 or phil.morris@vistracorp.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Phil Morris', is written over a light gray circular background.

Phil Morris
Senior Environmental Director

Attachments

Attachment 1

Table 1: Category Designation

Facility	Pond Description	Classifications	Potable Water Supply Impacts (Category 1)	Human Health or Environment Threat (Category 2)	Located within Environmental Justice Areas ¹ (Category 3)	Standards Exceedances ² (Categories 4,5,6,7)	Impoundment Category 845.700(g)
Edwards	Ash Pond 1	Existing	No	No	No	Yes	5
Duck Creek	Bottom Ash Basin	Inactive	No	No	Yes	NA ³	3
	GMF Pond	Inactive	No	No	Yes	NA ³	3
	GMF Recycle Pond	Inactive	No	No	Yes	NA ³	3

¹ See Attachment 2 Environmental Justice Area Map

² Ground water analyses for purposes of categories 4-7, assumptions have been made based on current groundwater data. However, since sampling and analysis is ongoing and subject to IEPA review and approval, IPGC reserves the right to update its category designations for Categories 4-7.

³ NA for this determination since the CCR surface impoundment was assign a highest priority category

Table 2: Impacts to Potable Water Supply

Site Name	Private and Semi-Private Wells	Non-Community Water Supply (CWS) Wells	Non-CWS Surface Water Intakes	Community Water Supply Wells	CWS Surface Water Intakes
Edwards	Present, but not at risk Seven (7) water wells were identified and one (or possibly two) are located potentially downgradient of the site. Based on Ramboll's review of groundwater data, these wells are unlikely to be impacted by coal ash constituents.	Present, but not at risk One non-CWS well was identified; however, it is unlikely to be at risk because of its hydrogeologic location relative to the power plant.	Absent	Absent	Absent
Duck Creek	Present, but not at risk Three (3) water wells were identified; however, they are unlikely to be at risk because of their hydrogeologic location relative to the power plant and/or they are abandoned. None of the off-site wells are located in a downgradient direction.	Absent	Absent	Absent	Absent

Attachment 2: EJ Mapping Denoting Facilities with Impoundments

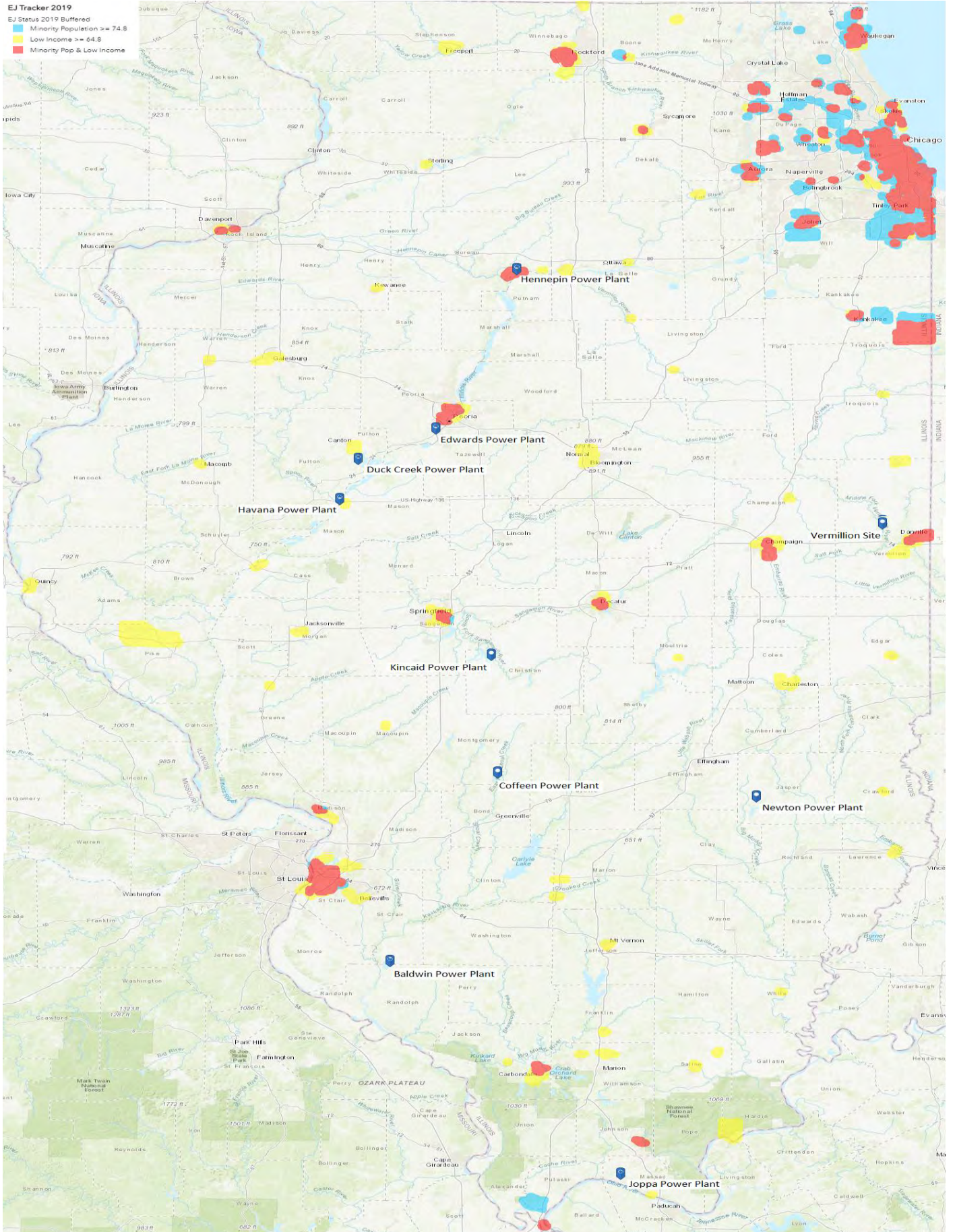


Exhibit F



ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

June 10, 2022

Re: Illinois Power Resources Generating, LLC- Edwards Power Plant (Illinois EPA BOW ID# W1438050005)
Part 845 Operating Permit (W1438050005-01)

To Distribution List:

The Illinois EPA has received an application for an initial Part 845 Operating Permit for Illinois Power Resources Generating, LLC- Edwards Power Plant for its facility located at 7800 South Collinsville Lane in Bartonville. The application is for the existing Coal Combustion Residual Surface Impoundment (CCRSI) at Edwards Power Station and is pursuant to the requirements of the newly enacted Ill. Adm. Code Title 35 Part 845: Standards for the Disposal of Coal Combustion Residuals in Surface Impoundments.

For more information concerning CCR surface impoundments including meeting notices, Listserv sign-up, ash pond map, and to view more facility specific documents and information, visit the website below: <https://www2.illinois.gov/epa/public-notices/Pages/CCR-Public-Notices.aspx>.

The application is currently under review by the BOW. Prior to issuance, the Illinois EPA will post a public notice/fact sheet and draft permit on its website (<https://www2.illinois.gov/epa/public-notices/Pages/default.aspx>).

If you are receiving paper notifications and would like to sign up to receive notifications by email instead, please visit the Illinois EPA Environmental Justice webpage: <https://www2.illinois.gov/epa/topics/environmental-justice/Pages/EJ-Notice-Sign-up.aspx>

If you have questions about the application, please contact Chris Pressnall, Environmental Justice Coordinator at (217) 524-1284, chris.pressnall@illinois.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Pressnall".

Chris Pressnall
Environmental Justice Coordinator

Distribution List

Illinois Power Resources Generating, LLC- Edwards Power Plant
State Senator David Koehler - State Senate District #46*
State Representative Jehan Gordon-Booth - State Representative District #92*
U.S. Representative Cheri Bustos - U.S. Congressional District #17*
U.S. Senator Richard J. Durbin*
U.S. Senator Tammy Duckworth*
Village of Bartonville – Leon Ricca, Mayor*
Village of Bartonville – City Council
Peoria County Board
Illinois NAACP – Teresa Haley*
Illinois NAACP – Gregory Norris*
American Lung Association of Illinois – Angela Tin*
Respiratory Health Association - Brian P. Urbaszewski*
Sierra Club – Jack Darin*
Sierra Club – Christine Nannicelli*
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United States EPA – Kathy Triantafillou*
IL Manufacturers' Association - Donovan Griffith*
Shawnee Hills & Hollers – Georgia de la Garza*
Shawnee Hills & Hollers – Sabrina Hardenbergh*
Illinois Environmental Council – Jennifer Walling*
LVEJO – Juliana Pino*
Environmental Law & Policy Center – Jeffrey Hammons*
Environmental Law & Policy Center – Kiana Courtney*
Illinois Farm Bureau – Lauren Lurkins*
ComEd – Kareena Wasserman*
Earthjustice – Jennifer Cassel*
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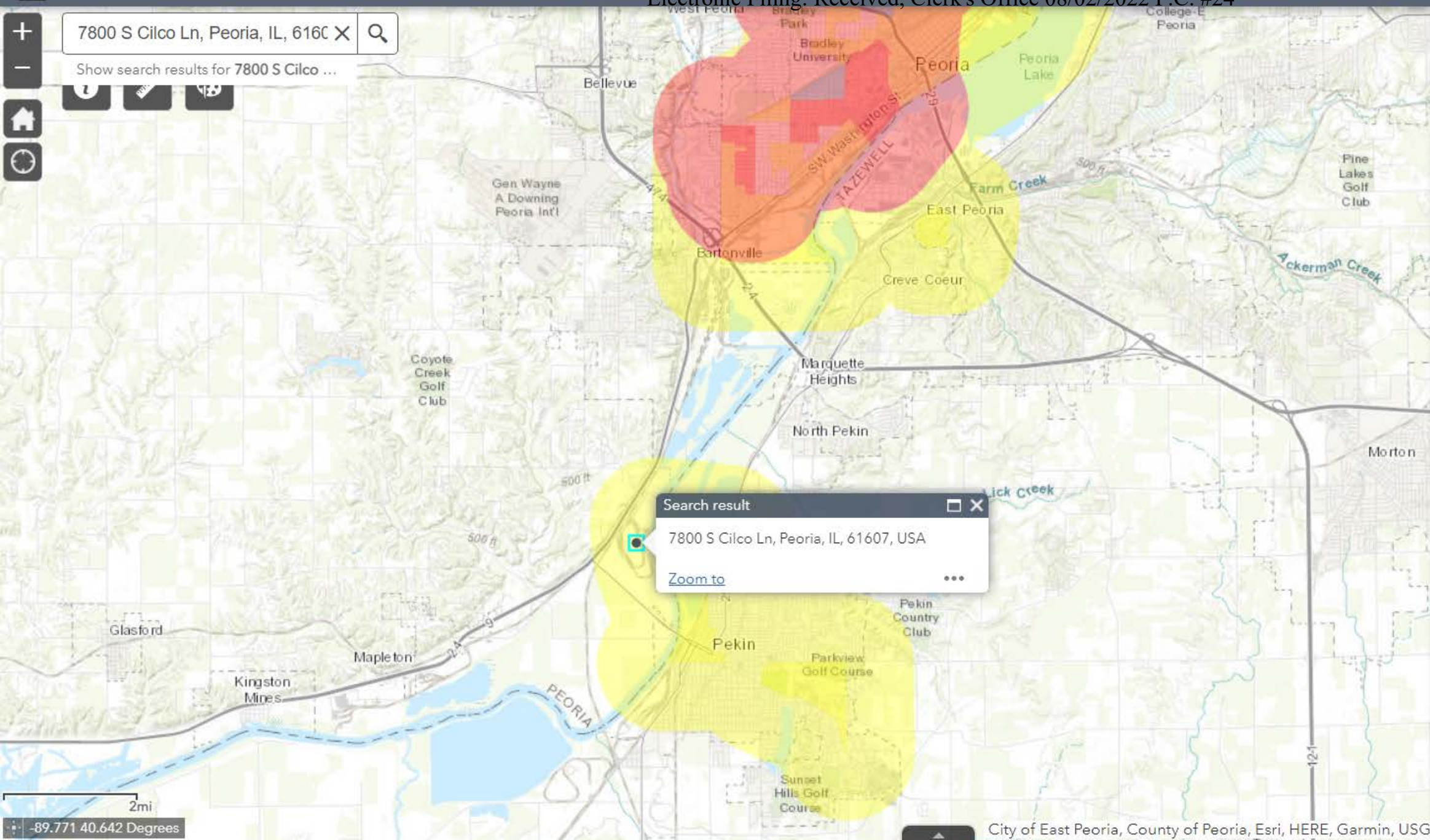
***Receiving e-notifications**

Exhibit G



7800 S Cilco Ln, Peoria, IL, 61607 X

Show search results for 7800 S Cilco ...



Legend

EJ Tracker 2021

EJ Status 2021 Buffered

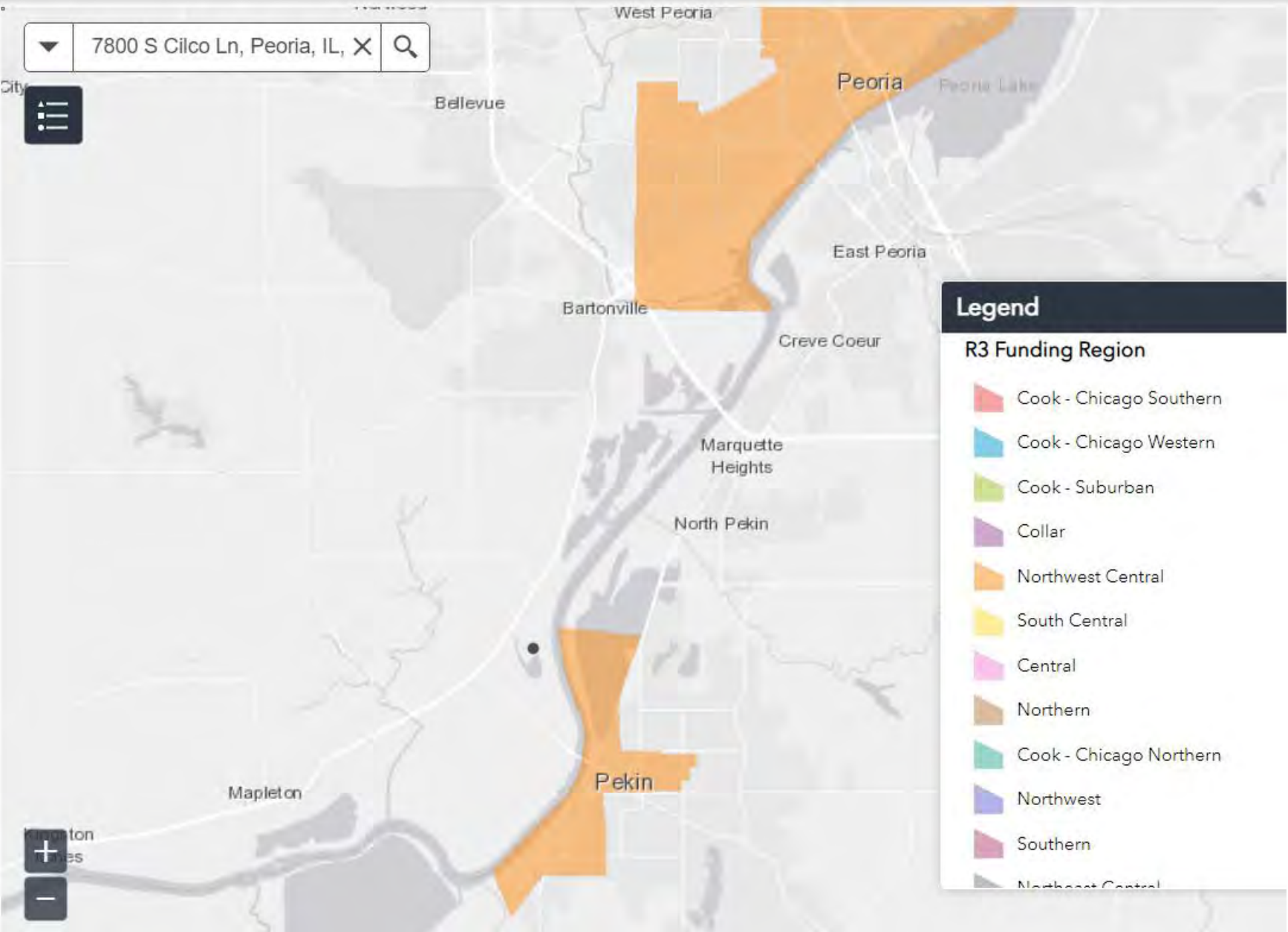
- Minority Population ≥ 76.1
- Low Income ≥ 61.5
- Minority Pop & Low Income

EJ Status 2021

- Minority Population ≥ 76.1
- Low Income ≥ 61.5
- Minority Pop & Low Income

2mi
-89.771 40.642 Degrees

Exhibit H



Legend

R3 Funding Region

- Cook - Chicago Southern
- Cook - Chicago Western
- Cook - Suburban
- Collar
- Northwest Central
- South Central
- Central
- Northern
- Cook - Chicago Northern
- Northwest
- Southern
- Northeast Central