

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

SIERRA CLUB,

Plaintiff-Intervenor,

v.

AMEREN MISSOURI,

Defendant.

Civil Action No. 4:11-cv-00077-RWS

[PROPOSED] STIPULATED ORDER

Pursuant to the Court’s powers to impose an equitable remedy (ECF #1315 at 12), and pursuant to the stipulation of the Parties, the Court orders the mitigation relief set forth below. With notice from the United States that nothing in its public comment process warrants withdrawal from this proposal, the Court finds this stipulated remedy to balance “what is necessary, what is fair, and what is workable.” *Class v. Norton*, 376 F. Supp. 496, 501 (D. Conn. 1974) *aff’d in part and rev’d in part on other grounds*, 505 F.2d 123 (2d Cir. 1974) (*quoting Lemon v. Kurtzman*, 411 U.S. 192, 200 (1973)).

Accordingly,

IT IS HEREBY ORDERED THAT:

Ameren Missouri (“Ameren”) shall implement two mitigation projects:

- (1) A project to support the distribution of stand-alone HEPA purifier devices to residential customers within Ameren’s service territory located predominantly in Eastern Missouri, prioritizing distribution to low-income households, and
- (2) A project to promote the transition to electric school buses for schools in the St. Louis metropolitan and surrounding areas with the charging stations necessary to support these vehicles.

The Parties recognize that the targets regarding the number of stand-alone HEPA purifiers and electric buses may not be achievable due to lack of participant interest or other factors outside of Ameren’s control. In the event certain benchmarks are not met when implementing these programs, Ameren shall administer funds for the purpose of implementing weatherization and energy efficiency upgrades.

I. RESIDENTIAL HEPA PURIFIER PROGRAM:

A. Program Objective: In this program (the “HEPA Purifier Program”) Ameren shall offer \$200 vouchers to at least 125,000 residential account holders for the purchase of a stand-alone High Efficiency Particulate Air (HEPA) purifier device, sourced by a qualified vendor.

B. Program Parameters: Prioritizing low-income and/or disadvantaged¹ communities, Ameren will identify and select residential customers within its service territory to receive the offers. Customers will be solicited via mail, email, or bill insert with a QR code or link to a dedicated website, where vouchers can be used to obtain a free HEPA purifier. Eligible customers may also place a phone order through Ameren’s customer service department. Ameren shall make its first 25,000 offers to residents in census tracts within service territory zip codes with median income levels at or near the midpoint income level of the 125,000 account holders. During this initial solicitation, Ameren shall endeavor to identify and address any distribution or other implementation issues that may arise with initiation of the program. Following the initial solicitation, Ameren will make offers to residential customers within service territory zip codes in order of census tract, starting with the lowest median income and moving to the highest median income, until at least 125,000 offers have been tendered. A sample of census tract numbers and corresponding zip codes of eligible residential customers is appended hereto as Exhibit A. All taxes and shipping will be paid by Ameren.

C. Offer and Reminder Parameters: Offers will expire not less than 90 days from the date of issue. Offer recipients shall be provided at least one reminder to participate (“Reminder Notice”), sent approximately 30 days after the offer, except that residential customers in census tracts where information available to Ameren indicates that the median area income is \$25,000 or less shall be provided at least two Reminder Notices, sent approximately 30 days and 60 days after the offer. For all offer recipients, a final reminder (“Expiration Notice”) will be sent at least 14 days before the expiration of the offer period. The method of delivery of Reminder Notices and Expiration Notices will be via mail, email, or bill insert, at Ameren’s discretion.

¹ For purposes of this Order, “disadvantaged” communities are those that are marginalized, underserved, and overburdened by population, where the census tract faces both significant environmental or climate burdens as well as socio-economic burdens, as identified by the Council on Environmental Quality’s Climate and Economic Screening Tool, <https://screeningtool.geoplatform.gov/en/>.

D. Purifier Parameters: Ameren and/or its vendor shall select a HEPA purifier model or models that achieve a minimum Clean Air Delivery Rate (“CADR”) of 195.²

E. Program Deadlines: Within ninety (90) days of entry of this Order, Ameren shall create a dedicated website to process customer redemption requests, finalize marketing plans, and line up sourcing of the HEPA purifier products. Offers may occur in stages, with the first series of offers to be made not later than 120 days of entry of this Order. The program will remain open until Ameren tenders at least 125,000 offers and the customers’ opportunity to accept those offers has expired.

F. Escrowed Funds for Weatherization and Energy Efficiency Projects: Customer demand for, and uptake of, the \$200 offers for HEPA purifiers is uncertain. If Ameren has implemented the HEPA Purifier Program in accordance with the program requirements set forth above and 75,000 or more vouchers have been redeemed, then Ameren shall be deemed to have satisfied its obligations under the HEPA Purifier Program and no further actions are required. But if fewer than 75,000 vouchers have been redeemed, Ameren shall administer (or provide for the administration of) the sum of \$5,000,000 (Five Million Dollars) for the Weatherization Program described in Section III below.

II. ELECTRIC BUSES AND CHARGING INFRASTRUCTURE PROGRAM:

A. Program Objective: In this program (the “Bus Program”) Ameren shall deposit \$36,000,000.00 (Thirty-Six Million Dollars) (the “Bus Funds”) in an escrow account to be used with the goal, depending upon individual school district needs and participation, of procuring and putting into service eighty (80) zero-emissions, all-electric buses (“Electric Buses”) to replace class 4-8 school buses with a gross vehicle rating greater than 14,001lbs. Additionally, Ameren shall administer the Bus

² Air purifiers with a CADR of 195 are effective at cleaning a room approximately 300 square feet in size. See <https://www.epa.gov/indoor-air-quality-iaq/guide-air-cleaners-home#tips>.

Funds to include one charging station (with no fewer than two charging ports) per Electric Bus. Each charging station shall include a vendor warranty of not less than twenty-four months.

B. Program Parameters: Ameren may partner with one or more third-party organizations to implement this program, provided that Ameren limits the use of Bus Funds for any administrative expenses associated with implementation of the Bus Program to no greater than 10% of the Bus Funds. For clarity, vendor and engineering costs attributable to site design, facility and/or utility service upgrade costs to support electrification, and the costs of charging station installation and manufacturing are all deemed to be project costs; they do not count as administrative costs. In coordination with any implementation partners, Ameren will develop criteria for program participation that prioritize school districts and service areas with low-income students/users and/or disadvantaged communities, including the Special School District of St. Louis County.

C. Program Deadlines: Within ninety (90) days of entry of this Order, Ameren shall initiate negotiations with bus manufacturers to define base specifications, including, if necessary, adjustments to meet specific school district needs. Solicitations to participating school districts shall occur no later than August 1, 2025. The placement of Electric Bus procurement orders and/or the issuance of selection awards to school districts may occur on a rolling basis and shall be completed no later than December 31, 2026. Ameren may deposit the Bus Funds into escrow in three annual increments or in one lump sum with the first annual increment or lump sum being deposited within thirty (30) days of entry of this Order.

D. Decommissioning Replaced Diesel Buses: Except as provided below, the provision of an Electric Bus to a school district under this program shall be conditioned on the decommissioning of a diesel bus. So that school districts are able to provide transportation on a reliable basis, confirmation of decommissioning shall be required within 18 months of the delivery of an Electric Bus. Replaced diesel buses shall be decommissioned as follows:

- a. Where the diesel bus being replaced is model-year 2010 or older, it shall be scrapped or rendered inoperable by cutting a 3-inch hole in the engine block of the retired vehicle and disabling its chassis by cutting the vehicle's frame rails in half. It shall then be made available for recycling.
- b. Where the replaced vehicle is model-year 2011 or newer, it shall be scrapped, sold, or donated.

Where a school district does not already own or control a diesel bus, it will not be required to decommission a diesel bus to receive an Electric Bus under this program. Any costs associated with decommissioning buses shall be borne by the school districts. In certifying the completion of the Bus Program, Ameren may rely on a school district's or its implementation partner's certification that decommissioning has occurred.

E. Escrowed Funds for Weatherization and Energy Efficiency Project: Schools' demand for, and uptake of, Electric Buses for their fleets is uncertain. As of December 31, 2026, any Bus Funds that have not been spent on or allocated to purchases of Electric Buses, associated charging stations, and Bus Program administration costs shall be committed to the Weatherization Funds as described in Section III below.

F. Bus Program Completion: The Bus Program shall be deemed complete when: (a) all Bus Funds have been spent or allocated in accordance with the requirements set forth in Sections II(A) through II(E) above, and (b) the Weatherization Funds, if any, have been spent in accordance with the requirements of the Weatherization Program in Section III below. Ameren's certification of completion may rely on the certifications of any vendors or implementation partners. For clarity, subject to the limitation on administration costs provided in Paragraph II(B), in no event shall Ameren be required to fund or spend more than \$36,000,000.00 (Thirty-Six Million Dollars) on the Bus Program.

III. WEATHERIZATION AND ENERGY EFFICIENCY PROJECTS

A. Program Objective: The funding, if any, that is allocated pursuant to Sections I(F) and II(E) above (the “Weatherization Funds”), shall be used by Ameren to administer weatherization and energy efficiency projects that will reduce energy consumption by residential buildings in Ameren’s service area (the “Weatherization Program”). Examples of such projects include installation of floor, wall, and attic insulation; sealing of windows and doors; duct sealing; and passive solar retrofits.

B. Program Participation: As a condition to receiving Weatherization Funds, participating organizations must agree to expend such funds within three (3) years of receipt.

C. Program Parameters: Ameren may partner with one or more third-party organizations to implement the Weatherization Program, provided that Ameren limits those organizations’ administrative expenses to no greater than 10% of the Weatherization Funds. Ameren will (in coordination with any implementation partners) develop criteria for program participation that prioritizes districts and service areas with low-income and disadvantaged communities. Activities undertaken to implement this program shall not include the replacement of combustion appliances but shall otherwise be administered in accordance with Missouri Department of Natural Resources (MDNR) policies (*see, e.g.*, <https://dnr.mo.gov/document-search/missouri-weatherization-assistance-program-technical-manual-2023>). Such activities shall be conducted by appropriately qualified and licensed contractors.

D. Program Completion: The Weatherization Program shall be deemed complete when all Weatherization Funds have been spent in accordance with the requirements set forth in Sections III(A) through III(C) above. Ameren’s certification of completion may rely on the certifications of any vendors or implementation partners.

IV. CERTIFICATIONS AND COMPLETION

By stipulating to this order, Ameren certifies to this Court the truth and accuracy of each of the following:

1. That, other than in compliance with this Order, Ameren is not required to perform the work necessary to complete the mitigation projects by any federal, state, or local law or regulation, and it is not required to perform the work necessary for these mitigation projects by any agreement, grant, or as injunctive relief awarded in any other action in any forum;

2. That the projects are not actions that Ameren was committed to performing or implementing other than in resolution of this Order;

3. That Ameren has not received and will not receive credit for any of these mitigation projects in any other enforcement action or as a resolution of claims before any other tribunal, and

4. That any activity performed pursuant to this Order will not be funded—in whole or in part—by any other program, such as EPA’s Clean School Bus Program or existing weatherization subsidies.

5. For clarity, Ameren’s agreement herein shall not preclude it from participating in or funding other programs that relate to bus or electric vehicle electrification, weatherization or energy efficiency, or HEPA purifier distribution, so long as any other such programs are not funded by the projects established herein.

V. REPORTING

By January 31st and July 31st of each year following this Order and until such time as all mitigation projects are complete, Ameren shall file a report that specifies:

1. The completion date of the HEPA Purifier Program website;
2. The number of HEPA purifier vouchers offered and the number redeemed;

3. The number of Electric Buses ordered by school districts and whether or not such school districts agreed to decommission diesel buses and an estimate as to when, as provided herein, such decommission shall occur;

4. The amount of funds, if any, allocated to the Weatherization Program pursuant to Section I(F) and II(E) above; and

5. The identity of any organizations with which Ameren has partnered for the implementation of the Weatherization Program.

Ameren shall file a notice with this Court certifying its compliance with and completion of each of this Order's mitigation project requirements, once Ameren has satisfied all such requirements. Ameren's certification of compliance may be based on certifications of compliance provided by its implementation partners.

VI. ENTIRE AGREEMENT

All of the terms and requirements of this Stipulated Order are set forth herein. Ameren has not agreed to any other performance, compliance, reporting, or certification obligations other than those expressly set forth herein.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

So ORDERED this ____ day of _____, 2024.

TARGET GROUP - AIR FILTRATION PROGRAM

Area Name	Zip Code	Median Income	Accounts	Running Cust Count	Notification
St. Louis, MO Metro Area	63107	16840	270	270	First set of customers to solicit - 1 reminder to participate and 1 expiration notice (25K median targeted group)
St. Louis, MO Metro Area	63106	16840	476	746	
St. Louis, MO Metro Area	63106	19036	920	1666	Customers to solicit - 2 reminders to participate and 1 expiration notice
St. Louis, MO Metro Area	63107	19036	230	1896	
St. Louis, MO Metro Area	63102	19036	11	1907	Customers to solicit - 1 reminders to participate and 1 expiration notice
St. Louis, MO Metro Area	63112	19100	1247	3154	
St. Louis, MO Metro Area	63107	19940	479	3633	
Cape Girardeau, MO	63701	21056	10	3643	
Cape Girardeau, MO	63703	21056	1171	4814	
St. Louis, MO Metro Area	63112	21563	850	5664	
St. Louis, MO Metro Area	63133	21563	3	5667	
St. Louis, MO Metro Area	63106	21706	333	6000	
St. Louis, MO Metro Area	63103	21706	1045	7045	
St. Louis, MO Metro Area	63115	21734	1132	8177	
St. Louis, MO Metro Area	63147	21875	342	8519	
St. Louis, MO Metro Area	63137	21875	233	8752	
St. Louis, MO Metro Area	63138	21875	2	8754	
St. Louis, MO Metro Area	63112	22363	282	9036	
St. Louis, MO Metro Area	63133	22363	2	9038	
St. Louis, MO Metro Area	63120	22363	203	9241	
St. Louis, MO Metro Area	63101	22500	291	9532	
St. Louis, MO Metro Area	63102	22500	1	9533	
St. Louis, MO Metro Area	63106	22500	1013	10546	
St. Louis, MO Metro Area	63147	22902	1118	11664	
St. Louis, MO Metro Area	63136	22902	3	11667	
RURAL	63851	23163	1439	13106	
St. Louis, MO Metro Area	63136	23267	10	13116	
St. Louis, MO Metro Area	63120	23267	420	13536	
St. Louis, MO Metro Area	63121	23267	498	14034	
Jefferson City, MO Metro Area	65109	23542	1	14035	
Jefferson City, MO Metro Area	65101	23542	1073	15108	
St. Louis, MO Metro Area	63136	23625	1725	16833	
Cape Girardeau, MO Metro Area	63703	23924	1	16834	
Cape Girardeau, MO Metro Area	63701	23924	1232	18066	
Kirksville, MO Micro Area	63501	23924	1696	19762	
St. Louis, MO Metro Area	63113	23970	624	20386	
St. Louis, MO Metro Area	63106	23970	70	20456	
St. Louis, MO Metro Area	63107	23970	24	20480	
Sikeston, MO Micro Area	63801	24170	1	20481	
Caruthersville, MO Urban Area	63830	24688	1313	21794	

TARGET GROUP - AIR FILTRATION PROGRAM

Area Name	Zip Code	Median Income	Accounts	Running Cust Count
RURAL	63830	24688	6	21800
Caruthersville, MO Urban Area	63851	24688	1	21801
St. Louis, MO Metro Area	63113	24852	663	22464
St. Louis, MO Metro Area	63115	24852	10	22474
St. Louis, MO Metro Area	63120	24881	462	22936
St. Louis, MO Metro Area	63112	24881	215	23151
St. Louis, MO Metro Area	63136	24938	2235	25386
St. Louis, MO Metro Area	63118	25184	18	25404
St. Louis, MO Metro Area	63111	25184	2385	27789
St. Louis, MO Metro Area	63108	25189	1843	29632
St. Louis, MO Metro Area	63103	25189	91	29723
St. Louis, MO Metro Area	63103	25457	1450	31173
St. Louis, MO Metro Area	63106	25457	569	31742
St. Louis, MO Metro Area	63107	25844	225	31967
St. Louis, MO Metro Area	63115	25844	700	32667
St. Louis, MO Metro Area	63120	26351	444	33111
St. Louis, MO Metro Area	63107	26449	56	33167
St. Louis, MO Metro Area	63115	26449	788	33955
St. Louis, MO Metro Area	63136	26829	1129	35084
St. Louis, MO Metro Area	63147	27005	14	35098
St. Louis, MO Metro Area	63107	27005	741	35839
St. Louis, MO Metro Area	63120	27019	362	36201
St. Louis, MO Metro Area	63115	27019	556	36757
St. Louis, MO Metro Area	63044	27031	394	37151
St. Louis, MO Metro Area	63136	27491	1768	38919
RURAL	65084	27778	1215	40134
St. Louis, MO Metro Area	63133	29088	552	40686
St. Louis, MO Metro Area	63134	29271	8	40694
St. Louis, MO Metro Area	63135	29271	905	41599
St. Louis, MO Metro Area	63106	29631	781	42380
St. Louis, MO Metro Area	63120	29696	732	43112
St. Louis, MO Metro Area	63130	29943	1598	44710
St. Louis, MO Metro Area	63136	30133	1807	46517
St. Louis, MO Metro Area	63147	30133	8	46525
Moberly, MO Micro Area	65270	30214	2365	48890
St. Louis, MO Metro Area	63113	30357	567	49457
St. Louis, MO Metro Area	63106	30357	5	49462
St. Louis, MO Metro Area	63108	30357	315	49777
St. Louis, MO Metro Area	63115	30541	998	50775
St. Louis, MO Metro Area	63107	30541	255	51030

TARGET GROUP - AIR FILTRATION PROGRAM

Area Name	Zip Code	Median Income	Accounts	Running Cust Count
St. Louis, MO Metro Area	63114	30763	20	51050
St. Louis, MO Metro Area	63130	30763	42	51092
St. Louis, MO Metro Area	63133	30763	1325	52417
St. Louis, MO Metro Area	63111	31060	1431	53848
St. Louis, MO Metro Area	63108	31447	490	54338
St. Louis, MO Metro Area	63113	31447	415	54753
RURAL	63845	31563	1572	56325
St. Louis, MO Metro Area	63116	31694	1616	57941
St. Louis, MO Metro Area	63134	32089	1273	59214
St. Louis, MO Metro Area	63044	32089	1	59215
St. Louis, MO Metro Area	63132	32089	1	59216
St. Louis, MO Metro Area	63144	32089	1	59217
St. Louis, MO Metro Area	63140	32089	167	59384
St. Louis, MO Metro Area	63116	32344	1405	60789
St. Louis, MO Metro Area	63118	32344	16	60805
St. Louis, MO Metro Area	63118	32472	2118	62923
Cape Girardeau, MO Metro Area	63703	32632	1288	64211
Cape Girardeau, MO Metro Area	63701	32632	3	64214
RURAL	63873	32992	1291	65505
St. Louis, MO Metro Area	63114	33219	392	65897
St. Louis, MO Metro Area	63134	33219	151	66048
St. Louis, MO Metro Area	63121	33219	1260	67308
St. Louis, MO Metro Area	63118	33434	856	68164
Cape Girardeau, MO Metro Area	63703	33606	207	68371
Cape Girardeau, MO Metro Area	63701	33606	822	69193
Kirksville, MO Micro Area	63501	33750	1072	70265
St. Louis, MO Metro Area	63107	33929	441	70706
St. Louis, MO Metro Area	63042	34061	1404	72110
St. Louis, MO Metro Area	63031	34061	1028	73138
St. Louis, MO Metro Area	63130	34231	18	73156
St. Louis, MO Metro Area	63133	34231	542	73698
St. Louis, MO Metro Area	63137	34331	2264	75962
St. Louis, MO Metro Area	63115	34439	536	76498
St. Louis, MO Metro Area	63112	34439	45	76543
St. Louis, MO Metro Area	63113	34439	33	76576
St. Louis, MO Metro Area	63120	34439	174	76750
RURAL	63841	34844	45	76795
Dexter, MO Urban Area	63841	34844	1804	78599
Farmington, MO Micro Area	63628	35129	2801	81400
RURAL	63834	35350	1739	83139

TARGET GROUP - AIR FILTRATION PROGRAM

Area Name	Zip Code	Median Income	Accounts	Running Cust Count
St. Louis, MO Metro Area	63069	35461	1757	84896
St. Louis, MO Metro Area	63136	35602	1681	86577
St. Louis, MO Metro Area	63134	35602	1	86578
RURAL	65026	35898	24	86602
Eldon, MO Urban Area	65026	35898	1335	87937
St. Louis, MO Metro Area	63113	36313	577	88514
St. Louis, MO Metro Area	63115	36313	538	89052
RURAL	63334	36841	1729	90781
St. Louis, MO Metro Area	63116	36924	1265	92046
St. Louis, MO Metro Area	63111	36924	58	92104
St. Louis, MO Metro Area	63116	36939	568	92672
St. Louis, MO Metro Area	63118	36939	1039	93711
St. Louis, MO Metro Area	63103	36967	1	93712
St. Louis, MO Metro Area	63133	36967	23	93735
St. Louis, MO Metro Area	63121	36967	2192	95927
St. Louis, MO Metro Area	63108	36979	291	96218
St. Louis, MO Metro Area	63113	36979	204	96422
St. Louis, MO Metro Area	63112	36979	365	96787
Farmington, MO Micro Area	63601	37045	1155	97942
RURAL	63862	37114	4	97946
St. Louis, MO Metro Area	63115	37143	819	98765
St. Louis, MO Metro Area	63121	37298	1699	100464
RURAL	63537	37308	565	101029
RURAL	63531	37308	121	101150
RURAL	63547	37308	77	101227
St. Louis, MO Metro Area	63084	37403	13	101240
St. Louis, MO Metro Area	63077	37403	1696	102936
St. Louis, MO Metro Area	63121	37453	537	103473
St. Louis, MO Metro Area	63134	37453	10	103483
St. Louis, MO Metro Area	63135	37453	824	104307
St. Louis, MO Metro Area	63138	37455	1725	106032
St. Louis, MO Metro Area	63147	37457	619	106651
St. Louis, MO Metro Area	63120	37457	13	106664
St. Louis, MO Metro Area	63136	37457	1160	107824
St. Louis, MO Metro Area	63125	37463	838	108662
RURAL	63867	37469	1	108663
RURAL	63828	37469	87	108750
RURAL	63862	37469	438	109188
St. Louis, MO Metro Area	63136	37552	1708	110896
St. Louis, MO Metro Area	63301	37813	1815	112711

TARGET GROUP - AIR FILTRATION PROGRAM

Area Name	Zip Code	Median Income	Accounts	Running Cust Count
St. Louis, MO Metro Area	63147	38083	1115	113826
St. Louis, MO Metro Area	63033	38262	1951	115777
St. Louis, MO Metro Area	63031	38262	1	115778
St. Louis, MO Metro Area	63137	38287	147	115925
St. Louis, MO Metro Area	63147	38287	703	116628
Mexico, MO Micro Area	63345	38289	4	116632
Mexico, MO Micro Area	63382	38289	16	116648
St. Louis, MO Metro Area	63113	38393	491	117139
Cape Girardeau, MO Metro Area	63701	38472	867	118006
Cape Girardeau, MO Metro Area	63703	38472	239	118245
St. Louis, MO Metro Area	63116	38490	1722	119967
Farmington, MO Micro Area	63640	38542	102	120069
St. Louis, MO Metro Area	63133	38679	36	120105
St. Louis, MO Metro Area	63130	38679	728	120833
St. Louis, MO Metro Area	63114	38764	1425	122258
St. Louis, MO Metro Area	63130	38764	269	122527
St. Louis, MO Metro Area	63120	38869	332	122859
St. Louis, MO Metro Area	63115	38869	1515	124374
Fort Madison-Keokuk, IA-MO Micro Area	63430	39125	120	124494
Fort Madison-Keokuk, IA-MO Micro Area	63445	39125	3	124497
Fort Madison-Keokuk, IA-MO Micro Area	63465	39125	3	124500
Fort Madison-Keokuk, IA-MO Micro Area	63472	39125	203	124703
RURAL	65047	39167	410	125113