

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Application of Union Electric	)	
Company, d/b/a Ameren Missouri for Permission and	)	
Approval and a Certificate of Public Convenience and	)	
Necessity Authorizing it to Construct, Install, Own,	)	File No. EA-2012-0281
Operate, Maintain, and Otherwise Control and	)	
Manage a Utility Waste Landfill and Related Facilities	)	
At its Labadie Energy Center.	)	

**INTERVENORS' REPLY IN SUPPORT OF MOTION FOR CLARIFICATION AND/OR  
RECONSIDERATION AND APPLICATION FOR REHEARING**

Intervenors Labadie Environmental Organization and Sierra Club ("Intervenors") respectfully submit this Reply in support of their Motion for Clarification and/or Reconsideration urging the Commission to delete the last sentence of the Findings of Fact, paragraph 27, of the Commission's Report and Order dated July 2, 2014 in this matter.

1. In its Response filed July 28, 2014, Ameren Missouri ("Ameren") concedes the point. Ameren "agrees it [the sentence at issue] is not necessary to the Commission's decision in this case."

2. The substitute language suggested by Ameren is equally unnecessary. As Ameren notes, "[t]he CCN that has been issued is conditioned on Ameren Missouri obtaining the required DNR permits." Therefore, there is no need for the PSC to make a judgment as to whether Ameren's landfill design complies with DNR's requirements. That issue is pending before DNR, and DNR will make that determination.

3. The language suggested by Ameren as to Franklin County's two-foot separation requirement is the subject of separate litigation pending in Franklin County Circuit Court. *State ex rel. Ruth Campbell et al. v. Board of Zoning Adjustment of Franklin County*, No. 14AB-CC00155. Whether Ameren complies with the county's two-foot separation requirement is the

central issue in that litigation. The Commission did not address that issue in its July 2, 2014 Report and Order. There is no need or justification for the Commission to revise the Report and Order to address a new issue. Ameren concedes that the existing sentence regarding whether the landfill's liner design complies with DNR and proposed EPA regulations is not necessary to the Commission's CCN decision in this case; the same applies to whether the liner design complies with Franklin County's zoning regulations.

WHEREFORE, Intervenor respectfully request that the Commission remove the last sentence of paragraph 27 of the Findings of Fact in its Report and Order dated July 2, 2014 ("This design complies with Missouri Department of Natural Resources (MDNR) and proposed federal environmental regulations."), or in the alternative, grant a rehearing thereon.

Respectfully submitted,

/s/ Maxine I. Lipeles

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Organization and Sierra Club

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this document was sent via email on July 29, 2014, to all parties of record.

/s/ Maxine I. Lipeles