

1 BEFORE THE PUBLIC SERVICE COMMISSION
2 OF THE STATE OF MISSOURI
3
4 In The Matter Of The Application)
 Of Union Electric Company d/b/a)
5 Ameren Missouri For Permission)
 And Approval And A Certificate)
6 Of Public Convenience And)
 Necessity Authorizing It To)
7 Construct, Install, Own,) File No. EA-2012-0281
 Operate, Maintain, And Otherwise)
8 Control And Manage A Utility Waste)
 Landfill And Related Facilities At Its)
9 Labadie Energy Center)

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VOLUME III

TRANSCRIPT OF LOCAL PUBLIC HEARING

BEFORE

MORRIS L. WOODRUFF, PRESIDING

CHIEF REGULATORY LAW JUDGE

AND

ROBERT S. KENNEY, CHAIRMAN

JUNE 25, 2013

AT UNION, MISSOURI

(Commencing at 7:24 p.m.)

1 A P P E A R A N C E S

2

FOR AMEREN UE:

3 Smith Lewis, L. L. P.

4 By: James B. Lowery, Esquire

5 and Michael Tripp, Esquire

6 111 South Ninth Street, Suite 200

7 P. O. Box 918

8 Columbia, Missouri 65205

9 (573) 443-3141

10

FOR OFFICE OF PUBLIC COUNSEL:

11 Department of Economic Development

12 By: Lewis R. Mills, Jr., Esquire

13 Governor Office Building, Suite 650

14 200 Madison Street, P. O. Box 2230

15 Jefferson City, Missouri 65102

16 (573) 751-1304

17

FOR PUBLIC SERVICE COMMISSION STAFF:

18 Public Service Commission

19 By: Nathan Williams, Staff Attorney

20 and Amy Moore, Staff Attorney

21 Governor Office Building, Suite 800

22 200 Madison Street, P. O. Box 360

23 Jefferson City, Missouri 65102

24 (573) 751-4140

25

1 P R O C E E D I N G S

2 (June 25, 2013)

3 JUDGE WOODRUFF: Good evening, once again.

4 We're ready to get started with the second part of
5 the local public hearing this evening, which means taking your
6 testimony. Procedures are a little bit different here. In a
7 moment, I'm going to run down the list of names.

8 I've got about 34 names here of people who want to
9 testify. I'm going to ask you to come up to the stand here.
10 I'll swear you in to tell the truth, the whole truth, and nothing
11 but the truth, and then we'll take your testimony.

12 After you testify, I'm going to give the parties a
13 change, the attorneys for the parties, to ask you questions also.
14 So if you'd please remain at the stand until they've had a chance
15 to ask questions.

16 I'd also like to introduce the gentleman to my right
17 here. This is Commissioner Robert -- or Chairman Robert Kenney,
18 and I'll turn the microphone over to him and see if he wishes to
19 make any opening remarks.

20 CHAIRMAN KENNEY: Good evening, everybody.
21 I'll keep my remarks brief because this portion of the evening is
22 for the purposes of taking testimony. It's your opportunity to
23 address the Commission, but I just wanted to introduce myself,
24 and my name's Robert Kenney. I'm Chairman of the Public Service
25 Commission, and I want to thank you all for being here, first of

1 all.

2 This is an issue of great significance to the
3 utility and to all of you that are out here in the audience. We
4 certainly do recognize that fact, and we appreciate the fact that
5 you've taken time out of the busy schedules to come and make your
6 voice a part of the process.

7 There are five commissioners. We're currently down
8 one commissioner. So there are four sitting commissioners, and
9 I'm the only one that is here tonight. But you shouldn't take
10 their absence to mean that they aren't interested and don't
11 appreciate the significance of this local public hearing.

12 There's a court reporter here who will be
13 transcribing this portion of the local public hearing, and all of
14 the other commissioners will have the opportunity to read and
15 review the testimony that is provided here today. And they will
16 have the opportunity to take into consideration your comments
17 that become -- that are transcribed as a part of the record.

18 So please don't take their absence to be a lack of
19 interest. And with that, I look forward to hearing what you all
20 have to say.

21 Thank you very much.

22 JUDGE WOODRUFF: Thank you, Mr. Chairman.

23 Before I call the first witness, I need to establish
24 which attorneys are here for the parties. And so we'll take the
25 appearance, beginning with Ameren.

1 MR. LOWERY: Thank you, your Honor.

2 Jim Lowery of the law firm of Smith Lewis, L. L. P.,
3 P. O. Box 918, Columbia, Missouri 65208. Also my partner Michael
4 R. Trip of the same law firm is here representing Ameren
5 Missouri.

6 JUDGE WOODRUFF: From the staff and
7 Commission?

8 MR. WILLIAMS: Nathan Williams and Amy
9 Moore, P. O. Box 360, Jefferson City, Missouri 65102.

10 JUDGE WOODRUFF: Public Counsel?

11 MR. MILLS: On behalf of the Office of
12 Public Counsel and the public, my name is Lewis Mills. My
13 address is Post Office Box 2230, Jefferson City, Missouri 65102.

14 JUDGE WOODRUFF: Wash U and the Sierra
15 Club?

16 MS. LIPELES: Maxine Lipeles and Liz
17 Hubertz, Washington University Interdisciplinary Environmental
18 Clinic, One Brookings Drive, Campus Box 1120, St. Louis 63130.

19 JUDGE WOODRUFF: Thank you very much.

20 And then I'll call the first name on the list, which
21 is Dianna Haynes. Please come forward. Good evening.

22 MS. D. HAYNES: Good evening.

23 (Thereupon, the witness was sworn
24 by the Judge.)

25 You may need to move the microphone a little closer.

1 What would you like to tell us?

2 MS. D. HAYNES: Well, I should start off
3 by saying my name is Dianna Haynes. My name is Dianna Haynes. I
4 really do appreciate the chance to speak with you and to share my
5 thoughts with you and to hear what your answers are to come of
6 the problems.

7 I've been asked to describe who I am, and that's not
8 hard. I am a resident of Labadie, and have lived here for 13
9 years. We built our house here, and what you may not think is
10 important now, I am going to mention that we built our home. We
11 built a well, we dug a well, and built a septic tank. We'll come
12 back to that in just a moment.

13 I have been on this earth for 69 years. So there
14 should be some wisdom with years. We are proud to say that we
15 have one -- I'm a great grandmother. We have ten grandchildren,
16 and we have four of our own dear children. But they want -- just
17 like every parent in this room, we have cared very much about the
18 water they drank, the air they breathe, the food and where it was
19 grown.

20 Never thinking in the '50s and '60s that there would
21 ever be a problem, now we are waking up to the fact that there
22 definitely is one. I could go on and tell you the things that
23 I've done over the past year just to show you that I really do
24 care, but I don't think you need to hear those, like volunteering
25 here and there. Let me start right in.

1 One night, we were having our book club meeting
2 right here in Labadie, and it's a group of interesting and
3 interested people. The subject came up after our book discussion
4 with much agitation, Ameren was in the process of buying land.
5 It is one percent of those properties that I am terribly
6 concerned because they have bought all the property right up to
7 my property line, and I don't know what they're going to do.

8 When you talk about damaging chemicals being buried
9 and so forth, I am not happy. So talk of Ameren buying up the
10 floodplain and so for the alarm bells sounded to us. The idea
11 and need for our community environment group became even more
12 evident, and ideas were solidified when Ameren held an open house
13 at our Labadie elementary school one night. There was a nice
14 invitation to see pictures and charts and exhibits, some of them
15 I have seen again today, full of information about planned
16 economic benefits of combustion products and so forth and the
17 beneficial uses of these chemicals.

18 Now, there was one display I particularly remember.
19 It was a big white board, and it had 20 points on it, and these
20 were points that they were studying.

21 MR. MILLS: You're going to have to --

22 MS. D. HAYNES: These were the 20 points
23 that they were studying as possible depository sites for the
24 waste. Later on we asked could we see -- could we see more about
25 this because on the poster -- and I'm making a direct quote from

1 the poster -- "Site was chosen after a five-year internal
2 evaluation of other options and locations."

3 Okay. Where is that information? When Ameren is
4 asked for it, they denied first that they ever did the test.
5 Second, that we can't see it. Something's wrong here.

6 They obviously chose -- and it seems obvious to many
7 of us -- they chose the site that was the cheapest because the
8 dollar sign is extremely important to Ameren. They chose the
9 most convenient because they can just pitch it over the fence, so
10 to speak, and it is absolutely the most dangerous place they
11 could possibly put it, right there in our water supply.

12 Did they ever do a legitimate study, or perhaps the
13 results of your study were not to their liking so they just hid
14 all the information? We would like an answer to that. It looks
15 as if someone didn't want us to know about that.

16 And they had these nice handouts and so forth.
17 There is the quotation that I just made, "This site was chosen
18 after a five-year internal evaluation."

19 So finally, I go back to our grandchildren and our
20 family, and I'm thinking about the grandchildren and the families
21 that are right here in this room. And I'm speaking for them as
22 well as for ourselves. This is important. The water we drink,
23 the ground that our food grows on must not have mercury and all
24 the other things in it. The air we want everybody to be
25 breathing here and downriver, smoke goes downriver, down

1 everywhere out on to the Gulf of Mexico.

2 These are the people that I'm thinking about. And
3 let us go back to building a house. You put your well here, you
4 plan for your septic tank down here, you never build your well
5 and then put the septic tank right on top of it. And to me -- to
6 me there is some correlation here about placement of waste over
7 the water that comes out of our faucets and we chose to drink.

8 So thank you for listening.

9 JUDGE WOODRUFF: Thank you, ma'am. Ma'am,
10 wait a minute. They may have some questions for you.

11 MS. D. HAYNES: Sure.

12 JUDGE WOODRUFF: Mr. Chairman?

13 CHAIRMAN KENNEY: Mrs. Haynes, thank you
14 very much for taking time to be here. You obviously have taken
15 the time to educate yourself about what's going on with Ameren.
16 And I'd like to just ask you, you've expressed concerns about
17 your groundwater. And what is it that you've learned that causes
18 you concern about potential problems with your well and your
19 drinking water?

20 MS. D. HAYNES: Because I know that some
21 of our water may well come from right under these wastes disposal
22 areas, one of which has been leaking for years and years. That
23 poison is going down into our water source. Our state is so
24 blessed with its water source and with the springs, and now we
25 seem intent on ruining it.

1 CHAIRMAN KENNEY: And what have you read
2 or what have you heard, the specific -- from what sources,
3 rather, that leads you to conclude that there is a potential
4 problem with your drinking water?

5 MS. D. HAYNES: It's just plain common
6 sense, is the first reason. The predominance of illnesses that
7 are recorded in our county are exceedingly disturbing, I cannot
8 help but think that it comes from the water and the air.

9 CHAIRMAN KENNEY: Thank you very much for
10 your time.

11 MS. D. HAYNES: Thank you.

12 JUDGE WOODRUFF: All right. We're not
13 done yet. We're going to give the parties a chance to ask you
14 questions also. Starting with Ameren.

15 MR. LOWERY: No questions.

16 JUDGE WOODRUFF: Staff?

17 MR. WILLIAMS: I have one. You brought
18 some documents with you. Would you like for the Commission to
19 see those, or did you use them for reference?

20 MS. D. HAYNES: These were documents that
21 were handed out at the Labadie meeting at the Labadie Elementary
22 School.

23 MR. WILLIAMS: I'm just asking if you
24 wanted to have those made part of the record for the Commission
25 to look at?

1 MS. D. HAYNES: Yes. Thank you for
2 mentioning that. On one page is why at Labadie, and the second
3 is the site was chosen after the five-year internal evaluation of
4 other options and locations. I think it's important to record
5 that.

6 JUDGE WOODRUFF: Okay. I'll come up there
7 and get it from you if it's all right for me to take it.

8 MS. D. HAYNES: Sure is.

9 JUDGE WOODRUFF: I'm going to go ahead and
10 mark it.

11 CHAIRMAN KENNEY: Let me ask one question.

12 JUDGE WOODRUFF: Sure.

13 CHAIRMAN KENNEY: Ms. Haynes, I'm sorry.
14 I meant to ask you this before. When was that initial meeting
15 after your book club meeting? You said you had an initial
16 meeting at your book club where you guys were talking about the
17 problem and --

18 MS. D. HAYNES: Yeah

19 CHAIRMAN KENNEY: When was that book club
20 meeting?

21 MS. D. HAYNES: Now that, I can't tell
22 you. It was about four years ago.

23 CHAIRMAN KENNEY: Okay. Just
24 approximately. And then when was the open house at Labadie?

25 MS. D. HAYNES: I'm guessing. I can't be

1 specific, but it was cold weather. I'm supposing two and a half
2 months or so. I'm not sure.

3 CHAIRMAN KENNEY: Okay. Thank you.

4 MS. D. HAYNES: Uh-huh.

5 JUDGE WOODRUFF: All right. And I've
6 marked your exhibit as Exhibit A, and it will be received into
7 the record.

8 (Thereupon, evidence was marked for
9 for identification and admitted into the
10 record as Exhibit A.)

11 Public Counsel have any questions?

12 MR. MILLS: I do not. Thank you.

13 JUDGE WOODRUFF: LEO, Sierra Club?

14 MS. LIPELES: No, thank you.

15 JUDGE WOODRUFF: Now we're done, ma'am.

16 MS. D. HAYNES: Thank you.

17 JUDGE WOODRUFF: Thank you very much.

18 Before I call the next witness, I'll say something I
19 intended to say before. There are -- you know there are a lot of
20 the people here tonight wanting to testify. So I'd ask you to
21 keep your testimony down to about five, ten minutes, about what
22 Ms. Haynes did because it was about right.

23 If you go over ten minutes, I'll probably ask you to
24 try to wrap it up, just sort of as a courtesy to everyone else
25 who wants to testify.

1 Next name on the list is Pete Haynes. Mr. Haynes?

2 I'm sorry. I got it wrong. Could you tell us your name, please.

3 MS. P. HAYNES: My name's Petra Haynes.

4 JUDGE WOODRUFF: Petra, okay. Can you
5 spell the first name, please?

6 MS. P. HAYNES: P-E-T-R-A.

7 JUDGE WOODRUFF: All right, thank you.

8 And are you from Labadie also?

9 MS. P. HAYNES: Yes.

10 JUDGE WOODRUFF: Okay. And what would you
11 like to tell us?

12 MS. P. HAYNES: I am going to read my
13 statement because I'm really nervous and kind of shaky right now,
14 so --

15 JUDGE WOODRUFF: That's fine.

16 MS. P. HAYNES: I, first of all, would
17 like to thank the PSC for scheduling this public hearing so we
18 may have an opportunity to voice our --

19 JUDGE WOODRUFF: Oh, I'm sorry. I've got
20 to swear you in.

21 MS. P. HAYNES: I'm sorry?

22 JUDGE WOODRUFF: I've got to swear you in
23 as a witness.

24 MS. P. HAYNES: Okay.

25 JUDGE WOODRUFF: I got confused by calling

1 you Pete.

2 (Thereupon, the witness was sworn by
3 the Judge.)

4 Thank you. Now you can proceed.

5 MS. P. HAYNES: As I was saying, I would
6 like to thank the PSC for scheduling this public hearing so we
7 may have an opportunity as the public to voice our concerns
8 regarding Ameren's proposed coal ash landfill in the Missouri
9 River floodplain and floodway. As I said, my name is Petra
10 Haynes. I have lived in Labadie, in the Labadie area for 20
11 years. My husband and I have raised our two daughters here
12 because we wanted them to grow up in a natural healthy
13 environment. I am a freelance translator and a long-time fitness
14 professional. I am also a founding member and officer of LEO,
15 the environmental organization. And I know the previous speaker
16 gave you a little bit of background. I would like to flesh it
17 out a little bit on our organization.

18 The organization was birthed at a book club meeting
19 in the summer of -- the spring really of 2009. At our book club
20 meeting that spring, some of the women were talking about how
21 local farmers were selling their land to Ameren. At each
22 subsequent meeting, there were more stories of Ameren buying up
23 all this farmland, and there were rumors of some heavy-handed and
24 even disingenuous techniques used to persuade some more reluctant
25 farmers to sell.

1 Of course, we all knew the power plant was there,
2 but we never really thought about the inner workings of a
3 coal-fired power plant and the waste it produced. But now we
4 have become curious about what Ameren was planning to do with the
5 land that they were buying, and so we decided to find out. We
6 searched for information as soon as we learned about Ameren's
7 plans for a coal ash landfill in the floodplain of the Labadie
8 Bottoms. We were quite shocked, I might say, about this news and
9 thought that we should learn about the stuff that Ameren wanted
10 to store there.

11 This is when we began to research coal combustion
12 waste, and we became even more alarmed when we learned some of
13 the -- about some of the toxins, the contaminants that it
14 contained. We decided that it was a very bad idea to dump this
15 stuff in the Missouri River floodplain right on top of the river
16 from which so many people get their drinking water and the
17 groundwater from which most of us out here get our well water.

18 The more research we did on Ameren and other
19 utilities like Ameren and their waste storage system, the more
20 concerned we became, and we knew we had to do something to
21 protect our community and those downstream. We formed the
22 Labadie Environmental Organization, and we held our first public
23 meeting armed with a huge binder of the information that we had
24 collected at a local church in Labadie in early October of 2009.

25 Since then, we have become a Missouri not-for-profit

1 organization. We have a diverse board of directors, a
2 professional website and a number of committees staffed with
3 people who bring their professional experience in medicine,
4 science, law, PR, fundraising, corporate business, et cetera to
5 bear. I am proud to say that LEO has become an authority on CCW
6 and has received regional and national attention and recognition.

7 I think we all understand that Ameren has to put
8 their waste somewhere, but it is their chosen location in the
9 Missouri River floodplain and floodway that I take issue with. I
10 think there are a number of obvious reasons why this site is the
11 worst location. I think we have in the -- during the Q-and-A
12 session touched on many of those. However, one that is the less
13 obvious one might be the economic feasibility.

14 As those of us who live in the area know quite well,
15 the proposed site is wet nearly year-round, as you saw on some of
16 the slides. The groundwater level is extremely high; in fact, in
17 some places, it is at the surface. The location is also prone to
18 flooding, which has increased in recent years with the events of
19 more frequent and severe storms.

20 Ameren's own construction proposal on page 1-1,
21 paragraph 5, and I actually have a copy of the paragraph I'm
22 referring to as an exhibit for you, that portions of the landfill
23 with sitting groundwater. As I mentioned before, all of the
24 Labadie's plans for Franklin County neighbors for miles around
25 rely on groundwater for drinking water at home as well as for

1 farming. In 1992 Ameren admitted that its large unlined coal ash
2 pound was leaking 50,000 gallons of coal ash waste water every
3 day.

4 That was in 1992, but for about 20 years, Ameren did
5 nothing to stem this ongoing substantial leakage, not until the
6 St. Louis "Post-Dispatch" ran a front-page story about the leak.
7 Since then, two more leaks have been discovered. Although Ameren
8 knew about these leaks for many years and despite the fact that
9 unlined ash ponds are the most risky form of coal ash disposal,
10 Ameren does not do groundwater monitoring around the two ash
11 ponds at the Labadie plant. Sadly, the Missouri DNR has not yet
12 required Ameren to monitor groundwater at the ash pounds.

13 In Illinois, and we talked about that earlier, which
14 requires groundwater monitoring, at lease five of Ameren's plants
15 have documented groundwater contamination. We know that the
16 contaminants in coal waste pollute drinking water and surface
17 water. We, therefore, believe that the worst and arguably most
18 expensive location for this landfill is in the floodplain because
19 of the likely cost of contamination and damages over time.

20 While we hope that Ameren learns from the Tom Sauk
21 disaster -- that incidence shows how easy it is to let the
22 maintenance and safety of dams and levees slide incrementally
23 until a disaster occurs -- Ameren touts the new and improved
24 technology and design of the proposed landfill, but there is
25 really no reason to believe that they will do a better job of

1 monitoring and maintaining the new site than they did with the
2 old ash ponds.

3 Floodplains are for growing crops, for holding flood
4 water and for filtering the region's drinking water. The
5 proposed landfill would sit in groundwater and would require tons
6 of clay and other materials to build it up out of the floodplain.
7 But there are no guarantees that the floodway below the
8 floodplain would not inundate that site. Therefore, it does not
9 make sense to permanently store something as toxic as coal waste
10 in such a vulnerable location.

11 On their website and at the open house in Labadie --
12 and that was the open house the previous speaker referred to,
13 which I think was in maybe November 2009, if I'm not mistaken --
14 Ameren claimed to have done a five-year site study for the
15 proposed landfill, having looked at a number of the sites -- I
16 believe there were 22 -- and concluded that the Labadie Bottoms
17 is the one site where they should build their proposed landfill.

18 I recall that maybe a year after this open house an
19 Ameren spokesperson -- I think it might be Mike Minny --
20 announced that Ameren actually never actually did a site study
21 for the landfill, and that was -- I believe he was doing an
22 interview on TWMU. I think there were some LEO members there,
23 and he was asked about the -- that particular study, and he said
24 at that time that -- that Ameren actually had not done a study,
25 which was really interesting. And so end of story.

1 Whenever there are two opposing facts, one of them
2 is untrue. It doesn't require any legal expertise to know this.
3 The only thing we don't know is did Ameren lie about having done
4 the study, and if so, why, or did they do a study and are lying
5 about it because they don't want to share the results. And if
6 that is the case, why not.

7 There are currently more than 400 damage cases at
8 CCW landfills and ash ponds, not just ash ponds, nationwide. As
9 we know from the Tom Sauk and Kingston, Tennessee disasters, and
10 of course, Ameren had nothing -- I want to clarify -- nothing to
11 do with the Kingston, Tennessee disaster -- the cleanup cost for
12 these types of disasters, if they can be cleaned up, are
13 staggering, and that is if they can be cleaned up. At Kingston,
14 Tennessee, that was not possible. These types of costs must be
15 taken into consideration when evaluating the economic feasibility
16 of the coal waste -- of coal waste storage.

17 I would like to submit to the PSC Commission a
18 packet of information on this issue that LEO has collected over
19 the past four years. We submitted this information at the
20 Franklin County hearing, and I would like to now share that with
21 you. Thank you very much.

22 JUDGE WOODRUFF: Thank you, ma'am. Mr.
23 Chairman?

24 CHAIRMAN KENNEY: Ms. Haynes, thank you
25 very much. I have a couple of questions.

1 MS. P. HAYNES: Okay.

2 CHAIRMAN KENNEY: So at one point, Ameren
3 said it did a study, and another point, it said it did not do the
4 study?

5 MS. P. HAYNES: That's correct.

6 CHAIRMAN KENNEY: Did you ask any of the
7 Ameren folks earlier -- I wasn't in the room for that. I
8 wasn't -- so I didn't -- so I don't know what was -- what was
9 asked. Have you had an opportunity, either at this hearing or
10 other hearings at Franklin County, to pose that question to any
11 Ameren representative?

12 MS. P. HAYNES: Actually during the
13 Q-and-A session earlier, someone actually did pose that question.
14 I think it might have even been more than one person. And I
15 think the response from Mr. Walker --

16 CHAIRMAN KENNEY: Wood.

17 MS. P. HAYNES: Wood, sorry -- was that, I
18 believe, that he suggested that Ameren did do a study, which I
19 was really surprised to hear because Ameren had initially the --
20 the information about the five-year study they supposedly
21 conducted on their website, which is the previous speaker had
22 gotten that information off their website.

23 Then subsequently, as I stated, Mr. Minny, I believe
24 it was, denied that a study was done, and so that sort of ended
25 that discussion because they said they didn't do one. And now

1 this is the first time I've heard Ameren actually say that they
2 did do a study again since then, and this has been three plus
3 years probably. And I checked the website, and there is no
4 longer any information on the Ameren website about any study. So
5 they have taken that information off their website at some point.

6 CHAIRMAN KENNEY: I have another question.
7 It's a hypothetical question. So just assume my -- my assumption
8 here, my hypothetical. Assume that Ameren would agree to some
9 type of stringent monitoring and maintenance. Would your
10 position or LEO's position be altered at all?

11 MS. P. HAYNES: I don't think so because
12 the problem -- and we have always maintained this -- the problem
13 is with the site. Although I will say that I don't find Ameren
14 particularly trustworthy when it comes to maintenance issues and
15 the ability to really safely run a site, but it's more than that.
16 It's really the site itself. It is just not a safe location.

17 It's a treach- -- the Missouri is a treacherous
18 river. Everyone knows that. That area down there where the
19 plant is and where the proposed site is at, the river is
20 underneath there. It's still there. It used -- that used to be
21 the riverbed, and that water is still there. That's why the
22 groundwater table is so high, and in places the water sits on the
23 surface, and that won't change.

24 And I don't think that there are any safety
25 precautions they can take to truly make that a safe site for this

1 type of storage.

2 CHAIRMAN KENNEY: Just one final question
3 now. I only ask because you mentioned that you're a board member
4 of LEO. What -- what -- do you hold an office?

5 MS. P. HAYNES: I do.

6 CHAIRMAN KENNEY: Can I -- may I ask --

7 MS. P. HAYNES: I'm the secretary, and I'm
8 also on the fundraising and founder of the Outreach Committee.

9 CHAIRMAN KENNEY: Okay. Well, thank you
10 for your thoughtful comments. Thank you for being here.

11 MS. P. HAYNES: Thank you so much.

12 JUDGE WOODRUFF: Before I turn over to
13 questions from the parties, I'll deal with the exhibits you
14 handed me. First of all, I'm marked as Exhibit B the
15 construction permit application to DNR where you've highlighted a
16 sentence.

17 MS. P. HAYNES: Right.

18 (Thereupon, evidence was marked for
19 identification and admitted into the record
20 as Exhibit B.)

21 JUDGE WOODRUFF: It says:

22 "Specifically, the site conditions
23 will result in intermittently coming in
24 contact with a small percentage of the
25 constructed bottom liner, primarily at

1 the sumps, with the alluvial groundwater."

2 MS. P. HAYNES: That's correct.

3 JUDGE WOODRUFF: That's been marked as
4 Exhibit B. And I've marked as Exhibit C a packet of documents
5 you gave me.

6 (Thereupon, evidence was marked for
7 identification and admitted into the record as
8 Exhibit C.)

9 One is from the EPA, "Coal Combustion Waste Damage
10 Case Assessments."

11 The next one is called, "Out of Control -- Mounting
12 Damages From Coal Ash Waste Sites."

13 Third is, "IN HARMS WAY -- Lack of Federal Coal Ash
14 Regulations Endangers Americans and Their Environment."

15 The fourth is, "RISKY BUSINESS -- Coal Ash Threatens
16 America's Groundwater Resources at 19 More Sites."

17 Fifth I believe would be, "Forty-Nine Coal-Fired
18 Plants Acknowledge Groundwater Contamination in Response to EPA
19 Data Collection."

20 Then we have a, "Final Report -- Inspection 2009 --
21 TVAs' Groundwater Monitoring of Coal Combustion Products Disposal
22 Areas."

23 Another document called, "Toxic Waters Run Deep --
24 Coal Ash Open Dumps Still Open for Business."

25 And finally the one called "State Of Failure -- How

1 States Fail To Protect Our Health and Drinking Water From Toxic
2 Coal Ash."

3 These as a group have been marked as Exhibit C.

4 MS. P. HAYNES: Thank you.

5 JUDGE WOODRUFF: We had a meeting last
6 week with the attorneys for the parties where we agreed that we
7 would go ahead and accept these documents into evidence or into
8 the record for the purposes of this case. The parties may
9 reserve their right to object to those documents in writing
10 later. Okay?

11 MR. LOWERY: Okay.

12 JUDGE WOODRUFF: I'll turn over the
13 questions to the parties. For Ameren?

14 MR. LOWERY: Your honor, may I see those?

15 JUDGE WOODRUFF: You may.

16 MR. LOWERY: Thank you.

17 Ms. Haynes, could you tell me, and I'm not going to
18 ask you about Exhibit B. I take it's the DNR permit application
19 or at least part of it for Ameren, correct?

20 MS. P. HAYNES: It's an excerpt from the
21 reference part on the screen.

22 MR. LOWERY: Sure. Have you seen the
23 entire permit application?

24 MS. P. HAYNES: I have at home. Yes, it's
25 a matter of public record. It is -- can be found at the library

1 actually.

2 MR. LOWERY: Right. It's very -- it's
3 very large, maybe thousands of pages?

4 MS. P. HAYNES: It's very large, yes.

5 MR. LOWERY: I want to ask you just a few
6 questions about Exhibits C through whatever the last number was.

7 JUDGE WOODRUFF: They're all just marked
8 as C.

9 MR. LOWERY: C, the packet of documents.
10 Really I think there's eight documents in there. Where did you
11 -- where did you get those documents?

12 MS. P. HAYNES: Those are a matter really
13 of public record. As a board member of LEO, we have access to
14 information such as that, and we have collected it over the past
15 four years. So yes, that's -- that's what we did.

16 MR. LOWERY: Well, would it be fair -- I
17 apologize.

18 MS. P. HAYNES: Go ahead.

19 MR. LOWERY: Would it be fair to say you
20 got them off the internet or from a library or some source of
21 that nature?

22 MS. P. HAYNES: Yes, various sources.

23 MR. LOWERY: Did they all come from the
24 internet?

25 MS. P. HAYNES: I think not all -- well

1 most of them did, yes.

2 MR. LOWERY: And you didn't prepare any of
3 these documents; is that true?

4 MS. P. HAYNES: No. No, we have a science
5 committee in our organization, and those are the people who
6 handle those types of documents.

7 MR. LOWERY: They didn't -- those -- those
8 folks in your organization, they didn't prepare the documents
9 either; is that true?

10 MS. P. HAYNES: No.

11 MR. LOWERY: And they didn't -- any
12 information in the documents or investigation or analyses or
13 results -- and I haven't obviously had a chance to look at
14 these -- your organization didn't do those analyses or
15 investigations; these are document prepared by somebody else,
16 right?

17 MS. P. HAYNES: They're documents -- as
18 Mr. Woodruff already told you, he told you the organizations, or
19 some of them anyway, that those came from like E- --
20 Environmental Integrity Project and, you know, other
21 organizations, environmental organizations, and just research
22 that is accessible to the -- to the public.

23 MR. LOWERY: You don't and the other
24 people on -- in LEO or on the committee that you were talking
25 about, they don't have any first-hand knowledge and neither do

1 you about the investigation methods, the analysis, the data
2 gathering methods that folks who authored these documents
3 actually went to; is that true?

4 MS. P. HAYNES: No, I would say that
5 that's not true, because we actually have several scientists on
6 our board of directors as well as members. We as an organization
7 have sought the advice of professionals in those areas, and we
8 have over the past four years done a lot of the work to educate
9 ourselves with the help of other organizations who do this type
10 of work who are the experts.

11 MR. LOWERY: But you haven't spoken to the
12 authors of these documents, for example; is that true?

13 MS. P. HAYNES: Well, not in terms --
14 well, actually there is one of them in there, Jeff Stant, one of
15 his documents. Yes, we -- we know him. As an organization, we
16 have met with him. So yes, I would have to say I have personally
17 met him and spoken with him, but I have not personally spoken
18 with all of the individuals who, or organizations, who have
19 authored those -- those reports.

20 MR. LOWERY: Have you spoken with
21 Mr. Stant about how he went about gathering the information that
22 may be reflected in the document? And I haven't had a chance to
23 look at it obviously.

24 MS. P. HAYNES: You know, I don't recall.
25 It's been a while since we -- since we spoke. I don't remember

1 exactly what questions I asked him specifically. It was a dinner
2 meeting.

3 MR. LOWERY: You don't yourself have a
4 specialized education, training or experience in geology or --
5 (Audience comments.)

6 JUDGE WOODRUFF: Please, please. No, it's
7 not unfair. He has a right to ask questions on -- for purposes
8 of cross-examination, and it's very important that this testimony
9 be subject to cross-examination because then the Commission can
10 rely upon it as competent and substantiated evidence when it
11 makes its decision.

12 If I denied him the right to cross-examine, then we
13 can't use the evidence.

14 MS. P. HAYNES: Okay. No, I'm -- I'm
15 happy to answer that question.

16 JUDGE WOODRUFF: All right. Thank you.

17 MS. P. HAYNES: No, I am not an expert in
18 the areas you mentioned, but I don't think that diminishes the
19 validity or merit of the documents I admitted as exhibits because
20 I think that the people and organizations who authored those
21 clearly are expert in that area.

22 MR. LOWERY: I don't have any further
23 questions, your Honor.

24 JUDGE WOODRUFF: Thank you. Staff?

25 MR. WILLIAMS: I do have a question. You

1 referenced the Q-and-A session.

2 MS. P. HAYNES: Uh-huh.

3 MR. WILLIAMS: And I know that you
4 were informed during that session that the information that was
5 disclosed there would not be information that would be in front
6 of the Commission. So my question to you is have you told the
7 Commission in your testimony everything that you wanted to tell
8 the Commission?

9 MS. P. HAYNES: Well, I guess I would like
10 to maybe add to that that during our question-and-answer session
11 before the Commissioners were in the room, there were, I think,
12 at lease two people who asked about a study that Ameren claims to
13 have done, the five-year internal study, with respect to
14 alternative sites for the proposed landfill and that Mr. Wood, I
15 believe was his name, I think his answer was somewhat evasive.

16 That might have been just my impression, but I took
17 away from his answer that in fact Ameren had done a study which
18 Ameren had previously, after they had initial announced that they
19 had done the study, denied that they had done the study. So
20 first it was yes, then it was no. Now maybe it's yes again. I'm
21 not exactly really sure.

22 JUDGE WOODRUFF: Thank you. Public
23 counsel?

24 MR. MILLS: I don't have any questions.
25 Thank you.

1 JUDGE WOODRUFF: Sierra Club, LEO?

2 MS. LIPELES: No questions. Thank you
3 very much.

4 JUDGE WOODRUFF: Thank you.

5 All right. The next name on the list is Susan
6 Cunningham.

7 (Thereupon, the witness was sworn by
8 the Judge.)

9 And your name is Susan Cunningham?

10 MS. CUNNINGHAM: Susan Cunningham, 3730
11 Sunset Drive, Pacific, Missouri 63069. It's about 12 to 15 miles
12 from the Labadie plant.

13 JUDGE WOODRUFF: Okay. And I wanted to
14 make sure. We don't necessarily need to have the witnesses' full
15 addresses and stuff like that. It's fine if you want to offer
16 it, but --

17 MS. CUNNINGHAM: I just wanted to let you
18 know I'm not a Labadie resident.

19 JUDGE WOODRUFF: Okay. That's fine.

20 MS. CUNNINGHAM: Actually I'm a retired
21 teacher of American history, and I've learned that one thing --
22 one of the best ways to predict the future behavior is by looking
23 at how people have behaved in the past.

24 I'd like to offer three examples of behavior of
25 Ameren that indicate to me that the company is not qualified to

1 operate a coal ash depository on the Missouri River floodplain.
2 These examples show a callous disregard for the health and safety
3 of the communities near their plants.

4 Example one: Ameren has been sending truckloads of
5 coal ash to an inadequate mine near St. Genevieve, Missouri. The
6 mine operator told a newspaper reporter that Ameren is paying
7 to -- him to take the ash. But when asked about the arrangement,
8 a spokesman for Ameren said the mine operator approached the
9 company asking for the coal ash, and that Ameren was, quote, "not
10 receiving any benefit from the arrangement."

11 This is disingenuous, to say the very least. The
12 Ameren spokesman even declined to confirm that it was paying the
13 mine operator to take it off their hands. Why? I don't know.

14 The problem with dumping ash into mines is that it
15 is not in keeping with the federal guidelines which prohibit
16 dumping without encapsulation. Given the many sink holes, caves
17 and heavily fractured rocks in St. Genevieve County, and the fact
18 that so many people in that area get their drinking water from
19 wells and from the Mississippi River, the question has to be
20 asked whether this is a safe method of disposal.

21 Example two: Ameren has been disposing of coal ash
22 from their Rush Island plant in Jefferson County, Missouri using
23 a local company to find locations for it. The EPA, after a
24 complaint was referred to that agency by the Corps of Engineers,
25 concluded that the disposal of that particular ash fouled nearby

1 wetlands as well as a tributary to Platten Creek and part of the
2 Willows Lake. A settlement with the company doing the dumping
3 was announced just last month, and requires that the company take
4 several protective measures and restore the impacted wetlands.

5 Although Ameren received a notice of violation along
6 with the local businesses that handled the ash, an Ameren
7 spokesman was quoted as saying that it has, quote, "worked hard
8 in the remediation project," and quote, "no obligations,"
9 unquote, under the settlement.

10 And they let the local company take all the blame,
11 and expect that company to do all the repair work. Now, this is
12 from the corporation that bills itself as a good neighbor.

13 Example number three: Illinois Attorney General,
14 Lisa Madigan has filed a complaint alleging that Ameren Energy
15 Resources Generating Company illegally disposed of 180,000 tons
16 of coal ash in the Duck Creek power plant in Peoria, Illinois.

17 In response to the complaint, Ameren said that they
18 disagreed, and that they did nothing wrong. In fact, they turned
19 attention back to Madigan's office by saying that they were,
20 quote, "disappointed that her office didn't seek additional
21 information from the company after more than a year of silence."

22 This is a strategy used frequently by anyone trying
23 to change the subject and take the spotlight off them. This is
24 after analysis that the ash showed to contain levels of boron and
25 silver in excess of State groundwater standards.

1 These three examples of behavior, which I would
2 describe as reckless and not in the public interest, were found
3 with just a quick on-line search. I'm sure there are many more.
4 As I said, past behavior is a pretty good indicator of future
5 behavior. How can we trust Ameren to do all the things they say
6 they will at the Labadie ash landfill, especially with the risk
7 of flooding becoming more and more unpredictable with changing
8 weather patterns?

9 I guess what is most upsetting to me is how little
10 political influence we, the people, have when it comes to
11 protecting our health. A huge corporation like Ameren can hire
12 dozens of lobbyists, make large campaign contributions, and wine
13 and dine politicians at meetings such as those sponsored by the
14 American Legislative Exchange Council, or ALEC. With all the
15 publicity about ALEC's backdoor influence on bills that come
16 before the State Legislature, over 40 major corporations have cut
17 ties with ALEC. Just this morning a new list was released and
18 includes a major manufacturer of inhalers used by people with
19 asthma. We know that asthma rates, especially in children, are
20 much higher near coal-fired power plants.

21 I think it's well past time for Ameren to cut
22 ties with ALEC and stop trying to pollute the political system
23 with donations to legislators, especially since that money
24 ultimately comes from us. I guess what I'm saying in a sense is
25 it just seems to be the power balance is way out of the sync.

1 For example, just recently Ameren gave \$10,000 to
2 Attorney General Coster for his campaign PAC, or whatever it's
3 called. Why? None of us can write a check for \$10,000. Well,
4 you can't tell me that, you know, they're just doing that out of
5 the goodness of their heart because Mr. Coster's good looking.
6 There is some reason behind that.

7 This whole process -- I mean I've been with
8 this at the beginning, from the Franklin County Commission
9 hearings was political theater. I mean, it was theater served
10 the whole -- the whole way. I don't want to get into John
11 Griesheimer. That's another story for another day, but I mean,
12 there are places where, you know, times when we were told we had
13 to shut up, sit down, be nice or the sheriff would escort us out,
14 which he actually ended up doing with one of our -- our fellows
15 here.

16 There was one of those where they were told --
17 Ameren was told that they could never say that they were actually
18 going to build a landfill. They couldn't even talk about coal
19 ash. The spokesman for Ameren that night was pretty flustered,
20 because how do you go about talking about you want to build a
21 coal ash landfill without talking about coal ash? I mean, the
22 whole thing has been absurd and very political. It's very
23 political. I'm sorry. I've been around the block too many
24 times; I've seen too much of this stuff; I've been following ALEC
25 for ten years.

1 Please prove me wrong. I would love it if the Public
2 Service Commission would prove me wrong. I would love to know
3 that health and safety of the public trumps political influence
4 by a large corporation. Please deny this request.

5 Thank you very much.

6 JUDGE WOODRUFF: Any questions?

7 CHAIRMAN KENNEY: I don't have any
8 questions, but, Mrs. Cunningham, thank you for your obviously
9 well researched and well thought-out comments. I do appreciate
10 it. I don't have any questions, but it's not because I'm not
11 listening to what you're saying. So thank you.

12 MS. CUNNINGHAM: Thank you. I appreciate
13 that comment.

14 JUDGE WOODRUFF: Ameren?

15 MR. LOWERY: Mrs. Cunningham, just a few
16 questions. I think you indicated the three instances that you
17 had talked about in your -- in your testimony. You discovered
18 what you know about those from an on-line search; is that true?

19 MS. CUNNINGHAM: Yeah, actually these are
20 the articles that I was going to give them so you can look at
21 them later.

22 MR. LOWERY: That's the only question.

23 MS. CUNNINGHAM: Yeah, I was just quoting
24 from what I read from the newspaper.

25 JUDGE WOODRUFF: I'll come up and take

1 those articles if you like.

2 MS. CUNNINGHAM: All right.

3 MR. LOWERY: Will that be Exhibit D, your
4 Honor?

5 JUDGE WOODRUFF: That will be D, and that's
6 the story from "St. Louis Today" about "Ameren Coal Ash Uses Mine
7 Field Near St. Genevieve." And another article from "St. Louis
8 Today", "Illinois AG Says Ameren Weekly Disposed of Coal Ash."
9 And again from "St. Louis Today", "EPA Settlement Raises
10 Questions About Coal Ash in Missouri."

11 And the final one is "PR Watch", "Shareholders
12 Push for Ameren to Cut Ties to ALEC."

13 MS. CUNNINGHAM: Yeah, that has to do with
14 cutting ties with ALEC. I wanted to them to see that GlaxoSmith
15 Kline, the one that makes the inhalers, is one that recently
16 dropped its ties with -- I just thought that was kind of ironic,
17 you know, they make the inhalers.

18 JUDGE WOODRUFF: Okay.

19 MS. CUNNINGHAM: And I have to use one of
20 them because I now have COPD after living 12 years downstream
21 from the coal plant.

22 JUDGE WOODRUFF: Exhibit D will be received
23 into evident.

24 (Thereupon, evidence was marked for
25 identification and admitted into the record

1 as Exhibit D.)

2 For the staff?

3 MR. WILLIAMS: No questions.

4 JUDGE WOODRUFF: Public Counsel?

5 MR. MILLS: No questions.

6 JUDGE WOODRUFF: Sierra Club?

7 MS. LIPELES: None, your honor.

8 JUDGE WOODRUFF: All right. Thank you,
9 and you can step down, ma'am.

10 MS. CUNNINGHAM: Thank you.

11 JUDGE WOODRUFF: Next name on the list is
12 Sister Barbara Jennings.

13 (Thereupon, the witness was sworn by
14 the Judge.)

15 Could you tell us your name, please.

16 SISTER JENNINGS: Sister Barbara Jennings.

17 JUDGE WOODRUFF: All right.

18 SISTER JENNINGS: And I live in St. Louis.

19 JUDGE WOODRUFF: All right. Thank you.

20 What would you like to tell us?

21 SISTER JENNINGS: Well, I don't have
22 exactly testimony as the other people do, but I came because I'm
23 a resident of a group of shareholders who are faith-based, and
24 we're of course concerned about the environment. We're concerned
25 about jobs, and we're concerned about the public interest. And

1 we are consisted of 15 local religious communities and many other
2 members outside of the St. Louis area who also own Ameren shares.

3 As to the first point, is Ameren qualified to
4 operate their landfill, we believe that Ameren, through our
5 dialogues with the corporation, have agreed to complete the
6 carbon disclosure project questionnaire, which is a global
7 standard for all corporations that emit carbon. They have also
8 agreed to answer the water questionnaire which is related to the
9 carbon disclosure project.

10 They need to do a full disclosure, full transparency
11 with very specific goals and strategies as part of this
12 questionnaire. Up to now, as we all have heard tonight, Ameren
13 has not been transparent or fully disclosing. Ameren needs to
14 have one more transparency on this issue in regards to water
15 contamination, temperatures leaving the coal ash ponds, the
16 quality of the water and so on. Ameren has said it will begin
17 groundwater monitoring, but this must be done downstream from the
18 ponds and the landfills, and it must be done by an independent
19 verifier, not necessarily only by the State, which we know has
20 been very lax in their rule-keeping and monitoring, and not by a
21 verifier that is picked by Ameren.

22 Does Ameren need this landfill? We believe and we
23 know that the contract with Peabody Energy for coal ends in 2017.
24 Ameren should have in place before this an alternative source of
25 energy, without excuses. Ameren has four years. More projects

1 like the methane capture and the Bridgeton landfill, more
2 renewables would satisfy the needs for electricity in our area
3 and do so without using coal. The technology is moving rapidly,
4 and Ameren needs to jump off the coal train and onto the smart
5 grid train, creating jobs as well as beneficial environmental and
6 social impacts.

7 Does Ameren have the financial ability to run this
8 coal ash landfill? Ameren has lost dollars in the last couple of
9 years because of energy efficiency devices, the downturn and so
10 on in our country. How much will Ameren have to borrow for this
11 landfill? How much will shareholders and rate payers have to pay
12 for this eventually, and again, why doesn't Ameren invest the 27
13 million in renewables instead of in coal?

14 So once again, we as shareholders want to see our
15 company jump off the coal train and into the future train of
16 renewables. Transitioning takes time. Ameren has four years to
17 transition. We would like to see this happen and without another
18 coal ash landfill. Thank you.

19 JUDGE WOODRUFF: Thank you, ma'am.
20 Mr. Chairman?

21 CHAIRMAN KENNEY: Sister, thank you. Can
22 I ask you does your organization have a name with the
23 shareholders?

24 SISTER JENNINGS: Sorry. I'm the Midwest
25 Coalition for Responsible Investment.

1 CHAIRMAN KENNEY: And as shareholders, you
2 get proxy statements and you get to go to the annual meetings
3 and that sort of the thing?

4 SISTER JENNINGS: Right.

5 CHAIRMAN KENNEY: Have you raised these
6 issues at an annual meeting?

7 SISTER JENNINGS: Every --

8 CHAIRMAN KENNEY: And if so, what was your
9 response?

10 SISTER JENNINGS: -- probably in the last
11 five years we have raised this issue with Ameren about coal ash.
12 In fact, we've filed a shareholders resolution, I think it's been
13 about three years ago now, which received 44 percent of the
14 shareholder vote. Which is really unheard of in the shareholder
15 world because most shareholders votes like us maybe get 3 to 10
16 percent. We had 44 percent, which shows you that shareholders
17 are very concerned about environmental and social impact.

18 CHAIRMAN KENNEY: And so you've gone to
19 annual meetings, and you've raised these issues. What response
20 have you received from the company?

21 SISTER JENNINGS: The company has done
22 incremental changes, incremental. For instance, they have put on
23 their website some of the more information about coal ash, what
24 was done with it, but they have not satisfied us totally,
25 especially in regards to state rules and regulations. We have

1 found in the meantime that the State has been lax in monitoring
2 Ameren groundwater, et cetera.

3 So yes, the company can say they're in compliance
4 with the rules, but they are not beyond compliance and they have
5 their -- their reputation has followed them to this very hearing
6 tonight.

7 CHAIRMAN KENNEY: Sister Jennings, thank
8 you.

9 SISTER JENNINGS: You're welcome.

10 CHAIRMAN KENNEY: Thanks very much.

11 JUDGE WOODRUFF: Ameren?

12 MR. LOWERY: Sister Jennings, I just have a
13 question or two. I just want to make sure I understand one thing
14 that you said. Is it your organization's position that Ameren
15 Missouri should shut down the Labadie plant or all of its coal
16 plants by 2018?

17 SISTER JENNINGS: We would like to see the
18 company start, yes, shutting down plants, hiring people for other
19 types of jobs. Yes. We're very concerned about jobs, yes.

20 MR. LOWERY: Okay. Do you have any ideas
21 what the rate impact would be on the company's 1.2 million
22 customers if it had to acquire the energy it needs to serve them
23 from generating sources that are different than the coal plants
24 it has now?

25 SISTER JENNINGS: We know that our rates

1 would go up. We know that. We would -- the company would not be
2 buying cheap coal, but I think that is something that everyone in
3 this room will realize, and we are also looking at the -- the
4 current administration, the climate change speech that was made
5 today.

6 MR. LOWERY: Do you know about -- do you
7 have any ideas about how much the rates would go up?

8 SISTER JENNINGS: No, we don't, but that
9 would be a great question to ask the company in September.

10 MR. LOWERY: Do you have any idea of
11 whether or not the Public Service Commissioner staff or Office of
12 Public Counsel or the company's investor or customers who
13 participate in rate cases would oppose those efforts, and in
14 fact, oppose Ameren raising its rate because of making the
15 decision to close its coal plants?

16 SISTER JENNINGS: I do know that a lot of
17 industrial customers have already switched over to renewable
18 energy --

19 MR. LOWERY: But do you know that -- -- --

20 SISTER JENNINGS: -- for efficiency.

21 MR. LOWERY: Do you know the answer to my
22 question?

23 SISTER JENNINGS: No.

24 MR. LOWERY: Okay. Thank you very much.

25 JUDGE WOODRUFF: Staff?

1 MR. WILLIAMS: No questions.

2 JUDGE WOODRUFF: Public Counsel?

3 MR. MILLS: No questions.

4 JUDGE WOODRUFF: Sierra Club?

5 MS. LIPELES: No.

6 JUDGE WOODRUFF: Thank you, ma'am.

7 The next name on my list is Ron Trimmer.

8 (Thereupon, the witness was sworn by
9 the Judge.)

10 You may be seated, and your name is Ron Trimmer?

11 MR. TRIMMER: Yes.

12 JUDGE WOODRUFF: All right. Where do you
13 live, Mr. Trimmer?

14 MR. TRIMMER: I'm an Illinois Ameren
15 stockholder.

16 JUDGE WOODRUFF: Okay. What would you
17 like to tell us?

18 MR. TRIMMER: And a member of Sierra Club,
19 just a couple of things about me.

20 Ameren in Illinois has proven that they're not
21 capable of managing coal ash waste and other pollutants in a
22 responsible manner. And a study that there was made reference
23 to, "Risky Business" by the Environmental Integrity Project, they
24 found at the Meredosia plant that the levels of arsenic was ten
25 times the recommended federal drinking water standard. In Joppa,

1 the lead was almost twice the recommended federal drinking water
2 standard, and there were 23 drinking wells within a mile of the
3 plant, and there was an estimate of the death and disease cause
4 attributed to the fine particle pollution was \$3.8 million, and I
5 have an outline of that. It was 40 deaths, 61 heart attacks, 670
6 asthma attacks, 28 hospital admissions of chronic -- 24 chronic
7 bronchitis attacks, and 42 asthma ER visits, and each one of
8 these was assigned a dollar value.

9 And pollution from coal-fired electric plants result
10 in eight -- \$866.5 billion a year, which is 6 percent of the GDP
11 in addition to the healthcare costs. And from another source, I
12 found that there were over 13,000 deaths attributed to the
13 pollution from coal-fired electric plants.

14 It adds 19 to 45 cents per kilowatt hour for coal
15 generated electric plants. So the study's made, in addressing
16 his previous question on cost, is that wind is cheaper than coal
17 if you factor in the healthcare costs that are involved with
18 burning and creating coal pollution.

19 The International Monetary Fund has recommended the
20 end of the \$1.9 trillion subsidy a year for fossil fuels. This
21 information was on the Forbes website, and I have a copy of it,
22 you know, here. The Sierra Club, you know, found this at the
23 Labadie site that was leaking 50 gallons of water a day, and that
24 they were discharging into the river. The "Post Dispatch", in
25 November of 2011, rated seven of the Ameren ash ponds as poor.

1 And the EPA in independent scientific studies, indicate that all
2 ash ponds eventually leak and get worse with time.

3 Groundwater must be monitored, not only by Ameren,
4 but by a third party for verification.

5 Before Ameren moves forward on expanding or building
6 more coal ash storage sites, it needs to clean up the existing
7 sites. It needs to monitor existing Missouri sites to determine
8 levels of contamination. Ameren's heavy reliance and commitment
9 to coal has already led to downgrading its rating with Moody's
10 Investment service system, the S and P and Fitch, and the one
11 thing that I've talked about at stockholder meetings and in
12 meetings with the staff is they recycle the 50 percent of the
13 coal ash into concrete, and they do this with the Kwik-Crete bags
14 that you see at home Napa, which is mostly the do-it-yourself
15 market. And so it's reasonable that they could recycle the
16 hundred percent of their fly ash if they just made agreement with
17 Kenstra and some of the other big concrete firms in the area.

18 And that would conclude -- that would practically
19 eliminate the need for these holding ponds. So you know today
20 President Obama spoke about addressing climate change and
21 imposing carbon dioxide limits on new and existing coal plants.

22 And so it's time for Ameren to move beyond coal. So
23 I wanted to speak and urge us all to fight against climate
24 change. It's already here. It's not something for our
25 grandchildren, that they'll have to deal with. We have to deal

1 with it. It's not only temperature rising, but it's getting more
2 severe and it's only going to get worse.

3 The droughts will get worse and so will severe
4 thunderstorms. When the Mississippi or the Missouri Rivers flood
5 or at low record levels, barge traffic is slowed, resulting in
6 adverse impact on our economy. Not only Illinois and Missouri
7 farmers have suffered, but farmers across the United States. The
8 impact is masked somewhat by crop insurance that somebody has to
9 pay, farmers by paying higher profit insurance premiums or the
10 taxpayer. Crop insurance claims average \$3.1 billion from 2000
11 to 2006, but more than doubled from 2007 to 2013 with claims
12 averaging \$7.6 billion.

13 These costs are expected to continue to increase as
14 the climate continues to change. FEMA provided over 80 billion
15 in disaster relief from 2004 to 2011, and this does not include
16 Sandy, which killed more than 2,000 people and caused another \$71
17 billion in damage. Although Sandy has been retired as a
18 hurricane name, there will be more such hurricanes.

19 Bill McKibben of 350.org says we can have a healthy
20 planet or a healthy fossil fuel industry, but not both. I think
21 in Illinois and Missouri, we can have a healthy farming industry
22 or a healthy fossil fuel industry, but not both, and I think we
23 either have a healthy fossil fuel industry or healthy people, but
24 not both.

25 Thank you.

1 JUDGE WOODRUFF: Did you have some
2 documents that you wanted to give me?

3 MR. TRIMMER: I do.

4 JUDGE WOODRUFF: I will get those, and I'll
5 hand the phone -- or the microphone to Chairman.

6 CHAIRMAN KENNEY: Mr. Trimmer, thank you
7 very much. I'll wait till you're finished. You indicated that
8 you're an Ameren shareholder, so I'll -- kind of similar
9 questions I asked of Sister Jennings.

10 Have you attended shareholder meetings and offered
11 any of these ideas at a shareholder meeting?

12 MR. TRIMMER: I have attended shareholder
13 meetings, and I have spoken and asked questions at shareholder
14 meetings, and I have met with staff along with Sister's group.

15 CHAIRMAN KENNEY: Oh, okay. Specifically
16 your idea about recycling the 100 percent of the fly ash into
17 concrete, have you approached or mentioned that idea to anybody?

18 MR. TRIMMER: I have.

19 CHAIRMAN KENNEY: How was your idea
20 received?

21 MR. TRIMMER: I think that what they
22 expressed was even though it now can be used that way, they were
23 afraid of possible liability that might be brought about by that
24 use. My understanding is that the making of the concrete embeds
25 the -- the toxins within the concrete so that it doesn't leach

1 out.

2 I recommended that they get peer review articles and
3 research on this to prove their case as that would be something
4 they do a lot of the lobbying. That would be something that
5 would be worthwhile them getting put in place because to me it's
6 a lot better if you can sell something rather than have to spend
7 what, \$27 million to build a facility, you know, to keep it.

8 And I've installed some concrete in my day, and one
9 of the things they say is that concrete, there's two kinds. That
10 that is cracked and that concrete that hasn't cracked yet. You
11 know, it's the nature of the concrete to crack.

12 MR. CHAIRMAN: Mr. Trimmer, thank you for
13 taking time to come and share your thoughts with us. I
14 appreciate it.

15 MR. TRIMMER: You're welcome.

16 JUDGE WOODRUFF: All right. Your
17 documents you handed me I've marked then as Exhibit E.

18 (Thereupon, evidence was marked for
19 identification As Exhibit E.)

20 The first page appears to be your notes for this
21 evening. The second page is the article from "Forbes" -- "How
22 Much Do Health Impacts From Fossil Fuel Electricity Cost the U.
23 S. Economy."

24 And then we've got a page entitled "Green Concrete
25 Mix."

1 And finally a sheet called "Meradosia Arsonic and
2 Old Lace Bottled Water."

3 MR. TRIMMER: Oh, I didn't put that one --
4 it was something I put together for fun. It was a label for --
5 well, I have another one.

6 JUDGE WOODRUFF: Okay.

7 MR. TRIMMER: So you can have it.

8 JUDGE WOODRUFF: All right. I marked that
9 collection of documents as Exhibit E, and they will be received
10 in evidence.

11 (Thereupon, evidence was admitted into
12 the records as Exhibit E.)

13 MR. TRIMMER: Okay. Thank you.

14 JUDGE WOODRUFF: Thank you. Questions
15 from Ameren?

16 MR. LOWERY: No, your Honor.

17 JUDGE WOODRUFF: Staff?

18 MR. WILLIAMS: No questions.

19 JUDGE WOODRUFF: Public Counsel?

20 MR. MILLS: No questions.

21 JUDGE WOODRUFF: Sierra Club?

22 MS. LIPELES: Yes. Mr. Trimmer, --

23 MR. TRIMMER: Yes.

24 MS. LIPELES: -- you mentioned a
25 number of the financial facts and analyses. Do you have some

1 background in this area that might be helpful to, you know, with
2 what you brought?

3 MR. TRIMMER: Well, you know, I have a
4 Ph.D. in education. I work for the Defense Department as a
5 geologist. I live in the floodplain five miles from the
6 Mississippi River. I'm downriver from here. And so I have, you
7 know, some experience of living 20 some years or more, you know,
8 in the floodplain and dealing with the -- the problems. So I
9 guess that's it.

10 I have worked on social justice issues related to
11 work, getting minorities and women into the construction trades,
12 and I've actually talked to Mr. Marks about that a little bit.
13 But I -- I did estimates and published an article where I
14 estimated the cost/benefit of putting people, you know, to work,
15 and I remember reviewing research of a project where they did
16 that in California where the cost/benefit of getting people off
17 Welfare and putted them into higher-paying jobs, not going back
18 to prison. The cost/benefit for that one project was over half a
19 billion dollars over the lifetime of those workers. So I've had
20 some experience in that, and I've worked with Congress on
21 legislation.

22 MS. LAPELES: All right. Thank you very
23 much.

24 JUDGE WOODRUFF: Thank you, Mr. Trimmer.

25 The next name on my list is Lloyd Klinedinst.

1 (Thereupon, the witness was sworn by
2 the Judge.)

3 And if you could spell your last name for the
4 benefit of the court reporter.

5 MR. KLINEDINST: K-L-I-N-E-D-I-N-S-T.

6 JUDGE WOODRUFF: Thank you. Where do you
7 live?

8 MR. KLINEDINST: Villa Ridge within a
9 ten-mile radius of the power plant.

10 JUDGE WOODRUFF: Okay. What would you
11 like to tell us?

12 DR. KLINEDINST: I'll read mine. My name
13 is -- my title of my comments is "Not in the Public Interest."

14 My name is Dr. Lloyd Klinedinst. I've been a
15 resident of Franklin County living with my wife in Villa Ridge
16 since 1978. We have two children and four grandchildren. They
17 have all gone through either Pacific schools or the Rockwood
18 schools, all within the radius of the Labadie plants. I've spent
19 my professional career as a teacher and administrator in the
20 Parkway School District, also teaching as an adjunct profession
21 at Washington University, Maryville and Fontbonne Universities.

22 When we shopped for our first home together, my wife
23 and I held the community and the neighborhood values high. We
24 looked in St. Louis City and Franklin County. One other criteria
25 important to us is the environment, the air we breath and the

1 land we walk on and live in. That's why we choose to live here.
2 We are committed, educated, that is informed by reading and
3 reflecting on the issues of importance to our lives, and
4 concerned about our community. That is why we are making
5 statements at this hearing.

6 I cite one passage from and I quote the short title,
7 which is like the ballot plain language explanation. After the
8 more technical introduction, the plain title is "Application of
9 Union Electric Company d/b/a Ameren Missouri...."

10 The d/b/a I guess is standard business practice
11 doing business as. So it's Union Electric in the clothing
12 Ameren. On page of two of the application section of part one
13 applicant, it reads:

14 "Applicant has no pending actions
15 or final unsatisfied judgments or
16 decisions against it from any state
17 or federal agency or court which
18 involve customer service or rates,
19 which action, judgment or decision
20 has occurred within three years of
21 the date of this application, other
22 than cases currently pending before
23 the Commission and so forth."

24 There is no mention of other serious contested
25 issues. I include for the record -- and I'll hand them to you

1 later -- four notices of violations all dated June 27, 2012; an
2 Ameren letter dated August 14, 2012 asking for a meeting with the
3 Illinois EPA; and this year four notices of intent to pursue
4 legal action, all dated February 13, 2013, were sent to Ameren by
5 the Illinois EPA.

6 So right next door in Illinois where they have begun
7 to monitor and tried to curb an environmental risk of
8 coal-burning energy sources, Ameren has at least four NOEs and
9 NOIs, one of which involves the Grand Power Plant, just 30
10 minutes up the Mississippi River from our own Cape Girardeau.
11 That involves a plant that is no longer coal burning.

12 So might we not conclude that even after the Labadie
13 plant might shut down due to old age and diminishing returns on
14 profitability, it will remain a scar on the face of Franklin
15 County, worse than a scar. The continuing seeping wound if like
16 the Illinois plants, even after closing are still found in
17 violation of EPA national land and air quality standards.

18 So again, the attached documents I'll include. In
19 fact, to look at our wounds and who is paying for them for a
20 moment, I cite the abstract from the 98-page record entitled
21 "Full Cost Accounting for the Life Cycle of Coal." By Dr. Paul
22 Epstein and 11 others in the prestigious annals of New York
23 Academy of Sciences. I quote:

24 "Each stage in the life cycle of
25 coal -- extraction, transport, processing,

1 and combustion -- generates a waste stream
2 and carries multiple hazards for health in
3 the environment. These costs are external
4 to the coal industry and are thus often
5 considered externalities. Many of these
6 so-called externalities are, moreover,
7 cumulative. Accounting for the damages
8 conservatively doubles to triples the
9 price of electricity from coal per kilowatt
10 generated, making wind, solar, and other
11 forms of non-fossil fuel power generation,
12 along with investments in efficiency and
13 electricity conservation methods,
14 economically competitive."

15 At the last public hearing I remember being at, in
16 this very room, we as citizens spoke of needing to pay for the
17 cost of our convenient and efficient energy use. After all we
18 are paying two to three times more for our transportation fuel
19 costs. But that doesn't justify the record-breaking profits of
20 the petroleum companies or the inappropriate profits of our
21 utility companies.

22 Now the burden of public office is upon you Public
23 Service Commission. In your mission statement, the first of five
24 items which follow "We will" is "ensure that Missourians receive
25 safe and reliable utility services at just reasonable and

1 affordable rates."

2 And the last of the five statements is, "We will
3 provide an efficient regulatory process that is responsive to all
4 parties and perform our duties ethically and professionally."

5 So will you not -- will you act as a government by,
6 of and for the people of -- or not? Public service or private
7 interests?

8 Please do not act like our presiding commissioner
9 in Franklin County who has become a public menace by his
10 shameless actions in not stopping this waste landfill project at
11 the county level.

12 Thank you for your attention to my voice. Thank you
13 for your attention to my voice in this matter of life and death,
14 the quality of our life and the death of the our land.

15 JUDGE WOODRUFF: Thank you, sir. You said
16 you had some documents for me?

17 DR. KLINEDINST: I did.

18 JUDGE WOODRUFF: I'll hand the mike to the
19 Chairman here.

20 CHAIRMAN KENNEY: Dr. Klinedinst, I don't
21 have any questions. I do appreciate your testimony and your well
22 researched, well thought-out comments. So thanks for taking the
23 time to come down.

24 DR. KLINEDINST: Thank you.

25 JUDGE WOODRUFF: All right. I've gone

1 ahead marked these documents as Exhibit F.

2 (Thereupon, evidence was marked for
3 identification and admitted into the record
4 as Exhibit F.)

5 And this is a copy of your statement that you read.

6 DR. KLINEDINST: Uh-huh.

7 JUDGE WOODRUFF: And it is also a letter
8 from Environmental -- Illinois EPA notice of violation.

9 DR. KLINEDINST: Yeah, if you want to
10 group all of those notice of violations and notice of intent to
11 pursue legal action, it's most of those stapled pages, and then
12 at the very end --

13 JUDGE WOODRUFF: It's like seven -- seven
14 of them.

15 DR. KLINEDINST: Yes.

16 JUDGE WOODRUFF: And then there's an
17 August 14th letter of 2012 violation notices Grand Tower, Newton,
18 Coffeen, and Meredosia.

19 DR. KLINEDINST: A set of the Ameren
20 letters to EPA, to Illinois EPA. Those could be bunched together
21 if you wish.

22 JUDGE WOODRUFF: That will be fine. Make
23 sure they're all dated August 14th?

24 DR. KLINEDINST: Right.

25 JUDGE WOODRUFF: All right. Those have

1 been marked as Exhibit F. They will be received into the record.

2 DR. KLINEDINST: Thank you.

3 JUDGE WOODRUFF: All right. Cross for
4 Ameren?

5 MR. LOWERY: Just a couple of questions.

6 Dr. Klinedinst, I just wanted to understand your
7 position vis-a-vis the Labadie plant in general.

8 Is it your position that the Labadie plant should
9 shut down in the near future, or are you simply opposed to the
10 disposal of coal ash in the landfill proposed Labadie landfill?

11 DR. KLINEDINST: I think at this point and
12 particularly in the light of the President's address today, there
13 needs to be a careful reassessment of exactly what the options
14 are for the most beneficial economic and healthy way to move
15 forward.

16 So I don't have a strong opinion one way or the
17 other. If the plant continues to exist, I think there -- there
18 needs to be any order of corrections made to -- to violations
19 that in a sense aren't monitored because of our lack of pending
20 evaluation that the Illinois EPA has begun to enforce.

21 MR. LOWERY: You were an educator or are
22 an educator?

23 DR. KLINEDINST: Yes.

24 MR. LOWERY: And are your professional
25 degrees in the field of education?

1 DR. KLINEDINST: No, media, language.
2 French.

3 MR. LOWERY: I'm not sure how well I would
4 have faired in your class.

5 DR. KLINEDINST: Just a student of life
6 and, you know, knowing I think the number of your questions had
7 to do with finding resources on the internet, and I think part of
8 the media literacy is treating material there as we do book
9 material or any other material, and that is trying delayed
10 resources and check landings to coordinate for part of your
11 education. So -- and I do work with the Labadie group. I have no
12 official position, but as a kind of hometown think tank.

13 We do -- one, we're basically concerned about the
14 welfare of our people and the environment, and so we do collect
15 as much data from observation, from articles from experts, and
16 the reports that we study, while we're not experts ourselves, we
17 know how to process that data and those reports and to look at
18 data studies of those for verification. So we're not trying to,
19 you know, be unreasonable about how we go about it.

20 MR. LOWERY: I appreciate your answers.
21 Thank you.

22 JUDGE WOODRUFF: Staff?

23 MR. WILLIAMS: No questions.

24 JUDGE WOODRUFF: Public Counsel?

25 MR. MILLS: No questions.

1 JUDGE WOODRUFF: Sierra Club, LEO?

2 MS. LIPELES: Thank you for your
3 testimony. No questions.

4 JUDGE WOODRUFF: Thank you.

5 Next name on the list is Barbara Bollmann. Good
6 evening.

7 MS. BOLLMAN: Good evening.

8 JUDGE WOODRUFF: Raise your right hand,
9 and I'll swear you in.

10 (Thereupon, the witness was sworn
11 by the Judge.)

12 You may be seated there, and your name is Barbara
13 Bollmann?

14 MS. BOLLMANN: Correct.

15 JUDGE WOODRUFF: Can you spell your last
16 name for the court reporter.

17 MS. BOLLMANN: B-O-L-L-M-A-N-N.

18 JUDGE WOODRUFF: Where do you live?

19 MS. BOLLMANN: I live in Villa Ridge.

20 JUDGE WOODRUFF: Okay. What would you
21 like to tell us?

22 MS. BOLLMANN: I will read my statement.

23 JUDGE WOODRUFF: Okay.

24 MS. BOLLMANN: And it's titled "Clean Air
25 a Public Interest." Thank you.

1 My name is Barbara Bollmann. Since my husband,
2 Lloyd Klinedinst, has already described our family and
3 residential ties to the community, I will not do that here.

4 Over the past four years, I have followed the
5 growing concerns of area residents regarding the greatly expanded
6 plans of Ameren to build a coal ash dump in floodplains and
7 Missouri River at Labadie. I have attended nearly all of the
8 hearings with various boards and our own commissioners.

9 The grave risk posed to our water waste by the
10 sequestering of coal ash in a floodplain has been a central
11 concern, but more recently I've become aware of a threat of equal
12 danger to the health of the community. That is the presence of
13 sulfur dioxide or SO₂, another of the dangerous by-products of
14 coal ash carried across the area as airborne particulate.

15 One article that got my attention, first off, was
16 the June 28, 2012 article in the St. Louis "Post-Dispatch" -- and
17 I have that article to submit -- showing a model of dispersal
18 plume of SO₂ from the Labadie plant. Our local is in that impact
19 zone. Sulfur dioxide has been directly linked to asthma, COPD,
20 cardiovascular disease, stroke, birth defects, premature births,
21 and death of vulnerable populations.

22 The plume zone includes communities up to 12 miles
23 from the plant: Washington, Villa Ridge, Pacific, St. Albans,
24 Wildwood. Within two to four miles -- that's in the hottest
25 zone -- are several elementary schools: Labadie, St. Albans,

1 Coleman. There is also a Girl Scout camp at Cedar Lick where
2 children are out of doors all day long exposed to this dangerous
3 airborne agent. These children are put at risk of exposure to
4 extremely high concentrations of SO₂ during critical five-minute
5 bursts that might occur during startups, shutdowns, or any of an
6 array of emergency operations.

7 An important source of the information for me is a
8 document dated February 8, 2010 and prepared by the American Lung
9 Association, Environmental Defense Fund, the Natural Resources
10 Defense Council, and the Sierra Club.

11 It's titled "Comments on the US Environmental
12 Protection Agency's Proposed Revisions to the Ambient Air Quality
13 Standards of Sulfur Dioxide."

14 And I have the federal numbers and docket
15 identification in my paper.

16 We need up-to-date air quality standards informed by
17 up-to-date science, not the standards and science of 1971. And
18 they need to be vigorously enforced. That information led me to
19 this most recent document that I want to submit. It is dated
20 February 6, 2013. It is titled "Next Steps For Area Designations
21 and Implementation of the Sulfur Dioxide National Ambient Air
22 Quality Standard."

23 This document describes the EPA's updated strategy
24 for completing initial area designations under the June 2010
25 one-hour primary sulfur dioxide, SO₂, I'll call them NAAQS,

1 N-A-A-Q-S. On page 3 of that document under the sub-heading
2 "Thresholds -- for Sources Subject to This Program" it states:
3 "In the May-June 2012
4 stakeholder meetings EPA presented
5 information indicating that there
6 are 20,000 plus SO2 sources nationally,
7 but that based on 2008 emissions data,
8 a much smaller number, about 480 sources,
9 with actual emissions exceeding 2,800
10 tons per year account for 90 percent of
11 national SO2 emissions. A number of
12 stakeholders stated that, given constraints
13 on resources for characterizing air quality
14 through either monitoring or modeling,
15 focusing on the largest sources of the
16 emissions, that is those included by the
17 90 percent threshold, is reasonable principle
18 for prioritizing which sources should be
19 evaluated for purposes of assessing
20 attainment of one-hour SO2 NAAQS. Using
21 more recent 2011 emissions data for electric
22 generating units and 2008 data for non-electric
23 generating units, we now estimate that about
24 540 sources each emitting over 1,900 tons
25 of SO2 per year, account for 90 percent

1 of national SO2 emissions.

2 "One important monitoring objective
3 for a NAAQ with localized impact such as
4 SO2 or lead is to characterize air quality
5 near the largest emitters of the pollutants."

6 At the present time, we have no monitors in the
7 state of Missouri to measure the emissions of this lethal
8 pollutant. We must rely on models like the one in the "Post
9 Dispatch" and on findings of agencies in neighboring states which
10 are monitoring similar facilities.

11 The plant in Labadie is one of the largest
12 coal-burning electric generating facilities in the US. Even if
13 this plant is closed in the not so distant future, we are going
14 to be left with a dangerous mess that will in short order become
15 a burden of the State and taxpayers to keep sealed forever. They
16 have yet to prove that they can safely sequester what is already
17 there threatening the region.

18 To me this request is clearly not in the public
19 interest. We are relying on you. Thank you.

20 JUDGE WOODRUFF: Thank you, ma'am. And
21 you said you had some documents for me?

22 MS. BOLLMANN: Yes.

23 JUDGE WOODRUFF: I'll get those.

24 CHAIRMAN KENNEY: Mrs. Bollmann, I don't
25 have any questions, but thank you for your time.

1 MS. BOLLMANN: Thank you.

2 JUDGE WOODRUFF: Okay. I'm going to go
3 ahead and mark that as Exhibit G.

4 (Thereupon, evidence was marked for
5 identification and admitted into the record
6 as Exhibit G.)

7 It's the copy of the document that you're reading
8 from. And it's a document from the EPA "Next Steps for Areas
9 Designations for Sulfur Dioxide...."

10 And then the SO2 plume from Labadie that you took
11 from the St. Louis paper, the "Post-Dispatch".

12 MS. BOLLMANN: Yes.

13 JUDGE WOODRUFF: The second one "State
14 pressed to monitor SO2 pollution near coal plants." Also from
15 the St. Louis paper. And I'm going to mark --

16 MS. BOLLMANN: Yeah, the one is just a
17 larger representation of the --

18 JUDGE WOODRUFF: Oh, okay.

19 MS. BOLLMANN: -- of the plume, and the
20 other is the full article in two pages.

21 JUDGE WOODRUFF: Okay. As I said, I'm
22 going to mark that as Exhibit G, and it will be received into the
23 record.

24 MS. BOLLMANN: Thank you.

25 JUDGE WOODRUFF: For Ameren?

1 MR. LOWERY: No questions.

2 JUDGE WOODRUFF: Staff?

3 MR. WILLIAMS: No questions.

4 JUDGE WOODRUFF: Public Counsel?

5 MR. MILLS: No questions.

6 JUDGE WOODRUFF: Sierra Club?

7 MS. LIPELES: Thank you. No questions.

8 JUDGE WOODRUFF: All right. You may step
9 down, and thank you.

10 All right. One of the challenges of presiding at
11 these hearings is reading the handwriting on the -- on the
12 exhibit -- on the list here.

13 The next name is, it looks like, S-C-H-W-E-T-Y-E.

14 MS. SCHWETYE: Schwetye.

15 JUDGE WOODRUFF: Schwetye, okay.

16 (Thereupon, the witness was sworn
17 by the Judge.)

18 Thank you, and if you could tell us your name.

19 MS. SCHWETYE: Yes. I'm Ann Schwetye, and
20 we have a home and property about a mile from the proposed
21 landfill. And we also live in the St. Louis County. So we do
22 drink the water. My husband is or was really supposed to speak
23 this evening, and he has more expertise than I do. However, he
24 is ill. So I will read what we have written together.

25 Tom and I owned or own an architectural firm for 32

1 years. Tom is the architect. He was also very active in the
2 City of Clayton, Missouri at the Planning and Zoning Commission
3 and the Economic Development Commission. He was an initial member
4 of the Missouri Seismic Safety Commission, and he was appointed
5 by Mal Carnahan.

6 I was the president and majority shareholder of
7 architectural -- of our architectural firm, and I am lead
8 consultant on master planning projects, including the biggest
9 master planning project for the City of the St. Louis. So we do
10 have some expertise. Currently we own and operate a professional
11 building information management firm that specializes in control
12 administration, access and organization of building facilities
13 information for the purposes of maintenance and operation
14 efficiently.

15 And we hold that information for the life of that
16 facility. So the reason I'm here is to tell you what we would
17 like you to do from our point of view.

18 According to Ameren, current storage capacity of
19 coal ash at the current site is running low. Therefore, there is
20 a need for more containment, and that is the reason for the new
21 structures. I do have some concerns though. The landfill is
22 expected to meet the disposal needs for about 24 years with the
23 landfill being built in several phases. The phases costing
24 approximately 27 million. So here are my concerns.

25 In -- so if Ameren is to take -- if we're to take

1 Ameren at its word and they are running short of storage space,
2 why are they just projecting for 24 years until the next
3 capacity? What happens after those 24 years?

4 Will there be new disposal needs? Will Ameren
5 decrease the reported buffer area to gain more storage capacity,
6 or will Ameren abandon the area since there may be alternative
7 energies?

8 Then who will be responsible for the site? Yes, the
9 facility and the landfill is needed since Ameren is running out
10 of the storage space. But why in the floodway or the floodplain?

11 There are several reasons why not to build in the
12 floodway or the floodplain, and I -- for those I'll disclose
13 where I've gotten my information -- I downloaded a lot of it,
14 including this video which is from the U-tube from the Corps of
15 Engineers, and it indicates that the -- there are two areas, the
16 floodway and the floodplain, that will also be affected by what
17 -- the landfill, the floodway I think what was already mentioned
18 is the historic river path, or the channel of the river that
19 carries the deepest and fastest water downstream.

20 The floodplain is an area that is susceptible to the
21 flooding. It is an area in which there probably is significant
22 runoff and in this video, it clearly states that in a floodway
23 there should not be any facilities built, and I'll explain why in
24 a little why -- while. And in the floodplain, obviously you
25 can't build in the floodplain.

1 According to the Association of State Floodplain
2 Managers structures, structures placed in the floodway or the
3 floodplain encroached substantially on the rivers system. The
4 structures create adverse impact, both on the flood frequency and
5 severity as well as the natural function of the river.

6 Two facts are apparent. Floods will happen, and
7 even if there are such barriers as levees or structures that are
8 built to state-of-the-art today, all will eventually fail,
9 especially if inspection and maintenance is not properly
10 executed. These structures will be called upon at some point to
11 combat the flood waters. There is always the chance that a flood
12 will come along that exceeds the capacity of the structure's
13 design no matter if it is built to the current standards or
14 beyond.

15 The consequences are that damage could occur that
16 could allow the coal ash to escape from the containment.

17 Additionally when a structure is in the floodway or
18 the floodplain, it displaces water which can then invade other
19 areas that never may have experience flooding previously. And if
20 a levee fails, perhaps upstream, the flooding is much more
21 dramatic and costly. The farmland, homes and towns now have to
22 start dealing with a natural, yet man-made, disaster causing
23 untold financial, physical and emotional distress.

24 There is also the possibility that as flooding
25 occurs, the rapid movement of the water will undermine any

1 structure in the way of the rapidly moving water. There is a
2 little saying in the architectural world that water is our enemy.
3 The structure would be compromised, releasing coal ash into the
4 environment. And this is to say nothing of -- to say nothing of
5 flooding. What will happen when an earthquake happens? Are the
6 cells of the structures built to withstand earthquake
7 liquefaction?

8 An earthquake can liquefy the soil in this area, and
9 any structure built on this soil would have its foundation
10 compromised. Imagine a house on quicksand. Now imagine the coal
11 ash waste being released during that earthquake. What other
12 alternative sites for the facilities or cells were explored?
13 Ameren indicated in previous presentations that they did and then
14 they didn't look at other sites, but this really was the most
15 economical. And I think we heard that here this evening.

16 Ameren, according to the "Missourian" paper, will
17 build the landfill in several phases, as I said before, and at a
18 cost to \$27 million. And we have heard from Ameren and its
19 engineers that these structures will be the state-of-the-art of
20 today's standards. The construction of a landfill in the
21 floodway or floodplain provides, in my opinion, short-term
22 economic benefit to the company -- pardon me -- short-term
23 economic benefit. The potential is that there may be long-term
24 consequences.

25 If this project and where it is built was based

1 solely on the company's benefit versus analysis without
2 adequately considering the risks for residents of the Franklin
3 County and beyond, then there is a potential flaw in the analysis
4 in outcome potential. Even though there is debate on the hazards
5 of coal ash impact, wouldn't one want to error on the side of
6 caution, public safety interest and not just the low-cost
7 convenience for Ameren?

8 We have heard from Ameren and its engineers in
9 previous presentations that the landfill structures or cells will
10 be built -- that will be built in the floodway/floodplain will be
11 the state-of-the-art. How can we be assured that the structures
12 include improved methods that will provide residulency and
13 robustness. The design of any structure must mitigate any damage
14 or adverse economic, social or environmental consequences.

15 The design should account for the protection of the
16 existing natural functions, flooding and earthquake, to avoid
17 adverse impact to the natural system. Who will guarantee the
18 performance of these structures or cells, especially as they age?

19 Now, if the cells are built in the floodway or
20 floodplain, how does Ameren demonstrate the financial and
21 staffing capability to provide for the perpetual operation and
22 maintenance for the life of these structures, which is in
23 perpetuity?

24 This is what will need to happen. Any structures,
25 be it a power plant, any type of facility or one of these

1 containment cells, will become and are part of the environment.

2 Being man-made, it must be maintained.

3 Even though the cost is \$27 million, which is
4 expensive, for a building in my world, the 70 to 80 percent of
5 total lifetime cost of this facility comes really after
6 construction. That's a fact I know for a building. I do not
7 know, however, what that means for a cell such as this structure
8 as I saw up here this evening.

9 Has Ameren demonstrated even before this project is
10 proved and constructed that they can economically and safely
11 build, operate, and maintain these structures for the life of the
12 structures? By building the structures or cells in the floodway
13 or plain, Ameren is assuming that responsibility for operation
14 and maintenance. Will they certify to the appropriate entities
15 that the scheduled inspection and maintenance required to keep
16 the public and residences of the Franklin County and beyond safe
17 and they were done properly?

18 Do they have the personnel and the expertise for
19 this task? If not, is Ameren willing to cover the expense of the
20 expertise and not defer maintenance to save cost?

21 I believe that it is in the public's best interest
22 that the appropriate expertise should not be an in-house entity,
23 but an independent third party answerable to not only Ameren, but
24 also to the PSC, Missouri Department Natural Resources, FEMA, and
25 any other public body.

1 To conclude, is this project in the best interest of
2 the public? Safe disposal of coal ash is in the public's best
3 interest. To me the real question is not whether there should be
4 a safe containment of the coal ash, but one, has there been
5 prudent consideration as to the risk of this current location?

6 This location is in the floodway, in the floodplain.
7 According to the Association of State and Floodplain Managers,
8 structures should probably not be built on the floodplain and not
9 at all in the floodway. Therefore, the choice of the location is
10 not in the best interest of the public.

11 And the second question that is imperative when
12 thinking about the public's best interest, no matter when or
13 where a cell is built, can Ameren operate and maintain that
14 structure for the life of the structure, which is forever?

15 I have not seen any evidence as to Ameren's answers
16 to the questionable site selection or the maintenance and the
17 issues. But these are my concerns.

18 For these reasons I urge the Commission not to grant
19 the CNN to Ameren for this project, and thank you for listening.

20 JUDGE WOODRUFF: Thank you, ma'am. Did you
21 have some documents -- pardon me.

22 MS. SCHWETYE: Okay. I do want this into
23 the record.

24 JUDGE WOODRUFF: Okay. What you've handed
25 me is a folder, "The Difference Between The Floodplain and

1 Floodway" and several other documents, including a disk, a DVD
2 disk, I believe.

3 MS. SCHWETYE: Yes.

4 JUDGE WOODRUFF: Okay. I'll go ahead mark
5 the entire package as Exhibit H, and it will be received into the
6 record.

7 (Thereupon, evidence was marked for
8 identification and admitted into the
9 record as Exhibit H.)

10 Mr. Chairman, do you have any questions?

11 CHAIRMAN KENNEY: Actually just one.

12 Ms. Schwetye, thanks for coming.

13 MS. SCHWETYE: Yes.

14 CHAIRMAN KENNEY: And thanks for providing
15 information. Where did you find the U-tube video that's the DVD?

16 MS. SCHWETYE: I put into the internet,
17 let's see -- I put in the question what is the -- tell me the
18 difference -- I didn't know the difference when I was writing
19 this. I put into the Google question, What is the difference
20 between a floodway and a floodplain?

21 CHAIRMAN KENNEY: Okay.

22 MS. SCHWETYE: Several different pieces of
23 information came up. I chose the one that was by -- created by
24 the Corps of Engineers. The demonstration is actually by a Corps
25 of Engineer man out of the Philadelphia, but the very last thing

1 you see on that U-tube video is "Thanks to the St. Louis,
2 Missouri Corps of Engineers for the information."

3 CHAIRMAN KENNEY: So that was your own
4 independent research?

5 MS. SCHWETYE: Absolutely.

6 CHAIRMAN KENNEY: How did you become aware
7 of an organization called the Association of Floodplain Managers?

8 MS. SCHWETYE: Well, we have -- we're not
9 active -- as active in the LEO organization, but because we live
10 so close, we knew about all the activities surrounding this
11 issue. And so we have done research because it will affect and
12 does affect where we live now and where we potentially may live.

13 CHAIRMAN KENNEY: Thank you very much.
14 That's all the question I have. Thanks for your time.

15 JUDGE WOODRUFF: For Ameren?

16 MR. LOWERY: Just a few questions.

17 Do you have any specialized education or training or
18 experience in engineering, geology, hydrogeology, those type of
19 things?

20 MS. SCHWETYE: No, I do not.

21 MR. LOWERY: Do you know whether or not
22 experts who design landfills, who design structures for the
23 disposal of waste, do you know whether they rely upon the kind of
24 information that you pulled off the internet?

25 MS. SCHWETYE: We did, at Schwetye

1 Architects, designed the waste management facility in North St.
2 Louis. So we do have some expertise.

3 MR. LOWERY: You designed a building
4 though, correct?

5 MS. SCHWETYE: Yes, we did.

6 MR. LOWERY: You don't know whether
7 engineers, for example, that design waste disposal facilities
8 like landfills --

9 MS. SCHWETYE: Correct.

10 MR. LOWERY: -- and ponds, you don't know
11 what kind of information they rely upon to form their opinions
12 about what the design should be, what the safety parameters
13 should be? You don't really have any knowledge?

14 MS. SCHWETYE: I would assume it's very
15 similar to an engineer who is designing a building. There are
16 calculations that are done. There are different factors that
17 they have to take into consideration. They do ground testing for
18 impact of weight and the siting of a piece of a building, at
19 least. So I'm assuming that an engineer who designs a waste
20 management or landfill such as this, will also do that.

21 He'd probably do some calculations on the -- if
22 there are, you know, the current one we're looking at is how to
23 get the gases out of the landfill if it's that type of a
24 landfill. So they're going to be doing some through their
25 education, through their experience and through mentoring from

1 others.

2 MR. LOWERY: Those are your assumptions,
3 but you don't know that; is that true?

4 MS. SCHWETYE: Well, yes, you're accurate.

5 MR. LOWERY: And you don't know that they
6 rely upon the DVD or CD and the kind of documents that you've
7 submitted?

8 MS. SCHWETYE: I don't know that for sure,
9 but if it's very similar to the architectural world and they're
10 professionals -- in the architectural world, the AIA has best
11 practices -- I'm assuming the engineering associations have such
12 standard also that they go by.

13 MR. LOWERY: All right. Thank you for
14 your answers.

15 JUDGE WOODRUFF: Staff?

16 MR. WILLIAMS: No questions.

17 JUDGE WOODRUFF: Public Counsel?

18 MR. MILLS: No questions.

19 JUDGE WOODRUFF: Sierra Club?

20 MS. LIPELES: Ms. Schwetye, I think you
21 said your husband is an architectural and you're a planner; is
22 that correct?

23 MS. SCHWETYE: Yes.

24 MS. LIPELES: And so both of you in your
25 professional lives you look at appropriate locations for

1 different facilities and various considerations that would make a
2 site appropriate or not appropriate for different kinds of
3 things?

4 MS. SCHWETYE: Absolutely. Siting is one
5 of the most important features for a home or a commercial
6 building, not only for energy efficiency, but effectiveness of
7 the site.

8 MS. LIPELES: Again, for different sites,
9 you look to see what are the appropriate criteria for one site
10 versus another site?

11 MS. SCHWETYE: Absolutely.

12 MS. LIPELES: Thank you.

13 JUDGE WOODRUFF: Thank you, ma'am. You
14 can step down.

15 We've been going for about two hours now, and we've
16 got a court reporter over here trying to take note -- take all
17 this down. So we're going to take a short break to give her a
18 chance to recuperate a little bit, and we will come back in ten
19 minutes at 9:20.

20 (Thereupon, a break was taken at
21 9:10 p.m. until 9:21; after which, the
22 proceedings continued as follows:)

23 All right. The next name on my list is Christine
24 Alt. Christine Alt? She's coming forward.

25 (Thereupon, the witness was sworn

1 by the Judge.)

2 And could you tell us your name, please.

3 MS. ALT: My name is Christine Alt.

4 JUDGE WOODRUFF: And where do you live?

5 MS. ALT: And I live in Labadie. I live
6 approximately two to three miles southeast of the Labadie power
7 plant.

8 JUDGE WOODRUFF: Okay. What would you like
9 to tell us?

10 MS. ALT: I attended all the county coal
11 ash regulations meetings and hearings. I attended Ameren
12 meetings, open houses on coal ash landfill proposal, and actively
13 educated myself and participated in proceedings over the last
14 three and a half to four years.

15 My background is not in hydrology. It's not in
16 law. It's not in geology or biology, but I'm an educator. I'm
17 also a mother. My brother's an engineer, my sister is a
18 biologist, and my husband is in construction.

19 Our family has discussed these issues extensively
20 and questioned why anyone would ever approve a permanent
21 repository for toxic waste in our floodplains or floodways. It
22 does not seem logical, economical or safe.

23 I speak to you this evening as a concerned mother of
24 two children. They're both here this evening. I have a
25 13-year-old and a 6-year-old. So at the same time I'm speaking,

1 I'll also say I'm sorry. I will probably leave after I give my
2 testimony.

3 We have a multi-generational local family. A former
4 educator for Washington School District, so I have a varied
5 background and interest in protecting children, and deep concern
6 with protecting my own two children.

7 I'm deeply concerned that the PSC is considering
8 giving Ameren a Certificate of Need and Necessity to dump in our
9 floodplains and floodways when we know Ameren has not shown to be
10 competent in managing its coal waste operations currently. Coal
11 ash contains mercury, arsenic and other carcinogens and mitogens
12 that have the greatest impact on our children, potentially on my
13 children, who live about two miles southeast of this plant and go
14 to one of the schools that is even closer to the plant.

15 I myself have lived within this close proximity of
16 this plant my entire life. This plant went on-line when I was a
17 baby.

18 Coal waste is known to be dangerous and requires
19 recycling or special handling to ensure that we are not harmed.
20 My understanding, my opinion, is that the worst thing that can be
21 done with coal waste is to dump it in a watery environment like a
22 floodplain or floodway. I would like to suggest a few reasons
23 why I think the PSC can be confident in denying Ameren's request
24 for a Certificate of Need and Necessity to build a dump in a
25 floodplain.

1 Number one: Ameren has proven that it does not
2 know how to manage ash at its site contamination risk in Labadie.
3 They have had leaks or seeps from their existing coal ash waste
4 dump site that have been in operation since the early '70s.
5 There is a lot of the standing water around both ponds that has
6 moved across the floodplain by a culvert pipe running under the
7 Labadie Bottom Road. We have heard nothing about testing or
8 cleanup of this site.

9 It was only with attention by the press about this
10 the State demanded Ameren put in a diversion wall on the old ash
11 ponds. And unlined ponds cannot be patched, and we have no idea
12 where the contamination plume is located and how far it has moved
13 in the past 43 years, since I was a toddler. No testing has been
14 done or is even scheduled to my knowledge to be done any time
15 soon.

16 Number two: Ameren has proven that it does not know
17 how to manage ash contamination risk at Meramec. It came to
18 light recently that Ameren has known of boron, a coal ash toxin,
19 detected in a down gradient well at their St. Louis County
20 Oakville power plant on the Meramec River since 1988. The public
21 is not aware of any action that was taken to prevent the movement
22 of the toxins off site and nothing has been done to mediate the
23 damages.

24 Number three: Ameren Illinois has proven that it
25 does not know how to manage ash fly as evidenced by the recent

1 notices of violation at multiple coal ash waste sites under their
2 management in Illinois. Unlike Missouri, Illinois requires
3 groundwater monitoring around all of their sites and could detect
4 the violations. Given the high level of risk and large volumes
5 of water that can be permanently damaged, I urge the PSC to deny
6 Ameren their request to utilize the Labadie Bottom property for a
7 local ash landfill.

8 Number four: Ameren has proven over decades that it
9 does not know how to safely manage the ash site at Labadie or
10 Meramec. Despite leaks and contaminants detected off-site, it
11 does not proactively identify extensive damages, nor have they
12 ever done any cleanup of either site.

13 Ash ponds inevitably leak toxins; yet, Ameren has
14 relied on them for decades, has known leaks are happening, has
15 known that toxins have been detected around ponds. Yet, they
16 continue to operate as such.

17 A responsible utility, a good neighbor, would have
18 taken steps to identify the toxic plume and remediate the damage
19 that they've done. Instead, they've done nothing, and they ask
20 you now for a new area to pollute. They have never indicated
21 that they will close the two Labadie ash ponds and clean up the
22 floodplain if a landfill is built. Construction permit drawings
23 show them using the ash ponds as a staging area for the landfill
24 with an overpass connecting the two.

25 Fifth: Ameren has expired permits at the Labadie

1 plant, suggesting that they don't prioritize protections for the
2 community, the aquifer or the river, making them a poor candidate
3 for an expansion of the CNN at Labadie for a risky coal ash
4 landfill siting on the floodplain and in the floodway. One
5 permit, which I have a copy of and would like to submit, Missouri
6 State operating permit, has a date at the bottom of expiration
7 March 17, 1999. My son is in the room. He's taller than me. He
8 was born the year after.

9 There's no limits on toxic metals and gases
10 discharged in the Missouri River, and other has no limit on
11 temperature or cooling water discharged in the Missouri River.
12 We are, in effect, discharging heavy metals into our streams that
13 fish accumulate in their tissues and then we raise the
14 temperature of the water impacting their ability to survive. How
15 can we trust them to safely manage a huge coal waste site at
16 least two to three times the current size that they don't control
17 and manage properly filled with even more toxic waste charged
18 from the scrubbers and pollution controls almost positively being
19 required in the next five years?

20 And it's been mentioned over and over again that
21 we're at a stage right now where these decisions are being made.
22 So why do they need to do this right now, or is it that they want
23 it grandfathered in so that we have to live with it to
24 perpetuity?

25 Number six: Ameren has not offered to clean up or

1 close its leaking dangerous old ash pond, which suggests that
2 they are not competent managers of future coal ash waste and the
3 risk.

4 The Labadie ash ponds are and will continue to be a
5 source of coal ash toxic contamination, and they must be removed
6 from the floodplain and the floodway and put in a safe off-site
7 landfill.

8 Number seven: Coal usage is decreasing. We hear
9 about it every day in almost every form of media, not just
10 on-line, but on newspaper articles, television news reports. The
11 PSC should not expand the CNN for merely waste management because
12 it is not integral to the proximal risk of operations of this
13 plants. As we hear that coal is dying, my closing thought to you
14 would be I hope it coughs, sputters and then dies before all of
15 us do. I have a copy that I'd also like to submit of the
16 operating permit that had expired as well as some articles.

17 Yes, they were downloaded on-line, but they were
18 from the St. Louis "Post-Dispatch" and local newspaper as well,
19 titled "EPA Settlement Raises Questions About Coal Ash in
20 Missouri."

21 "Leaks From the Ameren Toxic Waste Pond in Labadie
22 Stirs Fears," and "Ameren Coal Ash Used as Mine Fill Near St.
23 Genevieve."

24 I thank you for giving me the time, and I apologize
25 that I will probably be leaving because I have young children.

1 So thank you.

2 JUDGE WOODRUFF: All right. Thank you
3 very much. I'll come up get those documents.

4 Mr. Chairman, do you have any questions?

5 CHAIRMAN KENNEY: I don't have any
6 questions. Thank you.

7 JUDGE WOODRUFF: And I will mark this
8 group of documents which you've already described as our exhibit.
9 It's Exhibit I, an Exhibit I will be received into the record.

10 (Thereupon, evidence was marked for.
11 identification and admitted into the record.
12 as Exhibit I.)

13 Questions from the Ameren?

14 MR. LOWERY: Could I see the documents for
15 a minute, your Honor.

16 Mrs. Alt, are you aware that Ameren Missouri's
17 permit that you represented to be expired in 1999 in fact has
18 been renewed in -- by the DNR since then?

19 MS. ALT: When was it renewed?

20 MR. LOWERY: Were you aware it's been
21 renewed? That was my question.

22 MS. ALT: I have not been aware that there
23 is a renewal date, but I -- since you do know of it, when was it
24 renewed?

25 MR. LOWERY: I can't answer your

1 questions, but --

2 MS. ALT: Kind of a lot like Mr. Wood.

3 JUDGE WOODRUFF: Excuse me. The counsel
4 can't answer questions because he is not testifying.

5 MR. LOWERY: Those are the only questions
6 I have, your Honor.

7 JUDGE WOODRUFF: All right. For staff?

8 MR. WILLIAMS: No questions.

9 MR. MILLS: No questions.

10 JUDGE WOODRUFF: For LEO and Sierra Club?

11 MS. LIPELES: Thank you. Just real
12 quickly.

13 Were you aware, Ms. Alt, that the Missouri
14 Department of Natural Resources finally published a draft renewal
15 permit of the 1999 -- 1994 permit in February of this year and
16 then withdrew it from public notice in March of this year, and so
17 the current permit is still the one you handed in? Are you aware
18 of that?

19 MS. ALT: Thank you. So even though it
20 was done in 2013, it still expired because it was withdrawn?

21 MS. LIPELES: Right. It was never
22 finalized. It was just submitted as a draft and not totally --

23 MS. ALT: I wasn't aware, but I won't
24 forget it. Thank you.

25 MR. LOWERY: Just for the record, your

1 Honor, I would ask that the record to reflect that Ms. Lipeles
2 also can't testify.

3 JUDGE WOODRUFF: All right. We won't go
4 into that too much at the moment, but --

5 MS. ALT: She just asked me a question if
6 I was aware of that.

7 JUDGE WOODRUFF: All right. It's
8 reflected in the record. All right. Then you can step down,
9 ma'am.

10 MS. ALT: Thank you.

11 CHAIRMAN KENNEY: Thank you.

12 JUDGE WOODRUFF: All right. The next
13 person on the list is Ron Matheny.

14 (Thereupon, the witness was sworn
15 by the Judge.)

16 You may be seated, and tell us your name, please.

17 MR. MATHENY: Ron Matheny. I'm a resident
18 of Labadie.

19 JUDGE WOODRUFF: All right. What would
20 you like to tell us, sir?

21 MR. MATHENY: I have a couple of
22 documents. I'll just read this. I'm not a public speaker, so
23 you will figure that out.

24 Thank you for the opportunity to be part of this
25 important decision. With the world's increasing population and

1 the increasing food prices, destroying arguably the best property
2 in Franklin County would be a tragedy.

3 MS. REPORTER: I'm sorry. I'm having some
4 trouble hearing you.

5 JUDGE WOODRUFF: Speak right into the
6 microphone.

7 MR. MATHENY: Okay. This land would be
8 ruined forever. Potentially millions of bushels of grain would
9 be lost, not to mention the loss of income to the farmer and the
10 community. Once solution is -- and I have a document for that --
11 to convert two of the four boilers to natural gas. This would
12 reduce the emissions and drop all fly ash by 50 percent.

13 Maybe we wouldn't need a landfill. Maybe we
14 together can save that valuable resource. Thank you.

15 JUDGE WOODRUFF: Thank you, sir, and you
16 have some documents there for me. Can you tell me what they are?

17 MR. MATHENY: One is just an overhead
18 satellite view of the entire area, and there is natural gas blog
19 from the "New York Times."

20 JUDGE WOODRUFF: All right. The overhead
21 map and the article from the "New York Times" I'm going to mark
22 then as Exhibit J, and they will be received into the record.

23 (Thereupon, evidence was marked for.
24 identification and admitted into the record.
25 as Exhibit J.)

1 Mr. Chairman?

2 CHAIRMAN KENNEY: Mr. Matheny, thank you.
3 I'll try to be brief. Thanks for coming down, and you did fine
4 as your debut as a public speaker.

5 Can you tell me, where did you get the idea or how
6 did you come up with the idea of possibly converting two of the
7 four boilers to gas, and have you looked in-depth at the
8 feasibility of that potential solution to the problem?

9 MR. MATHENY: Well, I was looking at that
10 blog from the "New York Times" where several utility companies
11 have converted. There is a company that sells the conversion,
12 the whole boiler, the whole thing.

13 As far as money-wise, I'm not certain, but more and
14 more utility companies are going to natural gas.

15 CHAIRMAN KENNEY: Okay. Thanks for your
16 time, and thanks for your interest.

17 MR. MATHENY: Okay.

18 JUDGE WOODRUFF: For Ameren?

19 MR. LOWERY: No questions.

20 JUDGE WOODRUFF: Staff?

21 MR. WILLIAMS: No questions.

22 JUDGE WOODRUFF: Public Counsel?

23 MR. MILLS: No questions.

24 JUDGE WOODRUFF: Sierra Club?

25 MS. LIPELES: I have just a few questions.

1 Thank you very much.

2 You talked about the concern about the use of
3 farmland. Can you give a little bit of background about your
4 familiarity with the farmland in this area. How long have you
5 lived in the area? Do you see the farms, et cetera?

6 MR. MATHENY: Well, I spent ten years
7 growing up on a farm. Left the farm, and like I was told, after
8 I left -- couldn't wait to get out of the farm, but eventually
9 you'll spend a lot of money to get back to a farm.

10 I'm surrounded by farmers. I'm half a mile from the
11 Bottoms where they just replanted all the upper end of that
12 plateau because it was recent floods. It's the lower end, but I
13 talk to farmers every day and hear about how much it is a bushel
14 and all that. So I'm very familiar with farming.

15 MS. LIPELES: And how long have you lived
16 in this area?

17 MR. MATHENY: Since '97.

18 MS. LIPELES: Do you see the farmland
19 periodically yourself?

20 MR. MATHENY: Oh, yes. I go to the
21 Bottoms practically every day. I'm care-taking a 125-acre farm
22 for a deceased neighbor right now.

23 MS. LIPELES: Thank you very much.

24 MR. MATHENY: You're welcome.

25 JUDGE WOODRUFF: Thanks.

1 The next name on the list is Jerry Friedman, Jerry
2 with a 'J'. That will be important in a couple of witnesses.

3 DR. FRIEDMAN: Yes, it will.

4 (Thereupon, the witness was sworn.
5 by the Judge.)

6 DR. FRIEDMAN: My name is Dr. Jerry
7 Friedman. I'm a retired pediatrician. I'm also a professor
8 emeritus of clinical pediatrics at Washington University School
9 of Medicine. I'll try to be brief because some of the subjects
10 have been covered, but I thought it's important -- incumbent upon
11 the committee to understand.

12 Number one, how to define heavy metals and heavy
13 metals are relatively heavy density and they're all very, very
14 toxic in minute amounts. I emphasize minute because you will
15 hear all sorts of the comments from Ameren and other
16 organizations that there is just so little amounts. We know
17 definitively, and I will supply the evidence, that the blood
18 levels that can cause toxicity have been lowered dramatically
19 over the years, and the heavy metals that we're concerned about
20 -- lead, arsonic, mercury, cadmium, selenium -- I won't go into
21 detail with each one, but suffice to know that each and every one
22 can cause cancer of multiple forms, that for example, mercury can
23 cause brain damage in neonates.

24 Lead now is accepted at no level of lead exposure is
25 tolerable. That's changed where there were some levels before

1 and those of us who have had the dubious experience of having to
2 treat and kelate children exposed to lead now have to revise our
3 opinion and state lead cannot be acceptable. Once again, these
4 are all found in coal ash to one agree or another. And once
5 again, I have to emphasize that no matter the protestations of
6 any representative that suggests that the amounts are so small
7 that they are therefore harmless is totally fallacious.

8 And one of the things I will give you is a med
9 analysis around the world from Dr. Greg Evans' various studies of
10 heavy metals with they are documented with dates, and they are
11 documented with reference sources. And if you review those, you
12 will see that the levels vary all over the world as far as
13 toxicity. One of the problems with a study of this nature is --
14 is that it's retrospective. And that means you run into people
15 who are adversely affected who have suffered from exposure to
16 heavy metals, and you do blood work and you see the toxicity, but
17 there is no way obviously to do human experiments and find out
18 how little we have produced and reproduced this illness, this
19 death, this tragedy. We don't know -- and I challenge any, any
20 source to come up with what are the LD 50s and the MLDs for heavy
21 metals. For those of you, I will give a translation.

22 JUDGE WOODRUFF: Thank you.

23 DR. FRIEDMAN: MLD represents minimal
24 lethal dose required to kill someone. The LD 50 is the lethal
25 dose that will kill 50 percent of people. I challenge -- here

1 and now I challenge any representative including their
2 toxicologist to define levels of the heavy metals that are found
3 in coal ash that represent how much is required for those two
4 figures. I would love to hear that because no one on this planet
5 knows.

6 We can't do human experiments, and animal
7 experiments don't suffice. And so I emphasize to you all that
8 the absolute necessity to avoid any potential exposure to water
9 to these harmful material no matter what definition of protection
10 you are given, there is no way that anyone can guarantee that we
11 won't have an excessive flood above the 1993 levels, and Ameren's
12 proposed raising it 36 inches. What if it's 40 inches? No one
13 has published the half life of the lining material, and the rest
14 we don't know.

15 And the final is the solid material that we've been
16 shown of coal ash. I ask them what is the solubility
17 coefficient, how long does it take if that solid material is left
18 in water for it to dissolve and get into the drinking water of
19 millions of people?

20 I leave you with one question, one that I would love
21 to ask Ameren because they have talked extensively about cost.
22 What is the price you're willing to pay on your utility bill for
23 the life of one child?

24 Thank you.

25 JUDGE WOODRUFF: Thank you, sir. You have

1 some documents there you want to give me?

2 DR. FRIEDMAN: Yes.

3 JUDGE WOODRUFF: All right. We have two
4 documents here "Health Effects Associated With Coal Combustion
5 Residues" compiled by Dr. Gregory Evans. And then a folder
6 report from Physicians for Social Responsibility and Earth
7 Justice about coal ash.

8 The two documents will be marked as Exhibit K, and
9 they will be received into the record.

10 (Thereupon, evidence was marked for.
11 identification and admitted into the record.
12 as Exhibit K.)

13 Mr. Chairman, do you have any questions?

14 CHAIRMAN KENNEY: Dr. Friedman, thank you.

15 You posed a question. I wasn't clear on whether it
16 was hypothetical or whether you'd actually posed it to Ameren
17 about the solubility of the coal ash solis and how long it takes
18 to dissolve.

19 DR. FRIEDMAN: Well, I understood that I'm
20 not allowed to ask questions.

21 CHAIRMAN KENNEY: I meant earlier at the
22 public --

23 DR. FRIEDMAN: Correct.

24 CHAIRMAN KENNEY: Did you ask it then?

25 DR. FRIEDMAN: No, I didn't. There were

1 enough people speaking, and I knew this meeting would be on
2 record. I felt it was far more important to be able to get
3 whatever little bit of information and material that I could
4 supply on record rather than speaking before.

5 CHAIRMAN KENNEY: Well, I appreciate you
6 coming down and supplying the testimony you supplied and the
7 documents that you prepared also. You can take the opportunity
8 now that you're finished testifying. I think there are Ameren
9 representatives here, and there's members of our staff that are
10 out in the hallway. You can pose to additional questions if
11 you'd like to have an answer to your question. There's people
12 that might be able to give you an answer to it.

13 DR. FRIEDMAN: Thank you.

14 CHAIRMAN KENNEY: So thank you.

15 JUDGE WOODRUFF: For Ameren?

16 MR. LOWERY: No questions.

17 JUDGE WOODRUFF: For staff?

18 MR. WILLIAMS: No question.

19 JUDGE WOODRUFF: Public Counsel?

20 MR. MILLS: No questions.

21 JUDGE WOODRUFF: Sierra Club?

22 MS. LIPELES: No. Thank you very much.

23 JUDGE WOODRUFF: All right, thank you.

24 The next name on the list is it Genovese. Good
25 afternoon, or good evening I should say.

1 MS. GENOVESE: Good evening.

2 JUDGE WOODRUFF: Would you please raise
3 your right hand.

4 (Thereupon, the witness was sworn.
5 by the Judge.)

6 And if could spell your last name for the benefit of
7 the court reporter.

8 MS. GENOVESE: G-E-N-O-V-E-S-E.

9 JUDGE WOODRUFF: Where do you live?

10 MS. GENOVESE: In -- in -- just outside
11 Labadie.

12 JUDGE WOODRUFF: All right. What would
13 you like to tell us?

14 MS. GENOVESE: Well, you've heard that --
15 that this LEO group got started with a book club in the area.

16 After the second or third or fourth month that we
17 heard that Ameren had purchased another chunk of land, knowing
18 that Ameren is not in the farming business, we went to the
19 planning and zoning office to -- to see what Ameren was doing.
20 And at first, we were told, you know, they didn't know. They had
21 no idea. We kept saying no big entity buys that amount of land
22 without some kind of a plan. They must have come to you at some
23 point to tell you what they have in mind.

24 So then Scottie Eagan, the planning and zoning
25 supervisor for our -- she was the interim director of planning

1 and zoning at that time, recalled that she had had a meeting with
2 Ameren, and of course we said is there any paperwork from that
3 meeting, could you we Sunshine things.

4 We've all become really good at Sunshining documents
5 after four years. So she did come up with this e-mail that she
6 had sent to Joe Purschke, who is the attorney for the Planning
7 and Zoning Department in Franklin County. And I'd like to read
8 this to you, and my intent is not to embarrass Scottie or Joe.

9 Scottie is a very decent person. Joe happens to be
10 the son of my best friend, but I want to read this e-mail so that
11 you all can understand our frustration with the County and their
12 total ignorance on the subject.

13 This is from Scottie to Joe.

14 "I have a quick question for you.

15 I just got out of a meeting with Ameren,
16 and they are proposing to put in a landfill.

17 I don't think it is the traditional landfill.

18 It is for ash deposit from the factory in
19 the Agricultural Non-Urban Zone District.

20 I know we don't have any classification
21 for this, but I was thinking it could
22 possibly fall under composting facility
23 yard waste.

24 "If you could let me know your opinion
25 on this, if it is a CUP, or even if it is

1 allowed, that would be great."

2 Joe, the attorney, answered back.

3 "I cannot even find traditional landfills
4 in the Code anywhere. I agree that we may
5 be able to liken this to a composting
6 due to the biodegradable nature of the waste
7 and have a CUP hearing on this.

8 "Hopefully this is going somewhere.
9 pretty desolate. I can only imagine the
10 opposition to this we're going to have."

11 There is no way a coal ash landfill could possibly
12 fall under composting facilities yard waste. There is no
13 biodegradable nature to the waste. There was no possibility that
14 this dump was going to be somewhere pretty desolate.

15 Perhaps the only statement most of us, including
16 Ameren, in the room would agree with is -- is Joe's last
17 sentence, "I can only imagine the opposition to this we're going
18 to have."

19 One of the things that we have struggled with for
20 four years is that from the beginning Franklin County acted like
21 this was going to or had to happen. That's kind of evidenced
22 in -- in Joe's correspondence or Joe and Scottie's
23 correspondence. Joe is hoping it's going to go somewhere
24 desolate. He knows people will be opposed. He didn't say to
25 Scottie what exactly is this? I need more information.

1 Scottie didn't say to Ameren sorry, we don't allow
2 landfills in Franklin County, which was the case.

3 So tonight we're really grateful to you all because
4 we have never really been able to speak this frankly in public
5 about this situation.

6 Our concerns of cost as ratepayers to build this
7 landfill and our fears of devastating failure in the site are
8 legitimate. The costs to build this thing are enormous. We've
9 heard the term beneficial reuse for four years now. Why isn't
10 Ameren participating in that more?

11 And earlier in the evening and during this actual
12 part of the hearing, the term 27 million was tossed around for
13 the building of the the cells, but is that the total cost for all
14 the cells, because we've heard it's going to take four, five or
15 six years to build the whole entire thing, or is that 27 million
16 for just the first phase? That is very unclear.

17 Are we talking about 27 million for the whole entire
18 building of it over a number of years and how many hundreds of
19 trucks coming into little tiny Labadie on little bitty Highway T,
20 or are we talking about a hundred and some million dollars?

21 That really is not clear to any of us. Ameren
22 chooses to produce energy by burning coal. That produces an
23 astronomical amount of the waste. Why wouldn't Ameren choose to
24 find a market for that waste? Beneficial reuse. Do what the
25 power companies all over the world do.

1 Some of the documents that we took to the Franklin
2 County hearing were inches thick of what they do with coal ash
3 waste if Asia, in Europe, in South American, all over the world.
4 Concrete blocks, glass blocks, drywall. Why wouldn't Ameren sell
5 this thing that they call a product, or give it away?

6 If they can find a use, as they've stated tonight a
7 couple of times, for 50 percent of the waste product, they sure
8 in heck can find a use for a hundred percent of it. To spend
9 millions of dollars just to throw it on the ground is insane. It
10 just isn't good business.

11 Ameren says, you know, they couldn't -- and you all
12 have heard this how many times tonight? They say they can build
13 it, it can be done properly. It can be -- why would anybody
14 believe it at this point? Man-made items, man-made facilities
15 can't beat back nature.

16 We are really hoping that the PSC denies this
17 permit. Because of the toxic nature of this waste product, there
18 should not be a convenient solution to the problem. The PSC can
19 force Ameren to feel the necessity to either get creative and
20 find a market, beneficial reuse for the waste, or at the very
21 least, find ground more suitable for holding it. There are rail
22 lines right next to the plant, rail lines and train cars that
23 could haul the coal ash waste to safer ground, to safer ground
24 until there is a better solution as to what to do with it.

25 Another fear that we have is that apparently

1 consolidation of power companies is becoming -- it's the new wave
2 in power companies. We are very concerned. Duke Energy is, I
3 think, one state away. Duke Energy is -- it has horrible
4 representation for environmental issues, and it's one of the
5 biggest power companies in the nation.

6 If Duke Energy buys out Ameren -- and there's rumors
7 flying all around -- this coal ash landfill in the center of the
8 country could be the depository for -- for most of the country's
9 coal ash waste. The coal ash landfill would be much more
10 valuable to some buyout thing than the 40-year-old coal plant.

11 I really don't care what Ameren uses to burn or --
12 or to -- to make their energy. What I care about is if they
13 choose to use a product that it has such horrible waste issues,
14 then they need to come up with a solution. And you know what, I
15 missed my best page. I just have to read you just a couple of
16 things.

17 Ameren wants this to happen on the worst possible
18 ground, on ground that can't be seen many times during the year,
19 every year. The ground can't be seen not because it's in a
20 desolate place but because it's covered by water, groundwater.
21 Not the water that breaches the levees when there is major
22 floods. Its the water that happens every single year, and you've
23 heard all sorts of stuff about the groundwater.

24 I would like to submit these photos. Once we got
25 involved in this issue, we started taking pictures of -- of the

1 Bottoms all through the years for the past few years. So this is
2 the ground that you cannot see because it's covered by water.

3 Thank you.

4 JUDGE WOODRUFF: I'm going to come up and
5 get your photographs. All right. Again, a packet of documents
6 here. The first page is the e-mail from Scottie Eagan, and then
7 the we have photographs of the water just outside the plant.
8 I'll go ahead and mark these as Exhibit L, and they will be
9 received into the record.

10 (Thereupon, evidence was marked for.
11 identification and admitted into the record.
12 as Exhibit L.)

13 Mr. Chairman, questions?

14 CHAIRMAN KENNEY: No. Thank you. Thanks
15 for coming.

16 MS. GENOVESE: Thank you.

17 JUDGE WOODRUFF: For Ameren?

18 MR. LOWERY: No questions, sir.

19 JUDGE WOODRUFF: Staff?

20 MR. WILLIAMS: No questions.

21 JUDGE WOODRUFF: Public Counsel?

22 MR. MILLS: No questions.

23 JUDGE WOODRUFF: Sierra Club?

24 MS. LIPELES: Just a couple questions,
25 yes, sir.

1 JUDGE WOODRUFF: Okay.

2 MS. LIPELES: Did you take those pictures?

3 MS. GENOVESE: I did in my -- with my --
4 just with my little cell phone camera thing. Yeah, we just -- we
5 go down to the Bottoms. I used to go down to the Bottoms a lot
6 to give all the -- I mean, the farmers I knew, not all the
7 farmers -- my friends and relatives, take them lunch when they
8 were working down there.

9 Now we just go down to take photos of the water
10 because it's -- it's unbelievable. The water was bothersome
11 before for the farmers. Now the water that sits there scares the
12 heck out of all of us when we think that it's going to have toxic
13 materials sitting on top of it, separated by what Ameren keeps
14 saying to us is, you know, this foolproof darn good plastic liner
15 that is the thickness, according to Ameren, of five business
16 cards. How do you put a piece of plastic over so many acres, so
17 much area, the thickness of five credit cards and expect people
18 to believe that everything is going to be fine?

19 MS. LIPELES: Just a couple more
20 questions. When did you take the pictures, or are they marked in
21 any way when they were taken?

22 MS. GENOVESE: They are marked -- some of
23 them are from a couple of years ago. It's like those were the
24 best of -- of the pictures. The latest one, I think, was just
25 last week, and again, none of the levees have overflowed in those

1 pictures. You'll probably get other pictures of the big flood,
2 but that -- that's just normal times.

3 MS. LIPELES: And one last question.
4 Thank you.

5 About how far do you live from the plant?

6 MS. GENOVESE: I think we're just a couple
7 miles from it, but there is a big creek, Fiddle Creek, that comes
8 up. When the Bottoms flood, it's not just the river that gets
9 wide. It's -- it's all the creeks that go into it. So Fiddle
10 Creek is a real problem for us when the river is full.

11 MS. LIPELES: Thank you very much.

12 JUDGE WOODRUFF: Thanks.

13 CHAIRMAN KENNEY: Thank you.

14 JUDGE WOODRUFF: The next name on the list
15 is Gerry Friedman, with a 'G'. Good evening.

16 MS. FRIEDMAN: Good evening.

17 JUDGE WOODRUFF: Please raise your right
18 hand.

19 (Thereupon, the witness was sworn by.
20 the Judge.)

21 Thank you.

22 MS. FRIEDMAN: My name say Gerry Friedman.
23 I do spell it with a 'G' as opposed to my husband who spells his
24 Jerry with a 'J'. I do live in Labadie, a little closer to the
25 plant than Kay Genovese. I think we're, as the crow flies,

1 possibly a mile from the plant.

2 More importantly, though I have been a board member
3 of LEO since it was formed back in 2009. And much of what I want
4 to offer you tonight has already been mentioned or even discussed
5 in detail, but if you'll bear with me, I'd like to repeat it
6 because it's so important to us and important that you understand
7 why we are so concerned about this landfill.

8 So to begin, I've come tonight to call your
9 attention to one particular reason we're concerned about Ameren's
10 proposal to store coal ash, which as you know contains toxic
11 substances such as mercury, arsenic, lead and selenium in the
12 Missouri River floodplain. You're probably thinking that what
13 does a little old lady -- a gray-haired lady in tennis shoes know
14 about the storage of coal waste, or about floodplains for that
15 matter?

16 Well, back in 2009, one of the first things LEO did
17 was form a science committee so that we could access information,
18 digest technical language, and educate our members. The
19 committee collected public documents by Sunshine as well as
20 scholarly studies from the internet and other sources.

21 One document in particular really shocked us. It's
22 an application from Ameren submitted to the Missouri Department
23 of Natural Resources for renewal of its 1992 National Pollutant
24 Discharge Elimination System permit, better known as a NPDES
25 permanent. It's the permit to discharge wastewater from its

1 Labadie plant into the Missouri River.

2 DNR issues these NPDES permits under the provision
3 of Clean Air -- the Clean Water Act. However, here in Missouri,
4 the utility -- not the DNR -- the utility monitors itself. Now
5 Ameren does in fact screen wastewater, but only for turbidity
6 which is clarity or cloudiness, temperature, grease and pH or
7 acidity.

8 There is no requirement that the utility test for
9 toxins or heavy metals before the wastewater is expelled into the
10 river. But the information we found most shocking was that
11 Attachment A and it's probably buried in one of the documents
12 you've already been given, but I'd like to submit it because it's
13 only two pages and it will call your attention to the point that
14 we're concerned with.

15 Attachment A is a description of designated
16 outfalls. First, there is the non-cooling -- the non-contact
17 cooling water, which is just the water that goes through the
18 system to cool the machinery. It comes in from the river. It
19 cools it, then it goes back into the river.

20 And then last, the water that is collected in the
21 plant's wastewater treatment pond, which provides treatment for
22 fly ash and bottom ash. Now, at the time that this document was
23 written, the shocking -- and let me quote from it because these
24 are the words that were so shocking to us. "There are currently
25 two seeps at the plant there are believed to be originating from

1 the ash pond."

2 The document goes on to describe one seep as a flow
3 of approximately five gallons per minute. It comes from around
4 ash pond discharge pipe and flows into the discharge canal, which
5 carries the effluent to the Missouri River.

6 I'm still quoting.

7 "The second seep flows into an
8 area of several acres at the southwest
9 corner of the ash pond. The seep
10 emanates from coarse fill material,
11 and appears to have a flow of up to
12 30 gallons per minute. We" .

13 -- and I'm still quoting.

14 "We believe that there is no need
15 to regulate this seep since it is contained
16 on-site by elevated roads on all sides."

17 Now combined, that's 50,000 gallons of water,
18 wastewater, from these ponds that are carrying toxins escaping
19 each day. Just imagine calling a flow of 50,000 gallons of water
20 per day a seep. Imagine claiming to contain leaking wastewater
21 with roads and berms, and saying there is no need for regulation,
22 while knowing that the wastewater contains coal ash with all its
23 associated toxins and heavy metals.

24 That waste storage pond and the several, quote,
25 "several acres" it is seeping into are in the floodplain, for

1 gracious sake. When Ameren describes it's a flow of water that's
2 aboveground and visible, obviously, they've given no thought to
3 seepage underground or to the potential contamination if it were
4 to mix with groundwater or the possibility that flooding could
5 carry the contaminated water off site.

6 You don't really need to be a hydrologist to know if
7 a water moves through and under the floodplain. Ameren has known
8 about these leaks for much longer than 20 years. Yet, to this
9 day neither Ameren nor the DNA (sic) have tested the groundwater
10 at the Labadie plant for contamination. There has been no
11 monitoring, no evaluation of levels of the toxicity. For all we
12 know, contamination from the toxic water leaving the coal ash
13 pond could have already contaminated the alluvial aquifer and our
14 drinking water and the site of the proposed landfill.

15 I believe you've already been given the
16 "Post-Dispatch" article that was published in 2011 that very
17 clearly and very simply outlines the risks posed by storing coal
18 ash in the floodplain, but I'd really like to give you another
19 copy just to be sure that it comes to your attention. It's very
20 simple, it's very straightforward, very clear and easy to
21 understand. You may find that -- our stack of documents
22 overwhelming. This article sums it up beautifully and I think
23 very honestly.

24 So with your permission, I would like to submit that
25 as well.

1 JUDGE WOODRUFF: Okay.

2 MS. FRIEDMAN: Now, air quality rules are
3 becoming stringent, and evermore pollutants such as mercury will
4 be captured by the electrostatic precipitators that are installed
5 in the plant's smokestacks. This will add even more toxic
6 substance to coal waste. Because Ameren has known about the
7 leaking waste ponds for decades and until tonight, frankly, I
8 understood that they had taken no action to eliminate them nor to
9 let -- and -- and still they have not acted to collect real data
10 as to say to the effect of the seepage, I'm led to believe that
11 they're simply not qualified to manage another coal ash waste
12 site, especially one proposed at Labadie where more intensely
13 toxic ash will cover hundreds of acres of floodplain ground.

14 The Public Service Commission should not permit
15 Ameren to build the proposed landfill, and in addition, Ameren
16 should be required to open their records regarding the site to
17 EPA and DNR review in order to determine what contamination has
18 already occurred.

19 Finally, Ameren really should drain and excavate the
20 existing waste ponds and clean up the Labadie site once and for
21 all. It is possible to clean up waste ponds, but landfills are
22 forever.

23 Before you permit Ameren to build the proposed
24 landfill in the Labadie floodplain, you should require that they
25 explore all their other options, identify locations far away from

1 the floodplain where it's safe to store this type of waste.

2 Thank you.

3 JUDGE WOODRUFF: Thank you, ma'am. I'll
4 come get your documents. We're up to Exhibit M, and this is the
5 permit that you mentioned, as well as --

6 MS. FRIEDMAN: It's just a section of that
7 permit application.

8 JUDGE WOODRUFF: Okay. And an article
9 from the "Post-Dispatch" about leaks from Ameren's toxic waste
10 ponds.

11 MS. FRIEDMAN: Correct.

12 JUDGE WOODRUFF: All right. Exhibit M
13 will be received into the record.

14 (Thereupon, evidence was marked for.
15 identification and admitted into the record
16 as Exhibit M.)

17 MS. FRIEDMAN: Thank you.

18 JUDGE WOODRUFF: Mr. Chairman, do you have
19 any questions?

20 CHAIRMAN KENNEY: Ms. Friedman, I don't
21 have any questions. Thank you for coming in.

22 MS. FRIEDMAN: Thank you very much.

23 JUDGE WOODRUFF: Ameren?

24 MR. LOWERY: No questions, your Honor.

25 JUDGE WOODRUFF: Staff?

1 MR. WILLIAMS: No questions.

2 JUDGE WOODRUFF: Sierra Club?

3 MS. LIPELES: Just briefly, please.

4 I think you said this, but I'm not sure. Do you
5 have a well on your property?

6 MS. FRIEDMAN: Yes, we do.

7 MS. LIPELES: And is that what you use for
8 drinking water?

9 MS. FRIEDMAN: Yes, we do.

10 MS. LIPELES: Is that part of your concern
11 about --

12 MS. FRIEDMAN: Oh, most certainly.

13 Absolute.

14 MS. LIPELES: Thank you very much.

15 JUDGE WOODRUFF: Thank you, ma'am.

16 The next name on the list is Richard Haynes. Is
17 Richard Haynes still here?

18 MR. HAYNES: Yes.

19 JUDGE WOODRUFF: Okay. Come on up. All
20 right. Please raise your right hand.

21 (Thereupon, the witness was sworn.

22 by the Judge.)

23 Thank you. You may be seated, and you are Richard
24 Haynes?

25 MR. HAYNES: I am Richard Haynes, and I

1 live in Labadie.

2 JUDGE WOODRUFF: Okay.

3 MR. HAYNES: I just want to point out one
4 little thing Gerry Friedman, Mrs. Friedman, just referred to as
5 the aquifer. The groundwater in this part of the state and in
6 most of the state of Missouri is underpinned by a very large
7 fresh water aquifer, or it used to be fresh, and it's called the
8 Missouri aquifer. It's nowhere near as large as the Ogallala
9 aquifer, which is in the Great Plains, but it's pretty big. Goes
10 down into the Ozarks as well. That's just an aside.

11 Just about everything I have prepared for this
12 evening has already been covered, and I would start by saying
13 that in 1957 I joined the ranks of what I call the original
14 Monsanto, not the agricultural part which came about later.

15 Fresh out of the college as a research chemist, and
16 I was in an inorganic division which deals with a lot of the
17 materials that we're talking about today, and I also had some
18 organic experience which also deals with a lot of the materials
19 we're looking at today.

20 I had a 30-year career with Monsanto, both in this
21 country and abroad, and I thought to start off this evening by
22 talking about sulfur dioxide, which is a very toxic gas. Turns
23 out that in some of my researches with Monsanto, I had occasion
24 to use SO₂ and its very bad cousin SO₃, sulfur trioxide. Both of
25 these are contained in flue gas that come from the burning of

1 coal.

2 We have at Ameren's plant very large stacks, very
3 high. I used to fly over them out of the Spirit of St. Louis
4 Airport, and I can tell you when you're talking off in a small
5 aircraft and you're looking at those through your windshield,
6 they loom very big. So you avoid those on the way out of the
7 airport. When the sulfur dioxide reaches the atmosphere at the
8 top of the stack, it's in a very hot and highly dispersed state.

9 All it has to do when it reaches the atmosphere, is
10 to combine with a bit of water and you have sulfurous acid, and
11 that combines very quickly with a little bit of more water. And
12 that makes sulfuric acid, both of which are considered toxic by
13 chemists and others, and both of which are the major component of
14 acid rain.

15 Now, these materials will combine with flocculants
16 that come out of the stack and form very, very tiny particles.
17 The particles are in the neighborhood of two and a half microns
18 in size, and to give you an idea of what that is, that's about
19 one ten thousandth of an inch. That is compared to an average
20 human hair if you plucked out of your head is about a thousandth
21 of an inch.

22 So the particles we're talking about that make up a
23 great deal of the acid ponds are ten times smaller than the
24 diameter of a human hair. That's pretty small.

25 There are sulfates and other materials that form

1 from the sulfurous and sulfuric acid which comes from originally
2 the sulfur, the elemental material sulfur, which is found in
3 coal. The material that comes in, I understand, in the
4 Labadie -- for the Labadie plant comes from Wyoming. And the
5 coal there, it's a sub-bituminous and a bituminous coal. And I
6 don't know if your guys can -- your schooling in the eighth
7 grade, seventh grade, sixth grade had to go through the litany of
8 anthracite and bituminous. And if any of you remember,
9 anthracite was the harder coal and was more difficult to burn,
10 but supposedly burns with a little cleaner flame.

11 The bituminous coal on the other hand was a softer
12 coal and did contain contaminants. All coal contains
13 contaminants, but the coal that we are burning here contains
14 sulfur, a fair amount of it. Since the beginning, I understand
15 that Labadie power plant has never had scrubbers for the gas
16 effluent coming out of the stacks.

17 Nitrous oxides are precipitated electrically, and
18 they do collect that, but the SO₂ which comes out of the top
19 stacks is not precipitated, nor is it collected, nor is it
20 scrubbed. Normal scrubbing procedures would be with a limestone
21 wash to effectively remove the sulfur.

22 Forgive me for being fairly slow. I have here a
23 copy of an EPI report -- EPI, which is the Environmental
24 Integrity Project, and this report was issued in June 2012, and
25 it's entitled "Net Loss -- Comparing the Cost of Pollution Versus

1 the Value of Electric From 51 Coal-Fired Plants."

2 I think you have some of this already in your
3 documents, but I want to focus on in this one though is the fact
4 that 51 plants in 24 states were singled out because none of the
5 plants that were in this study had scrubbers for smoke effluent.
6 One of the plants in the study is the Labadie power plant.

7 This study, which took quite a while, came to an
8 interesting conclusion, and I'm going to give you the numbers
9 that -- which was the study revealed that pollution-related
10 premature deaths, deaths from heart disease, lung disease, and
11 the other things that we've heard about from the chair here this
12 evening. From these 51 plants had an estimated total of 2,700
13 premature deaths up to 5,700 premature deaths in the year 2011.
14 Premature deaths, as they defined it, were -- were folks who
15 probable hadn't reached the point where they should kick the
16 bucket yet, but they did.

17 Of those, this is what the study revealed further,
18 and I'm going to read this word-for-word.

19 "The study revealed that the
20 pollution-related premature death
21 estimates in 2011 among the 51 plants
22 was highest in these plants: Labadie,
23 Missouri, which had an estimated 140 to
24 290 deaths; Eastlake, Ohio was number two
25 with 120 to 240 deaths; Yates, Georgia

1 110 to 220 deaths; and Martin Lake,
2 Texas 100 to 220 deaths."

3 An estimated cost to the communities, which means
4 all of us, was 23 to 47 billion dollars for these premature
5 deaths. A typical un-scrubbed coal power plant emits about
6 14,000 tons of SO2 per year. A typical scrubbed power plant
7 emits half of that, 7,000 tons per year.

8 And I close with more than 130,000 people die each
9 year from the diseases we talked about and inhaling the particles
10 that I mentioned, most of which are smaller than the diameter of
11 the hair on our head. Thank you.

12 JUDGE WOODRUFF: I have a question for
13 you.

14 MR. HAYNES: Yes, sir.

15 JUDGE WOODRUFF: If Ameren were to put
16 scrubbers on the Labadie plant like they did on the C plant, I
17 believe, --

18 MR. HAYNES: Right.

19 JUDGE WOODRUFF -- would that -- what is
20 removed by scrubbers, would that then become part of the ash?

21 MR. HAYNES: Yes, it would become a part
22 of the ash as a sulfate.

23 JUDGE WOODRUFF: Okay.

24 MR. HAYNES: Which depending upon particle
25 size, sulfates, per se, are not necessarily a problem. The

1 problem comes in the size of the particle when it is inhaled.

2 JUDGE WOODRUFF: When it's what?

3 MR. HAYNES: When it's inhaled, gets into
4 our lung and alveola sacs.

5 JUDGE WOODRUFF: Okay. Did you have some
6 documents you wanted to --

7 MR. HAYNES: Yes, I'm going to give you
8 this one.

9 JUDGE WOODRUFF: I'll come get it.

10 MR. HAYNES: Thank you.

11 JUDGE WOODRUFF: This is a study called
12 "Net Loss -- Comparing the Cost of Pollution Versus the Value of
13 Electricity from 51 Coal-Fired Plants."

14 I'm going to mark it as Exhibit N, and it will be
15 received into evidence.

16 (Thereupon, evidence was marked.

17 for identification and admitted into the.

18 record as Exhibit N.)

19 Mr. Chairman, do you have any question?

20 CHAIRMAN KENNEY: No. Mr. Haynes, thank
21 you for testifying, and thanks for providing your materials.
22 Appreciate it.

23 MR. HAYNES: Thank you.

24 JUDGE WOODRUFF: For Ameren?

25 MR. LOWERY: Mr. Haynes, I assume that

1 you're active in the Labadie Environmental Organization?

2 MR. HAYNES: I was active in the Labadie
3 Environmental Organization, and I was active in two other
4 organizations. I was on the board, and I asked to retire from
5 the board, but that does not mean that I'm not active.

6 MR. LOWERY: Sure, sure. And are you a
7 member of the Sierra club?

8 MR. HAYNES: No.

9 MR. LOWERY: Okay. It sounded like from
10 your testimony that -- I don't want to put words in your mouth,
11 so I'm just asking you about what my impression is. It sounded
12 like in your testimony that you would be in favor of the Labadie
13 plant being shut down, or did I misinterpret some of your
14 remarks?

15 MR. HAYNES: I've haven't come to a
16 conclusion, sir, on whether I think it should be shut down or
17 not. But I think a lot of the testimony tonight has indicated if
18 it is shut down, who's going to take care of what's there, and I
19 don't think any of us want to take that burden on at the moment.

20 I would probably prefer Labadie to take one of two
21 approaches. One of which would be to look further for another
22 possible site and keep it out of the river floodplain and
23 riverway. Realizing that what underlies all that, including the
24 river -- the Missouri River, is the huge aquifer which is a fresh
25 water aquifer. I have a well on my property which is 575 feet

1 deep. The water is very fresh. It's very good.

2 How long that's going to last, I don't think.

3 MR. LOWERY: Fair enough. Thank you for
4 your answers.

5 JUDGE WOODRUFF: For staff?

6 MR. WILLIAMS: No questions.

7 JUDGE WOODRUFF: Public Counsel?

8 MR. MILLS: No questions.

9 JUDGE WOODRUFF: Sierra Club?

10 MS. LIPELES: No. Thank you.

11 JUDGE WOODRUFF: Mr. Haynes, you can step
12 down.

13 MR. HAYNES: Thank you.

14 JUDGE WOODRUFF: All right. The next name
15 on the list is Richard Stettes?

16 Good evening, sir.

17 MR. STETTES: Good evening, sir.

18 (Thereupon, the witness was sworn.
19 by the Judge.)

20 JUDGE WOODRUFF: You may be seated. If
21 you could tell us your name and spell the last name for the court
22 reporter.

23 MR. STETTES: My name is Richard Stettes.
24 S-T-E-T-T-E-S.

25 JUDGE WOODRUFF: What would you like to

1 tell us?

2 MR. STETTES: Okay. I have been sitting
3 here all evening listening to the testimony, and I didn't really
4 realize how terribly inadequate my communication skills are in
5 view of some of the detailed testimony you have received so far.
6 There is no way I can try to dazzle you with brilliance, and I'm
7 not going to try to baffle you with anything else. But I would
8 like to make some observations of an old redneck from down in the
9 brush around the St -- St. Albans/Fiddle Creek area.

10 My wife and I have lived down there for 67 years so
11 far. We look forward to adding a few more years to that record
12 before we turn up our paws. We'll see how it goes.

13 To start here, like I say, it's going to be a little
14 more common. You guys need a break probably, and ladies, from
15 all this technical stuff. So I'd like to offer my observations.

16 Somehow we, as well as many other persons up and
17 down the Missouri River basin, survived the flood of '93 and the
18 marginally lesser floods over the years. At times in '93, we
19 were pumping water out of our basement 24/7. It got to a point
20 that just another foot raised would have made a bad situation
21 devastating, for us as well as untold others.

22 Let me digress just a second. I've gotten ahead of
23 myself here in my foolishness. We own a residence and farmland
24 at Highway T and Fiddle Creek Road. Okay.

25 Annually, it seems like, there is more and more

1 floodplain altered displaced or flatout lost. When a given
2 amount of the water comes downstream and cannot pass through the
3 man-created obstructions fast enough, it, being water, does two
4 things. It gets higher and/or spreads wider and our disaster
5 officials wring their hands and wonder why. Levees fail or are
6 topped or are blown to relieve pressure and let the water to go
7 to where it naturally wanted to go in the first place.

8 Those who could possibly have helped avoid these
9 scenarios were obviously sitting on their brains. This is not
10 rocket science. It's earth science. Actually if you could put
11 it in a nutshell and just say it's maybe called common sense.

12 Now Ameren comes to you with an application to build
13 a CCW, quote, "dump", in the Labadie Bottom adjacent to their
14 electric factory. Depending upon which figures they throw out at
15 a given time, this project would displace more of the
16 aforementioned floodplain capacity. As anyone who knows what the
17 floodwaters did in '93, a best-case scenario of another big water
18 event would be loss of floodplain and resulting higher, wider
19 water. Or worst-case could be a catastrophic failure of said
20 dump with corresponding massive contamination of the Missouri
21 River basin.

22 I think that you/we simply cannot afford the risk of
23 either. I suppose that I could concede the, quote, "convenience"
24 of taking the ashes out of the furnace and dumping them into the
25 backyard. However, the necessity of it, adamantly no.

1 Therefore, I would beseech you to reject Ameren's
2 application for a CCN for the good of us all.

3 Thank you.

4 JUDGE WOODRUFF: Thank you sir.

5 Questions, Mr. Chairman?

6 CHAIRMAN KENNEY: Mr. Stettes, I don't
7 have any questions, but thank you for coming down, and you were
8 as eloquent as all the other speakers. I appreciate you taking
9 the time.

10 JUDGE WOODRUFF: Do you have an exhibit
11 there?

12 MR. STETTES: I have one exhibit here,
13 please, sir, if you would. It's --

14 JUDGE WOODRUFF: What is that?

15 MR. STETTES: A photo of the flood of '93
16 looking from the downstream side upriver towards the Ameren
17 plant.

18 JUDGE WOODRUFF: All right. And it's
19 identified as 1993 flood.

20 MR. STETTES: Yes.

21 JUDGE WOODRUFF: We'll mark it as Exhibit
22 O, and it will be received into the record.

23 (Thereupon, evidence was marked.

24 for identification and admitted into the

25 record as Exhibit O.)

1 Ameren?

2 MR. LOWERY: No questions.

3 JUDGE WOODRUFF: Staff?

4 MR. WILLIAMS: No questions.

5 JUDGE WOODRUFF: Public Counsel?

6 MR. MILLS: No questions.

7 JUDGE WOODRUFF: Sierra Club?

8 MS. LIPELES: Thank you. I have a couple
9 of questions for Mr. Stettes.

10 You mentioned your property is at Highway T and
11 Fiddle Creek. About how far is that from the Labadie plant?

12 MR. STETTES: I would say it's probably
13 within a mile of the downstream side of the acquired acreage
14 where the proposed landfill is to be located.

15 MS. LIPELES: And no Missouri drinking
16 water well on that property?

17 MR. STETTES: Yes, ma'am, we have.

18 MS. LIPELES: And is that part of your
19 concern?

20 MR. STETTES: Yes, it is. Very much so.

21 MS. LIPELES: The photo that you submitted
22 to the Commission, is that a view that you saw in 1993 when the
23 area was flooded?

24 MR. STETTES: Yes, ma'am. Like I said, we
25 survived it. We have lived through it, and we were in water

1 because of it.

2 MS. LIPELES: Thank you.

3 MR. STETTES: You're welcome.

4 JUDGE WOODRUFF: You may step down.

5 And we are moving on to the second page. The next
6 names is Lorren Crandall.

7 MS. LIPELES: Was that Exhibit O?

8 JUDGE WOODRUFF: Yes, it was Exhibit O.

9 (Thereupon, the witness was sworn by.
10 the Judge.)

11 MR. CRANDALL: It's quite a hearing, and I
12 don't think I can offer anything. I live in St. Louis City. So
13 all I can say I've been breathing the SO2 from the Labadie plant
14 my whole life, probably, except for when I lived in Kansas City.
15 A lot of people here live a lot closer to it, and they've got
16 really valid concerns about their drinking water and the
17 groundwater and, you know, I -- I should also state that I'm the
18 Clean Water Program director for the Missouri Coalition for the
19 Environment.

20 I think that when I look at this project, one of the
21 big questions in my head is where are we going? Where are we
22 going with power in Missouri? Are we just committing to burning
23 coal for the next 30 years as if nothing we have learned means
24 anything, as if the times aren't changing, as if we haven't
25 recognized we live on a finite planet with limited resources,

1 that we breathe the stuff that we spew into the atmosphere?

2 We've learned these things. And we've developed
3 laws like the Clean Air Act and the Clean Water Act to protect
4 us, and seen time and again how they can be ineffectively
5 implemented and enforced like Ameren's NPS permit or allowing
6 there even be discussion of constructing -- I guess was it four
7 -- it was a 400-acre landfill to begin with, and then now it's
8 down to 166. Is that right, 166 acres or so, something like
9 that?

10 So, you know, I see that, and we want to build that
11 in the floodway of a river that a previous crop of brilliant
12 engineers -- I'm not an engineer, so you're going to ask or you
13 might as if I'm an engineer. I'm not an engineer, but a whole
14 flock of brilliant engineers decided to rape the Missouri River
15 and take it from a functional ecosystem and completely change it
16 into something else. And now, you know, we recognize that that
17 causes flooding and all these problems, drain all the wetlands,
18 reduce bio-diversity, all those things.

19 So we came up with a floodway, and we said okay this
20 is floodway. Let's try not to build anything here. If -- can we
21 just try not to build anything here, and it just seems like --
22 appears to be absurd to say okay, we're not going to build
23 anything except for this one thing that's actually really
24 dangerous to put there.

25 And we're putting it there, and we're going to leave

1 it there forever. And we don't have any plan to clean it up.
2 It's in a liquefaction zone. Earthquake will probably happen in
3 the next thousand years, that's for sure. Will there be people
4 around?

5 I don't know, but I think that the legacy we leave
6 for our children, you know, is something to think about. I don't
7 know if you guys have kids, but you might want to think about
8 that, and you might want to think about where are we going, you
9 know, are we headed towards let's just keep burning coal and
10 climate change doesn't exist. SO2 pollution, who cares. Coal
11 ash, we can just keep piling it up for another hundred years or
12 150 years. I don't know. I don't know what the plan is, but
13 apparently Ameren's plan right now is to build coal ash landfills
14 to perpetuate a system that we know poisons people, that we know
15 has immense health care cost.

16 So the question is who -- who's responsible to all
17 the people who have to pay all those healthcare bills? Who's
18 responsible to the people whose well water gets poisoned? Are
19 you guys responsible?

20 I mean, is this something that they will come back
21 to you and say, hey, you didn't do a very good job of overseeing
22 this? I mean, who's truly responsible in the end? So we don't
23 know. I mean, if they're not even monitoring groundwater, nobody
24 is responsible, you know, because there's no way to allocate any
25 responsibility. So you know, watching this for the last few

1 years, it's been really interesting, and it's really interesting
2 seeing a corporation that runs a monopoly negotiating from a
3 position of power in a real strong community that really comes
4 out against them.

5 And then the final question is do officials like you
6 make decisions on behalf of the people, or do you make them on
7 behalf of the corporations. And that's what the question really
8 comes down to.

9 And that's the end of my testimony. Thank you.

10 JUDGE WOODRUFF: Ameren?

11 MR. LOWERY: I have no questions.

12 JUDGE WOODRUFF: Staff?

13 MR. WILLIAMS: No questions.

14 JUDGE WOODRUFF: Public Counsel?

15 MR. MILLS: No questions.

16 JUDGE WOODRUFF: Sierra Club?

17 MS. LIPELES: I have no questions. Thank
18 you.

19 JUDGE WOODRUFF: Okay. Thank you, sir.

20 The next name on the list is Susan Yarborough.

21 AUDIENCE MEMBER: Susan went home earlier,
22 but I do have her testimony that I can give to you.

23 JUDGE WOODRUFF: Bring it on up.

24 AUDIENCE MEMBER: Susan lives in Labadie.
25 She's (inaudible) --

1 JUDGE WOODRUFF: I believe we're up to
2 Exhibit P. I'll just go ahead and mark this as Exhibit P, and it
3 will be received into the record.

4 (Thereupon, evidence was marked for.
5 identification and admitted into the record.
6 as Exhibit P.)

7 Joel Cummings. Is Joel Cummings here? (Not
8 present.) Okay. Gary Capler? (Not present.)

9 Greg Arbishon? (Not present.)

10 Celeste Nohl-Smith?

11 MS. SMITH: I'm here.

12 JUDGE WOODRUFF: Okay.

13 (Thereupon, the witness was sworn by.
14 the Judge.)

15 Okay. And if you could -- Celeste Nohl -- N-O-H-L
16 -- Smith?

17 MS. SMITH: Correct.

18 JUDGE WOODRUFF: Okay. Where do you live?

19 MS. SMITH: I live in Labadie.

20 JUDGE WOODRUFF: Okay.

21 MS. SMITH: I live about five miles from
22 the power plant, and I have been a resident there since 1981. So
23 over 30 years. And of course, I want to give you a little
24 background. I am a nurse, and I've nursed in the hospitals and
25 home care and currently nurse in the Washington area. And as a

1 nurse it's always important to do your homework, be truthful and
2 honest and to utilize your resources to the best of your ability,
3 which now is a lot of evidence-based research and bench-marking.

4 And this comes into play surprisingly in my personal
5 life as I joined a book club back in 2009, more so for the social
6 and the food that's really good in book clubs.

7 But with that, as you have heard previously, there
8 was talk about a landfill when we attended our summer solstice
9 celebration in the Labadie Bottoms where on the June 21st, that's
10 the longest day of year, and a group of the community comes down
11 and brings out their lawn chairs and their coolers and now our
12 local Labadie jams comes and play, and we gather as a community
13 to kind of bond, and that is what is one of the elements that is
14 so touching as I've sat here this evening to listen about what
15 the community has stepped up to the plate to do. And come
16 testify in front of public commissioners and lawyers where we do
17 not have any expertise in, but one after another one of my
18 community members has stepped up to the plate and I just want to
19 be up there with them because I love where I live and I might get
20 emotional, but this is what I want to preserve.

21 So we will keep moving forward here. So as a nurse
22 and a community member, the questions just kind of kept coming up
23 and people kept finding information, and before you know it, this
24 organization formed of LEO and it created a big collaboration of
25 comradery not just of Labadie people, but people around. And as

1 you've heard, then a lot of data that we have discovered over
2 the four years, four years, four years we have all stayed
3 invested for four years. How important of a subject must that be
4 if your neighbor that you bearly knew four years ago that you
5 know really well tonight.

6 So I have to say that my interest here is about this
7 CCN and what I've learned over the years and water quality. That
8 is my -- one of my major concerns. And my mom being a dietitian
9 was always about you are what you eat. So that's been imprinted
10 in me for 53 years now, and now what's imprinting in me is you
11 are what you drink, and I have a well and I am concerned about
12 that. I am just way curious as to what that quality is, not to
13 the point that I've ever had my well tested, but it has crossed
14 my mind. And I've always tried to practice preventative health.
15 Being in the healthcare field, preventative health, is what it's
16 all about.

17 So when we knew there was a leakage of a unlined
18 coal pond and you've got the statistics earlier and Ameren had
19 denied it for years, approximately 20 years, and finally in a
20 "Post-Dispatch" on the front-page article they admitted to the
21 leakage of millions of gallons of contaminated water, that really
22 heightened my interest about water quality. So we just started
23 reading more articles, and I would like to present two articles
24 to you this evening. "In Harms Way -- Lack of Federal Coal Ash
25 Regulation Endangers Americans and Their Environment". That was

1 published in August 26, 2010 and a letter from Ameren to Bill
2 Buscher, Illinois Environmental Protection Agency Groundwater
3 Protection, Division of Water Pollution Control, that talks about
4 contamination of water.

5 And that is one document to the Illinois EPA that's
6 specific to a power plant in Venice, Illinois that sits directly
7 across from downtown St. Louis. With that, there is
8 documentation that talks about arsenic levels, boron and cadmium
9 exceeding the CML, which stands for -- MCL -- maximum
10 contamination levels, and you'll see that then in these
11 documents. Okay.

12 So earlier this evening we have a
13 question-and-answer session, and I didn't get to ask all my
14 questions and my colleagues or community said to just go ahead
15 and list them out here this evening. So you get the questions.

16 JUDGE WOODRUFF: You're welcome to list
17 them --

18 MS. SMITH: Yes.

19 JUDGE WOODRUFF: -- but I can't answer
20 them.

21 MS. SMITH: Right. So one of the
22 gentlemen, Warren Wood, with Ameren who's a civil engineer talked
23 about the design, the engineering design of the berm and the
24 landfill that would hold the coal combustion waste and that it
25 was then submitted to the DNR, but after the submission, the DNR

1 came back and said oh, we need you to design another berm around
2 with a you already designed.

3 So my concern being if they had a representative, a
4 civil engineer certified, to design a landfill but yet they
5 didn't adequately cover all aspects of it and the DNR had to come
6 back and instruct them that we need more, is that not kind of
7 sending up a red flag to a community member that do they really
8 know what they're doing if somebody else had to direct them and
9 they already had the expert design it?

10 All right. And then are there any solid waste
11 facilities in the state, and the answer to that was -- I did get
12 an answer on that question -- was no. So then it goes back again
13 to the historically if we don't have any other solid waste
14 facilities to reference to, what the perpetual management of that
15 would be and the cost of that, and one of my earlier speakers
16 really nailed that on the head about that being an issue and
17 concern and how that's going to be managed. And how -- what
18 is -- did Ameren submit a plan on how to maintain that landfill
19 for over the years?

20 And then they were talking about all the EPA
21 regulations for water and air. And we are always challenging one
22 another in the healthcare field to not have incidents and major
23 events. So we have commissioning agencies that oversee us.

24 But it's really better if you oversee yourself and
25 prepare so that you -- those events don't occur. So my question

1 is we know we have these toxic elements associated with coal ash
2 waste, and we know we don't have a lot of scientific data on how
3 to manage it or what it does to us or we know it's heavy metals
4 and it has harmful effects, but why do we only have to comply to
5 the EPA regulations? If you're a good business and you are
6 forward-thinking, then wouldn't you want to regulate and put out
7 information to prove to the community and society that you're on
8 top of this and you don't need EPA to regulate you because you're
9 already doing it?

10 Wouldn't that be some common sense, logical
11 algorithm to follow when you're dealing with potential toxic
12 heavy metals? One of the questions.

13 Benchmarking, when you compare yourself to other
14 industries that are doing the same thing. Does Ameren have any
15 benchmarking about this type of coal combustion waste? All of
16 the other countries are doing it, or some of them aren't doing it
17 anymore because they figured it out. So did they have
18 benchmarking and data that you can compare to?

19 The PSC. We also touched about studies or the CDC
20 that this was in the pre-question session has data that is
21 available to the public on easy accessing of the internet that
22 lists groupings of diseases occurring in geographic areas. So is
23 this the responsibility of the PSC to do research on a site that
24 already has gathered data to see if areas that have coal-burning
25 power plants have higher incident rate of diseases? Sounds like

1 a good idea to me.

2 I've tried to do that. I'm not an expert of the
3 interne, and I did not find it easy as Mr. Warren Wood suggested.
4 So I would challenge you to research that yourself and see what
5 you think.

6 And again I'd like to tap on about in the
7 presentation earlier by Ameren, they talked about electric cost
8 being low here in Missouri in comparison to national average
9 20 percent. And I appreciate that when I'm paying my bills, but
10 I wanted to think of it in the big picture, and if we don't know
11 what the healthcare cost is, is it really a low cost when it
12 comes to your health? In my opinion not.

13 All right. And LEO has a nice --

14 JUDGE WOODRUFF: Ms. Smith, you've been --
15 you've gone over ten minutes. Usually --

16 MS. SMITH: Did I really?

17 JUDGE WOODRUFF: Yeah.

18 MS. SMITH: Do you guys believe it? I'm
19 so nervous. I thought I was just going to go right into it.

20 So LEO really started to -- as an organization, to
21 educate the community and ourselves. I don't think any of us
22 that became volunteers or members really knew it was going to go
23 to this degree. But that's where it is and that's where we are
24 and I also request that PSC to deny the request for the CCN by
25 Ameren.

1 And I just want to say that I am totally impressed
2 by the group of people that are here in this community and that
3 it makes me confirm how much I love the community and the people
4 that live here. And this is a special place and we need to
5 preserve it because places like Time Beach and Weldon Spring are
6 not preserved anymore, and that's the historic event that we
7 should learn from and take that information and move it forward.

8 Thank you very much.

9 JUDGE WOODRUFF: You have some
10 documents --

11 MS. SMITH: Documents, yes.

12 CHAIRMAN KENNEY: I don't have any
13 questions. Thank you for taking the time to come down.

14 JUDGE WOODRUFF: All right. I'm going to
15 mark these as Exhibit Q, and then will be received into evidence.

16 (Thereupon, evidence was marked
17 for identification and admitted into the
18 record as Exhibit Q.)

19 Ameren?

20 MR. LOWERY: Ms. Nohl-Smith, I just had a
21 couple of questions.

22 MS. SMITH: Sure.

23 MR. LOWERY: You were talking about
24 earlier about during the question-and-answer session and I think
25 you said that you understood Mr. Wood to say or somebody to say

1 that Ameren had designed and engineered this facility and
2 submitted the permit to DNR and then DNR came back, you said, and
3 said, oh no, you need additional -- additional work. Is that --
4 was that your testimony?

5 MS. SMITH: Correct.

6 MR. LOWERY: Are you sure that that's what
7 Mr. Wood said because I didn't -- I certainly didn't hear him say
8 that. What I heard Mr. Wood say is that the Franklin County
9 zoning ordinance requires three berms formed out of fabric-formed
10 concrete on the outside of the berm that was designed.

11 MS. LIPELES: Objection. I thought we are
12 not testifying.

13 MR. LOWERY: I'm forming a question.

14 JUDGE WOODRUFF: Get to the question,
15 please.

16 MR. LOWERY: Are you sure that -- are you
17 sure that the discussion wasn't about the Franklin County zoning
18 ordinance requirement to put fabric-formed concrete on the
19 outside of the berm?

20 MS. SMITH: This could be true.

21 MR. LOWERY: Okay.

22 MS. SMITH: A lot of data gathered this
23 evening.

24 MR. LOWERY: And you remember Mr. Wood
25 saying that while that requirement exists, it isn't necessary for

1 an engineering perspective?

2 MS. SMITH: No, I do not remember that
3 statement at all.

4 MR. LOWERY: Okay. All right. Thank you
5 very much.

6 JUDGE WOODRUFF: For Staff?

7 MR. WILLIAMS: No.

8 JUDGE WOODRUFF: Public Counsel?

9 MR. MILLS: No.

10 JUDGE WOODRUFF: Sierra Club?

11 MS. LIPELES: No. Thank you.

12 JUDGE WOODRUFF: You may step down.

13 It's now approaching 11 o'clock. We've been through
14 17 witnesses so far. Counting up, believe it or not, we still
15 have 23 names here. I suggest we put a firm limit of five
16 minutes per witness so that we can try to get as many people as
17 possible to be heard tonight. So that's what we'll do.

18 AUDIENCE MEMBER: So 5 times 23 --

19 JUDGE WOODRUFF: Yeah, if someone has
20 already said what you have to say, it's all right to say I agree
21 with somebody else. So we can try to move this along quickly.

22 All right. The next name on the list is Theresa
23 Connelly.

24 (Thereupon, the witness was sworn
25 by the Judge.)

1 What would you like to tell us?

2 MS. CONNELLY: Okay. My name is Theresa
3 Connolly, and I live about seven miles west of here, which puts
4 me at about 20 miles from where the landfill site is proposed,
5 and when I got here earlier, there was a paper out here that sort
6 of gave the parameters of what the Public Service Commission
7 would be using when they make their judgment on whether or not
8 they are going to grant this permit to Ameren.

9 And one of the items is has Ameren shown that they
10 are qualified to operate a coal ash handling facility, and just
11 quickly I'll just tell you story about something that I witnessed
12 a few weeks ago down when I was driving through the floodplain.

13 And the reason why I went there was because we had
14 really had some pretty bad weather around here and the Missouri
15 River was really flowing quite quickly and it was really hot. I
16 had a feeling that because of that situation, there was going to
17 be some flooding that might have been occurring down at the
18 landfill site. And it was.

19 And I was with a friend mine, and as we were driving
20 through the landfill area, we left and one of the roads that is
21 an access road back to the landfill or back to the plant was
22 flooded, and so we had to turn around. And when we turned
23 around, both of us gasped because we couldn't brief what we saw,
24 and it was probably maybe 2 o'clock in the afternoon and these
25 giant plumes of black were like poufing up not out the stacks,

1 but coming from what looked like behind the facility.

2 Now, we were kind of far away in an area that was
3 not that close to the landfill. It was on some farmland, and
4 both of us were like wow, did you just see that. We couldn't
5 believe that this was really happening. So we saw another one
6 and then another one, and it almost looked like it was a swarm of
7 insects that poufed up and then it kind of danced around and then
8 went away.

9 And so we drove back through the farmlands again,
10 and when we got closer to where the facility actually is, we
11 could see it but not clearly. So I do not know the exact source
12 of where this was coming from, but I will tell you that I don't
13 -- I don't think you would have to be a doctor or a geologist or
14 a scientist or anybody with that kind of professional background
15 to know that what was going there was really bad. It was really
16 bad, and it was really scary, and I've seen pictures of that
17 before, and I've seen videos of that before where -- I forget
18 what they call it -- fugitive -- fugitive dust.

19 I've only seen that, like I said, in photos and on
20 videos before and here it was right in front of me and I just
21 couldn't belief it, and it really made me sick because I knew
22 from just research that I had done on the internet, that this was
23 really a bad situation and it was putting a lot of particulate
24 matter into the air. And I could only imagine that if I could
25 clearly see it like that, once it dissipates, where does it go

1 and what does it do to people?

2 And it just really concerned me so I just wanted to
3 come and tell you the story that I saw something like with my own
4 eyes, and that it really concerns me that in my humble opinion I
5 think that that's kind of like reckless management of materials
6 that have been known to be carcinogen.

7 So I just wanted to tell you that story, and I
8 really appreciate you being here because we have not had this
9 opportunity to speak to people before in such an open honesty,
10 and I really, really do appreciate that you're here.

11 JUDGE WOODRUFF: Thank you. Questions?

12 CHAIRMAN KENNEY: Thank for sticking it
13 out and thanks for sharing your personal observations with us.
14 Thank you.

15 MS. CONNELLY: You're welcome.

16 JUDGE WOODRUFF: For Ameren?

17 MR. LOWERY: No questions.

18 JUDGE WOODRUFF: Staff?

19 MR. WILLIAMS; No questions.

20 JUDGE WOODRUFF: Public Counsel?

21 MR. MILLS: No questions.

22 JUDGE WOODRUFF: Sierra Club?

23 MS. LIPELES: No questions, but I'd like
24 to address the procedural issue unrelated to this witness, but
25 given that we haven't -- it's 11 o'clock and we haven't even

1 gone through half of the people that signed up, and that there is
2 three months before the formal evidentiary hearing in Jefferson
3 City, that this be continued to a second night so the people that
4 came out tonight and have already left -- I'm afraid we're going
5 to lose other people and the people that are here will be
6 testifying under the difficulty of having sat here all evening --

7 JUDGE WOODRUFF: I can understand.

8 MS. LIPELES: -- and trying to be
9 articulate this later in the evening.

10 MR. MILLS: If I can ask something else
11 then, during the break I was informed by a woman who showed up a
12 little after 6:00, and she told me that they were turning cars
13 away from the parking lot. So it may very well be that people
14 who wanted to testify were not even able to get to the building
15 because they were not allowed to park here. So if the -- if the
16 Bench is considering having -- rescheduling another round of
17 testimony here, it may offer the opportunity for those who were
18 not able to actually get to be heard tonight a second time.

19 JUDGE WOODRUFF: Fine.

20 MR. LOWERY: If I may. I think the
21 company would like to be heard on this and not necessarily have
22 the Commission make the decision about whether it should have
23 another local public hearing when and go on the file at 11
24 o'clock on Tuesday night.

25 As Ms. Lipeles points out, there is some time to the

1 hearing process, and I think it's something that probably lawyers
2 and your Honor ought to -- your Honor ought to give the lawyers
3 the opportunity to be heard by them in a more orderly time, and
4 then you can consider the arguments of the points. And I'm
5 not -- I'm not saying at this whether the company opposes it or
6 supports it, but I think rather than you making a ruling from the
7 bench at this time, I think it would be better if you were to
8 hear it in a more orderly fashion.

9 JUDGE WOODRUFF: Mr. Chairman, you want to
10 be heard?

11 CHAIRMAN KENNEY: Just briefly. I mean, I
12 -- Mr. Lowery, your point is well taken. My inclination is to
13 allow the public to have its voice. So I mean, I'm not going --
14 I'm not making a ruling on the fly, but I'll tell you my initial
15 inclination is to the extent that we have the time and the
16 ability to allow folks that either left early or were not able to
17 make it here in the first instance because of the lack of parking
18 or because of the lateness of hour, whatever the case may be, if
19 we have the ability to do that, I think that would be
20 appropriate.

21 This is obviously a very unique circumstance. In my
22 time on the Commission, I don't know that we've had a local
23 public hearing that has proceeded in exactly this form and
24 fashion. And this is a particular issue, and so it's a unique
25 circumstance. We need to treat it equally. So I would -- that's

1 my initial inclination.

2 JUDGE WOODRUFF: All right. Well, as a
3 practical matter if we --

4 CHAIRMAN KENNEY: Check to see if any of
5 those people are even here.

6 JUDGE WOODRUFF: Yeah. I'm not sure if
7 all these people have signed up and wanted to testify have
8 already left. Several of them said they were going to. And as a
9 practical matter, if we adjourn tonight, then we really need to
10 come back. So it requires a decision on the fly, and I'm going
11 to going ahead make what decision.

12 We are going to adjourn tonight, and we're going to
13 reschedule a second hearing at a time to be determined.

14 Sir, you wanted to be heard?

15 MR. RIEKER: I want to be heard tonight,
16 sir. I don't want to have to come back and do this again for
17 another three or four hours. So if you'll allow me, then you can
18 do whatever want, but I want to be heard tonight.

19 JUDGE WOODRUFF: That's fine.

20 (Off-the-record discussion.)

21 Just a moment, sir.

22 MR. MILLS: I was just going to point out
23 if you -- you indicated that people were going to be limited to
24 five minutes. If you're going to do that, will they have an
25 opportunity to speak at a later hearing, or if you speak now --

1 JUDGE WOODRUFF: Yeah. Let me see by a
2 show of hands who else is here who wants to be able to testify
3 here tonight if you would like. First of all, I see one other
4 hand going up -- two hands that want to testify tonight. Three
5 hands. Others are willing to wait. So we can --

6 CHAIRMAN KENNEY: Let's keep going.

7 JUDGE WOODRUFF: Let's keep going for now
8 and we'll decide later when we want to reschedule.

9 MR. RIEKER: My name is Eric Rieker. How
10 close am I on the list?

11 JUDGE WOODRUFF: You are, in fact, next on
12 the list.

13 (Off-the-record comments.)

14 All right.

15 (Thereupon, the witness was sworn
16 by the Judge.)

17 And you are Eric Rieker.

18 MR. RIEKER: That is correct. I live
19 Township 42. Good evening. I will be brief and to the point.

20 The need for a hearing on this is issue absurd. The
21 PSC isn't powerless to tell a utility you do not need this
22 special permission. We won't even bother the people on this
23 matter, but you wish to hear from the public. I hope sweating
24 through this hearing isn't futile.

25 Simply expounded, this corporation has consistently

1 misstated the landfill issue before, during, and after the sham
2 landfill hearing, a theater of the absurd, presided over by the
3 individual who was named the most utility friendly politician in
4 the history of Missouri.

5 Remember, they have consistently misrepresented the
6 compelling need for the landfill to be in the floodway. They
7 first stated that they have done a site analysis of 22 sites, and
8 this is the only one that works. Then when they're pressed, they
9 say, oh, no, no. We never did that, and we only had the Labadie
10 site in mind. And now tonight we hear, oh well, apparently maybe
11 we did do some analysis, but it really doesn't matter because all
12 the costs will be the same.

13 Okay. Also this corporation continuously overstates
14 the -- their need, the amounts of money they want for rate
15 increases or anything else. Knowing this, what makes one believe
16 that this matter is any different? Remember, they consistently
17 establish no real need. They just foster the illusion of we must
18 need it because we say we need it.

19 To promote the forest that without these
20 extraordinary concessions, this utility will cease to exist and
21 we will all be in the stone age is ludicrous. We will be in the
22 stone age if this utility continues to cling to coal. Also the
23 Obama administration has added fuel to the fire of eliminating
24 coal ash producing generators. Therefore, the PSC should instead
25 encourage this utility to start converting from coal to

1 clean-burning natural gas and renewables.

2 The power plant in question here will be square in
3 the bull's eye of the Obama machine. It is a filthy plant
4 compared to most others. If the upper echelon of this utility
5 continues to wine for almost 1,200 acres of land for a landfill
6 to store coal ash when all market indicators are coal is dying,
7 then one must conclude they have another motivator. Perhaps the
8 question should be asked how will this utility supply the needs
9 of the immediate St. Louis area, much less fulfilling contracts
10 to sell electricity, when Labadie is shut down.

11 It would seem the only prudent approach would be to
12 deny this overreaching request and tell this utility to continue
13 as is. Very soon there may be no need for any coal ash
14 landfills, much less one in a floodway. There could be validity
15 for a hearing if this utility were asking for fast-track approval
16 of transition to natural gas, but almost demanding fast-track
17 rulings to a coal ash nightmare defies logic.

18 Finally, it will be interesting to see if the
19 presiding Commissioner of Franklin County will testify tonight --
20 obviously not -- or any time regarding compelling this utility it
21 to comply with the existing Franklin County regulations. After
22 all, they were written to allow this utility to place a landfill
23 in the most economically influenced floodway. Now they want
24 this?

25 It's convenient, but it's not necessary. Tell this

1 utility no. Perhaps I wasn't clear. Tell them no.

2 Thank you.

3 JUDGE WOODRUFF: Thank you.

4 CHAIRMAN KENNEY: No questions.

5 MR. LOWERY: No questions.

6 MR. WILLIAMS: No questions.

7 MR. MILLS: No questions.

8 JUDGE WOODRUFF: I see no questions on

9 that side. All right. You can step down.

10 MR. RIEKER: Thank you very much for your

11 time.

12 CHAIRMAN KENNEY: Thank you.

13 JUDGE WOODRUFF: Next name on the list is

14 Lisa Glenn.

15 AUDIENCE MEMBER: She had to leave.

16 JUDGE WOODRUFF: John George?

17 Please raise your right hand.

18 (Thereupon, the witness was sworn

19 by the Judge.)

20 You may be seated, and tell us what you'd like to

21 tell us.

22 MR. GEORGE: My name is John George, and I

23 am a local resident in Labadie, and I just wanted to share my

24 thoughts as it's concerning the coal ash landfill and especially

25 one that's located in a floodplain and floodway as we have heard

1 tonight.

2 My house -- my household relies on well water, and
3 my daughter and her family live right up the road from us and
4 they also rely on well water, a hundred percent on well water.

5 There are a lot of the wells in and around the
6 Ameren plant, and I would like to provide an exhibit of all those
7 wells that Missouri DNR has identified in the Labadie area. So
8 that can go on record. And I have a feeling that some of these
9 wells one day will become contaminated from coal ash landfill,
10 and I also have a feeling that some of these wells may already
11 have become contaminated, but I can't prove that.

12 But in the future I foresee well water contamination
13 from the coal ash landfills, from sink holes, from flooding,
14 earthquakes or some other catastrophe. Even current liner
15 technologies will eventually fail. Contamination from coal ash
16 landfills can also get into the Missouri River and send
17 contaminants downstream to even larger populations.

18 One of the coal ash ponds has leaked for many years
19 at the Ameren facility, and no doubt, each leak caused toxic
20 contamination of the soil, of the groundwater, and of the
21 Missouri River. I think groundwater contamination is happening
22 today down there, but there is no proof since Missouri does not
23 require groundwater monitoring, but Ameren has been sited for
24 groundwater contamination in a few of their plants in the state
25 of Illinois where the state does require groundwater monitoring.

1 Makes you wonder about Missouri groundwater
2 contamination, doesn't it? That's one big reason I am concerned
3 about putting another coal ash landfill in the Labadie Bottoms
4 floodplain. If groundwater contamination is happening in
5 Illinois, for that matter, all over the United States, it makes
6 me very nervous about adding another coal ash landfill in the
7 same area.

8 I also would want to submit as an exhibit a report.
9 It's a short report, pretty reader friendly. It was written by
10 Dr. Robert Criss, who is a Department of Earth and Planetary
11 Sciences professor at Wash U. And I read this short report, and
12 it made me think that maybe there's some sense here lined and
13 unlined coal ash landfills in the Bottom -- in the Labadie
14 Bottoms floodplain.

15 When the Missouri River is high, which it has been a
16 lot here lately, the water table in the Bottom rises above the
17 ground, and you can see -- see it sitting above the land down
18 there. I think we've seen some pictures this evening. But then
19 also it would be pushing up through the bottom of the unlined
20 coal ash landfill, with the coal ash coming in direct contact
21 with groundwater. It would also push up against the bottom of a
22 lined coal ash landfill as well, and eventually that liner, I
23 think, would fail and with all of that kind of water pressure
24 pushing up against it.

25 I also believe because of this water table rising

1 effect, the groundwater will be contaminated from the coal ash.
2 The contaminated water then eventually flows into the aquifer
3 that then eventually flows into and contaminates well water. And
4 I drink that well water.

5 My conclusion is that another coal ash landfill in
6 the Labadie Bottoms floodplain is not in the best interest --
7 best interest of me, my family, or the public at large.

8 Thank you for your time.

9 JUDGE WOODRUFF: Okay. You have some
10 documents. Consists of a map of red dots showing the wells,
11 where --

12 MR. GEORGE: Their locations in and around
13 Labadie.

14 JUDGE WOODRUFF: And then it's a potential
15 contamination of domestic wells in the Labadie Bottoms, a report
16 by Dr. Robert Criss.

17 MR. GEORGE: That is correct.

18 JUDGE WOODRUFF: And I'm going to mark
19 these as ER R, and they will be received.

20 CHAIRMAN KENNEY: What was Q?

21 JUDGE WOODRUFF: Q was this one. And
22 that's received into evidence.

23 (Thereupon, evidence was marked
24 for identification and admitted into
25 the record as Exhibit R.)

1 Mr. Chairman?

2 CHAIRMAN KENNEY: I don't have any
3 questions, but thank you for sticking it out, Mr. George.

4 MR. GEORGE: Sure.

5 JUDGE WOODRUFF: For Ameren?

6 MR. LOWERY: Mr. George, when did you move
7 to the Labadie area.

8 MR. GEORGE: We moved in 2007.

9 MR. LOWERY: Are you active in the LEO
10 organization?

11 MR. GEORGE: I am.

12 MR. LOWERY: How did you come to know
13 about Dr. Criss' article that you read?

14 MR. GEORGE: Well, Dr. Criss has been out
15 to my house a couple of times and actually did a well study and
16 gathered some well information, and I've talked to him a couple
17 of times at meetings.

18 MR. LOWERY: Did he -- when he -- when
19 he'd been out to your house, was that before or after the LEO
20 organization was formed?

21 MR. GEORGE: It was after the organization
22 was formed.

23 MR. LOWERY: Is that how you came to know
24 about Dr. Criss, --

25 MR. GEORGE: Yes, it is.

1 MR. LOWERY -- through LEO?

2 MR. GEORGE: Uh-huh.

3 MR. LOWERY: So you met him from the LEO
4 organization, and then since then, he's been out to your house;
5 is that right?

6 MR. GEORGE: Correct.

7 MR. LOWERY: Did you get the article from
8 Dr. Criss or from somebody else?

9 MR. GEORGE: I got it from LEO.

10 MR. LOWERY: From LEO?

11 MR. GEORGE: Right.

12 MR. LOWERY: So LEO acquired the article
13 from Dr. Criss?

14 MR. GEORGE: Yes.

15 MR. LOWERY: What's -- what's your
16 profession, Mr. George?

17 MR. GEORGE: Retired. I was with IBM for
18 34 years.

19 MR. LOWERY: And what --

20 MR. GEORGE: Marketing and managing
21 projects.

22 MR. LOWERY: So you don't have any
23 specialized education, training, experience in engineering or
24 hydrology or toxicity?

25 MR. GEORGE: None whatsoever.

1 MR. LOWERY: And you don't know -- you
2 don't know what all sources of information Dr. Criss relied upon
3 to write his article; is that true?

4 MR. GEORGE: There is quite a list of
5 references in that article.

6 MR. LOWERY: But they're lists of ref-
7 they're references that he put in the article, right?

8 MR. GEORGE: That's correct.

9 MR. LOWERY: You didn't have anything to
10 do with his preparation?

11 MR. GEORGE: None whatsoever.

12 MR. LOWERY: You said he did some well
13 studies. Can you tell me a little bit more about that? It was
14 on your property?

15 MR. GEORGE: Well, he came out and just
16 identified my well, and I think there's a list of maybe 10 or 12
17 wells that are in and around the Labadie area with some very
18 specific information about the well depth the elevation of the
19 well head, how deep the liner is, that type of stuff.

20 MR. LOWERY: Would it be fair to say from
21 your understanding that Dr. Criss engaged in this study at the
22 behest of LEO?

23 MR. GEORGE: I can't answer that question.

24 MR. LOWERY: Okay. Have you had your well
25 tested, the drinking water quality of your well?

1 MR. GEORGE: When it was first -- when we
2 first drilled, it was tested, and there was no contaminants at
3 that time.

4 MR. LOWERY: And you haven't had it tested
5 since?

6 MR. GEORGE: I have not.

7 MR. LOWERY: Thank you very much for
8 answers.

9 MR. GEORGE: Sure.

10 JUDGE WOODRUFF: For staff?

11 MR. WILLIAMS: I'm going to follow up on
12 that. Just one question. When was your well tested?

13 MR. GEORGE: In 2007.

14 MR. WILLIAMS: No further question.

15 JUDGE WOODRUFF: Public Counsel?

16 MR. MILLS: No questions.

17 JUDGE WOODRUFF: Sierra Club?

18 MS. LIPELES: Just one question. Is your
19 well on the map that you submitted as part Exhibit R?

20 MR. GEORGE: It is, but it's not
21 highlighted as mine.

22 MS. LIPELES: But it's one of those red
23 dots?

24 MR. GEORGE: It is.

25 MS. LIPELES: Thank you.

1 JUDGE WOODRUFF: All right. You can step
2 down.

3 Next name on the list is Tom Deal. (Not present.)
4 Kara Carter.

5 MS. CARTER: I'll be quick. I actually
6 have pictures on PowerPoint that were set up earlier. Is that
7 okay? It'll be quick. This is really just pictures.

8 JUDGE WOODRUFF: Well, if you've got the
9 pictures, we can just take the pictures. We don't have to --

10 MS. CARTER: That's all I have.

11 JUDGE WOODRUFF: Okay.

12 MS. CARTER: That's my whole thing.

13 (Thereupon, the witness was sworn.

14 by the Judge.)

15 Really most of what I have is pictures. We have a
16 house that basically we can see the entire power plant and the
17 entire floodplain or floodway. And there's pictures from
18 yesterday showing all water on the floodplain. Quite a few done
19 over the past couple of years. We've got, you know, July of
20 2011, some of are 2008, some more historic photos major flooding
21 1951, the 1930s. You've heard a lot of people talk about the
22 floodways. This is FEMA that shows the floodway and why
23 everybody is concerned. This is just a regular thing made
24 available to the public.

25 The other thing I wanted to talk about was the EPA

1 toxic release inventory, and this is actually made available to
2 the public from the EPA, and this is, I guess, facilities report
3 to the EPA, and what's kind of surprising about this is the
4 Ameren plant is number 62 out 621 of the highest releases of
5 toxic chemicals in the whole country.

6 And I urge you to take a look at this. It's very
7 shocking. This is more EPA toxic release reporting, the facility
8 hazard to -- I give a number from 2007. It's 795 billion is what
9 Labadie Energy Center is releasing. The industry average is
10 about three billion. So that's 795 billion versus 3 billion.
11 The facility ponds, it is 2 million as opposed to 500,000.

12 That's pretty much it because it was all slides.

13 JUDGE WOODRUFF: Okay.

14 CHAIRMAN KENNEY: Ms. Carter, thank you
15 for staying.

16 MS. CARTER: You're welcome.

17 CHAIRMAN KENNEY: Thank you for your
18 presentation.

19 MS. CARTER: You're welcome.

20 JUDGE WOODRUFF: Okay. I believe this is
21 Exhibit S, and it's a number of photos, several taken just
22 yesterday.

23 MS. CARTER: Uh-huh.

24 JUDGE WOODRUFF: And I assume you took
25 these.

1 MS. CARTER: I did. I got bit by lots of
2 mosquitoes.

3 JUDGE WOODRUFF: All right. What about
4 the ones from the Summer of 2008?

5 MS. CARTER: That's my photo.

6 JUDGE WOODRUFF: Okay.

7 MS. CARTER: They're all mine.

8 JUDGE WOODRUFF: Well, not -- probably not
9 the 1950 or the 1930s.

10 MS. CARTER: Well, the one -- the 1951 one
11 is actually from above, but the other one actually is from our
12 property. That's the previous resident left all their photos.

13 JUDGE WOODRUFF: Oh.

14 MS. CARTER: So, yeah.

15 JUDGE WOODRUFF: Okay. Exhibit S will be
16 received into the record.

17 (Thereupon, evidence was marked for
18 identification and admitted into the record
19 as Exhibit S.)

20 Questions from Ameren?

21 MR. LOWERY: No questions.

22 JUDGE WOODRUFF: Staff?

23 MR. WILLIAMS: No questions.

24 JUDGE WOODRUFF: Public Counsel?

25 MR. MILLS: No questions.

1 JUDGE WOODRUFF: Sierra Club?

2 MS. LIPELES: No. Thank you very much.

3 JUDGE WOODRUFF: Okay. Ariel Claxburn?

4 (Not present.) Michael Burge? (Not present.)

5 Joe Dittrich?

6 MS. DITTRICH: He left, but submitted his
7 testimony on-line.

8 JUDGE WOODRUFF: Okay. Janet Dittrich.
9 Probably left also.

10 MS. DITTRICH: No, I'm here.

11 JUDGE WOODRUFF: No, you're there. Okay.

12 (Thereupon, the witness was sworn
13 by the Judge.)

14 All right. And you are Janet Dittrich?

15 MS. DITTRICH: I am Janet Dittrich.

16 JUDGE WOODRUFF: Spell your last name,
17 please.

18 MS. DITTRICH: D-I-T-T-R-I-C-H.

19 JUDGE WOODRUFF: Okay. What would you
20 like to tell us?

21 MS. DITTRICH: I have been a resident of
22 Labadie for the past 18 years, and I've been teaching science at
23 the Fulton School in St. Albans, Missouri. I am one of the
24 founding members of the Labadie Environmental Organization. When
25 LEO first organized, I was part of the science committee you've

1 heard about tonight, a group of local people with a particular
2 interest, profession or expertise in sciences, and we met
3 regularly to investigate, research, and educate ourselves about
4 this proposed coal ash landfill.

5 Ironically, my father, William Beck, was the
6 executive director of the American Lung Association back in the
7 '60s and '70s, and I remember he was regularly called upon to
8 testify in cases involving health problems caused by the air
9 pollution at the coal-fired power plants.

10 His voice contributed to the landmark Clean Air Act
11 in 1970. Therefore, I've had a particular interest in learning
12 about the air quality and how that proposed coal ash landfill
13 will harm the air quality in Franklin County, which is the issue
14 I will address tonight, and actually has not been addressed
15 specifically.

16 But first, the operation of the landfill in itself
17 can create air pollution. As is typical of coal ash landfills,
18 Ameren is proposing a dry rather than a wet handling of its ash.
19 The federal Environmental Protection Agency website has over
20 4,000 articles on coal ash, but I'm going to refer to just one
21 major study from May 2010 regarding some of the air pollutant
22 impacts of exactly this type of coal ash landfill.

23 According to EPA, when dry handled coal combustion
24 waste will be emitted into the air by loading, transport,
25 unloading and wind erosion, once in the air, will likely migrate

1 off-site as fugitive dust. As a result workers and nearby
2 residents could be exposed to significant amounts of coarse
3 particulate matter and fine particulate matter.

4 There are some pictures here in this study that show
5 a coal ash landfill and the particulate matter in the air. This
6 sort the air pollution is a lot more than an eyesore, as shown by
7 these pictures. The air pollution associated with coal ash
8 landfills, particularly the fine particulate matter, pollution is
9 especially harmful to human health, as we've heard here tonight.

10 In order to protect the human health, the EPA has
11 set national standards for fine particulate pollution. The EPA
12 summarizes the threat -- health threats posed by fine particulate
13 pollution as follow. When breathed in, these particles can reach
14 the deepest regions of the lungs. Scientific studies have found
15 an association between exposure to particulate matter and
16 significant health problems, including aggravated asthma, chronic
17 bronchitis, emphysema, lung cancer, irregular heart beats, heart
18 attacks, congestive heart disease and stroke.

19 So breathing the fugitive dust that will be stirred
20 up by the process of running a coal ash dump is clearly not in
21 the public interest.

22 In the course of our research, I went on to learn
23 more about the current effective emissions of the Labadie plant
24 on the air quality of Franklin County. You see, when I first
25 came here, I knew coal plants used to pollute the air, but I

1 naively thought that the Labadie plant had to comply with all the
2 air pollution controls that have been set by the Clean Air Act
3 and its revisions throughout the years since my father's work. I
4 thought the white clouds coming from the stacks was just steam.

5 So I was shocked to learn that Franklin County
6 currently does not meet the national air quality standards for
7 fine particulate matter, and Ameren's Labadie plan is one of the
8 top polluters of the fine particulate matter in Franklin County,
9 emitting significant amounts of fine and coarse particulate
10 pollution as well as enormous amounts of sulfur dioxide, which
11 also contributes to fine particulate pollution in the air.

12 On top of all of this, the Labadie plant has the
13 third highest mercury emission of all US plants, with 1,442
14 pounds of mercury emitted in 2008 alone. I was further shocked
15 and deeply concerned that the Ameren currently violates the Clean
16 Air Act and has been in violation since at least 2001.

17 The US Environmental Protection Agency issued a
18 notice of violation to Ameren in January 2012 for all four of its
19 coal plants in Missouri, including Labadie. Apparently all four
20 plants in Missouri undertook major upgrades without permits and
21 without installing the pollution controls necessary to comply
22 with the Clean Air Act. The EPA claims that since 2001 the plant
23 has been emitting illegally high levels of pollutants harmful to
24 human health, including coarse particulate matter, fine
25 particulate matter, sulfur dioxide, nitrogen dioxide and

1 pollutants contributing to ozone.

2 These cites just emphasize the fragile state of the
3 air quality in Franklin County. Remember, we do not meet the
4 national air standards due to Ameren's current violations
5 neglective responsibility to our county. So watching them trying
6 to push through a coal ash landfill that will only increase the
7 particulate matter through the fugitive dust from it's operation
8 can only increase the health risks previously mentioned to the
9 Franklin County residents. And this enormous effort by Ameren to
10 push this coal ash dump through when the EPA is on the verge of
11 regulating coal ash waste as a toxic substance is just one more
12 indication of how Ameren is not considering the public health nor
13 the environment in the least.

14 These violations opened my eyes and deeply concern
15 me about the kind of company that Ameren is. Is it prepared to
16 cover the health care costs of the residents of Franklin County?
17 This has been talked about. Can we trust them to comply with
18 regulatory standards? Not so much to this point.

19 In the face of all of the planning and zoning
20 hearings, the testimonies of experts in the scientific field as
21 well as concerned residents, it seems to me they continue to
22 place the profit margin over the health and the welfare of this
23 community as well as those downstream. A landfill of this nature
24 belongs in an area where people do not live and soil that is
25 clay-based not in a floodplain or in our precious farmland.

1 My father was an optimistic believer in the good of
2 people and our industries as well as in democracy as the power of
3 an individual's voice in this great nation. I think he'd be
4 shocked to see the seemingly complete disregard for the federal
5 laws he worked so hard to create by companies like Ameren. He
6 worked hard to make coal clean and safe for our nation 40 years
7 ago. My son is in the audience tonight, and I'd hate to have
8 tell him 40 years from now and have him look back and say if only
9 they hadn't built that coal ash landfill on the Missouri River
10 floodplain. I know my mom spoke up against it.

11 This is an opportunity for Ameren to literally clean
12 up their act and prove itself true proponents of their slogan,
13 "clean energy", through their actions as much as their words.

14 I hope that this Public Service Commission will
15 truly consider the public health and internal cost of coal to the
16 people and the environment and future of clean coal when you make
17 your decision. Thank you.

18 JUDGE WOODRUFF: Thank you, ma'am. Mr.
19 Chairman?

20 CHAIRMAN KENNEY: No questions. Thank
21 you.

22 JUDGE WOODRUFF: Ameren?

23 MR. LOWERY: No questions.

24 JUDGE WOODRUFF: Staff?

25 MR. WILLIAMS: No questions.

1 JUDGE WOODRUFF: Public Counsel?

2 MR. MILLS: No questions.

3 JUDGE WOODRUFF: Sierra Club?

4 MS. LIPELES: No. Thank you.

5 JUDGE WOODRUFF: You may step down.

6 We have been going for over two hours again. We're
7 going to have to take another break. I'm sorry. We have an
8 exhibit here also. Sorry. That would be T, Exhibit T will be
9 received into the -- or into the record.

10 (Thereupon, evidence was marked for
11 identification and admitted into the record
12 as Exhibit T.)

13 We'll take a ten-minute break, and we'll come back
14 at 11:40.

15 MR. MILLS: Could we ask for a show of
16 hands again to see who wants to testify after ten minutes?

17 JUDGE WOODRUFF: All right. Show of
18 hands. Who wants to testify after ten minutes. I still see
19 hands. So -- just one?

20 MS. LIPELES: Two.

21 JUDGE WOODRUFF: Two.

22 MS. LIPELES: Do they know they have a --
23 is it a question of if it's only tonight, would they stay or
24 would they come back.

25 JUDGE WOODRUFF: Well, if it's only two

1 people who want to testify, let's push through get it over with.

2 AUDIENCE MEMBER: What about those that
3 left early that wished to speak?

4 JUDGE WOODRUFF: We will revisit that
5 later, and we'll probably wind up scheduling another date, but I
6 don't know when that will be.

7 MS. LIPELES: We also have to respect
8 those that might have been prevented from arriving.

9 CHAIRMAN KENNEY: Sure.

10 JUDGE WOODRUFF: I understand.

11 CHAIRMAN KENNEY: If we've got two people
12 that want to testify, let's --

13 JUDGE WOODRUFF: Let's -- lady in the back
14 first come on. You can tell me who you are.

15 CHAIRMAN KENNEY: We're almost there.

16 MS. VIEL: My name is Julie Viel. Julie
17 Viel. I live in O'Fallon, Missouri.

18 JUDGE WOODRUFF: Yeah. Go ahead. I have
19 to swear you in first.

20 MS. VIEL: Oh, sorry.

21 (Thereupon, the witness was sworn
22 by the Judge.)

23 So I'm here. I'm concerned about climate change
24 and, you know, where we're going with it, and fossil fuels is the
25 number one driver of climate change, it says that in the

1 International -- IEA, International Energy Agency Report. They
2 have a website with lots of reports out there. I've read every
3 one of them. I didn't print them all off for you because they're
4 available, but that's a very well respected, you know, energy
5 agency.

6 The energy agency just came out last -- this month
7 with another report called "Redrawing the Energy Climate Map",
8 and it's basically urging us to wean ourselves off fossil fuels
9 and the number one driver for the climate change to be able to
10 stay within the 2 degree Celsius warming that the scientists and
11 the International Energy Agency all tell us we've got to stay
12 below to avoid the worst of climate change, and the worst of
13 climate change is whenever you -- for me it's like nothing you
14 can turn on and off. When it's on, it's on and you're not going
15 to un-warm those oceans, you know, because they also warm the top
16 and everything.

17 So we -- you know, I respect that what they say that
18 we have got to wean ourselves off. That's what we have got to
19 do, and we have to do it too. Missouri's like one of the worst
20 on energy efficiency of all the 50 states. We are one of the
21 lowest on renewal energy. You know, we could do better because
22 you know, we're good smart people that, you know, have that
23 capability.

24 I've also studied the -- it's on globalchange.gov
25 the national -- or the Climate Assessment Report that came out in

1 2013. There is a page 33 that shows the projected temperature
2 increase and, you know, that we are beginning to go into another
3 warming because of the carbon that's already been emitted, and
4 there's -- you know, it just takes a while for the energy to
5 balance out. It's called energy imbalance. James Hanson calls
6 it that. You can equate it to like a blanket over the earth, it
7 just takes a while for the blanket to warm. Here is the graph
8 that shows the temperature increase, you know, and there is
9 extremes associated with that.

10 Also associated when this gets to the Labadie plant
11 -- I don't know if my five minutes -- but you know, we maybe have
12 already increased by 1 degree Celsius. We're going to basically
13 to be warming another degree minimum. That means up to instead
14 of 7 percent more moisture in the atmosphere, the capability is
15 now up to 14 percent. Our water cools. It collects. That water
16 is going to then dissipate. The climate assessment report says
17 we are going to have more deluges. It's going to be, you know,
18 double flooding from what we've seen. You know, it's going to be
19 increased. I don't know double, but it's going to increase.
20 It's going to. There is no maybes on this graph, you know, we
21 have more evaporation in certain years, you know, instead of the
22 rains coming because there is more demands for evaporation when
23 the earth is warmer, and those evaporations mean droughts.

24 So the next year after the rain and then all tears
25 through the coal ash ponds, you know, then the next year you're

1 going to have just a little trickle in that water, and that water
2 is going to be very concentrated and very polluted with the
3 stuff, the coal ash. And that's what we're just giving our kids.

4 I wanted to, you know, share that. You know my
5 ancestors -- I do family history. I can look out into the
6 future. I can look out to the past. They've been in America
7 since 1618 and in Missouri since 1818. And I look at this graph
8 in my head every day, and I don't see how my kids are going to
9 live and my grandkids are going to live through the century at
10 the rate we're going, and I hope that Ameren really steps up and
11 really knows what this all means and means to all of us and our
12 future and our kids. That's it.

13 JUDGE WOODRUFF: Thank you, ma'am.

14 CHAIRMAN KENNEY: Thank you.

15 MS. VIEL: Yes, sir.

16 MR. LOWERY: No questions.

17 JUDGE WOODRUFF: Staff?

18 MR. WILLIAMS: No questions.

19 JUDGE WOODRUFF: Public Counsel?

20 MR. MILLS: No question.

21 JUDGE WOODRUFF: All right. I believe
22 this gentleman here wanted to testify. And your name, sir?

23 MR. NEWMAN: Marvin Newman.

24 JUDGE WOODRUFF: All right.

25 (Thereupon, the witness was sworn

1 by the Judge.)

2 Okay. You may be seated. And you said your name is
3 Marvin Newman?

4 MR. NEWMAN: Yes.

5 JUDGE WOODRUFF: All right.

6 MR. NEWMAN: I don't have any degrees of
7 any type to flash to everybody, but I do have about 55 years of
8 experience with the very land that we're talking about. I farmed
9 it for that many years. I believe that within my children's
10 lifetime, we are going to recognize the need of food production
11 land, and to me to take the farmland that can produce food for
12 our grandkids, great grandkids, so on and make a dump out of it
13 that, ah, that just doesn't set very well with me.

14 Ameren came to me in about 2004 and said, "We want
15 to buy your farm."

16 And I said, "I don't want to sell my farm."

17 "Well, we would like to visit with you about it."

18 Well, I said, "Okay. We'll visit." Well, we
19 visited and we visited and we visited. And every time we would
20 visit, I would ask them what do you want the land for, the only
21 answer that I could get was:

22 "We don't know what's coming
23 down the pike from the government
24 for our buffer zone. So we're going
25 to buy this land and be prepared for

1 anything that the government passes
2 down to us."

3 Two weeks after we signed the papers to sell the
4 farm, all of a sudden there was a trash dump brought to light.
5 So the only thing I can say is: A) I don't think they should be
6 given the permit; B) I think the land should be used for food
7 production, and then with my experience on the farm, sometimes we
8 had to -- we had to make serious problems into just a simple
9 answer, and I have suggested this and nobody has ever said, oh
10 that can't be done. I have been questioned about it several
11 times.

12 As I understand the operation of Ameren, they mine
13 coal in either Montana or Wyoming. They send it to Missouri, and
14 we pull a dump chute and all the coal goes down into a bin. They
15 pull the car up, they do the same thing over again.

16 Now, I don't know what percent of that coal is
17 unburnable, that is we're talking about tonight, but it looks to
18 me like, rather than starting a new place, if it was mined in
19 Montana, why don't we send it back to Montana. If it was mined
20 in Wyoming, why don't we put it back where we found it?

21 They dug a hole last week, they've got working on a
22 new whole this week. Why can't we put it in that hole? If we
23 have to concrete line it, isn't that better than doing it in a
24 floodplain?

25 And since the cars are going back empty anyway,

1 looks to me like it was an easy fix. Thank you.

2 JUDGE WOODRUFF: Thank you, sir.

3 Questions?

4 CHAIRMAN KENNEY: No. Thank you, Mr.

5 Newman. Thanks for coming.

6 JUDGE WOODRUFF: For Ameren?

7 MR. LOWERY: I just -- I just have one.

8 Mr. Newman, are a member of the LEO organization?

9 MR. NEWMAN: No.

10 MR. LOWERY: Okay. Thank you.

11 MR. NEWMAN: Uh-huh.

12 JUDGE WOODRUFF: Anyone else?

13 MS. LIPELES: Yeah. Mr. Newman.

14 JUDGE WOODRUFF: Mr. Newman, Sierra Club

15 has a question.

16 MS. LIPELES: I just have a couple of

17 questions.

18 MR. NEWMAN: Okay.

19 MS. LIPELES: The farm that you -- that

20 you spoke about, how big was that, about how many acres?

21 MR. NEWMAN: We sold Ameren a little over

22 700 acres.

23 MS. LIPELES: And what did you grow on the

24 farm?

25 MR. NEWMAN: Corn, soy beans, wheat,

1 sunflowers, milo, canola through the years.

2 MS. LIPELES: Thank you very much.

3 JUDGE WOODRUFF: Thank you.

4 Well, we're going to call an end to it tonight at
5 that point. I want to thank you all. It's been a very, very
6 long evening, but it's been a very good evening as well.

7 I've been very impressed with the demeanor of
8 everyone in the crowd. No one got angry, no one caused any
9 problems, and you've given us a lot of good information.

10 So thank you very much, and with that, we are
11 adjourned. .

12 CHAIRMAN KENNEY: Thank you.

13 (Thereupon, the proceedings concluded at
14 11:42 p.m.)

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter
and Notary Public within and for the State of Missouri, before
whom the foregoing proceeding was taken, do hereby swear that the
aforementioned was held at the time and in the place previously
described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

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