

1 STATE OF MISSOURI
2 PUBLIC SERVICE COMMISSION
3
4 TRANSCRIPT OF PROCEEDINGS
5 Local Public Hearing
6 July 10, 2013
7 Washington, Missouri
8 Volume 4
9
10 In The Matter Of The Application)
11 Of Union Electric Company d/b/a)
12 Ameren Missouri For Permission And)
13 Approval and A Certificate Of Public) File No.
14 Convenience and Necessity Authorizing) EA-2012-0281
15 It To Construct, Install, Own, Operate,)
16 Maintain And Otherwise Control And Manage)
17 A Utility Waste Landfill And Related)
18 Facilities At Its Labadie Energy Center.)
19
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22 MORRIS L. WOODRUFF, Presiding
23 CHIEF REGULATORY LAW JUDGE
24 ROBERT S. KENNEY, Chairman
25 STEPHEN M. STOLL, Commissioner

1 APPEARANCES

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

2 (Whereupon, the hearing began at 5:03 p.m.)

3 JUDGE WOODRUFF: I want to welcome you
4 once again to the local public hearing concerning
5 Ameren's request to construct a coal ash facility.
6 This is case number EA-2012-0281. And we'll begin
7 by taking entries of appearances from the attorneys
8 who are here representing the parties beginning
9 with Ameren Missouri.

10 MR. LOWERY: Thank you, Your Honor.
11 James B. Lowery with the law firm of Smith Lewis,
12 LLP, P.O. Box 918, Columbia, MO 65201 representing
13 Ameren, Missouri.

14 JUDGE WOODRUFF: And for Staff?

15 MR. WILLIAMS: Nathan Williams, P.O.
16 Box 360, Jefferson City, Missouri 63102.

17 JUDGE WOODRUFF: And for Office of
18 Public Counsel?

19 MS. BAKER: Thank you. Christine
20 Baker, P.O. Box 2230 Jefferson City, Missouri
21 65102.

22 JUDGE WOODRUFF: And for the
23 Intervenors?

24 MS. LIPELES: Maxine Lipeles and also
25 with me Elizabeth Hubert from the Washington

1 University Interdisciplinary Environmental Clinic,
2 One Brookings Drive, Campus Box 1120, St. Louis,
3 Missouri 63130.

4 JUDGE WOODRUFF: And I believe that's
5 all the attorneys. If I missed anybody let me
6 know.

7 All right. Well we're going to go
8 ahead and get started here. I see lots of familiar
9 faces out there and the main purpose of having a
10 second night of hearing was to try to get people a
11 chance to testify who haven't testified before. If
12 you have testified before I'll let you testify
13 again tonight although of course there's no reason
14 to repeat yourself but I do ask that if you
15 testified before that you wait until the end of the
16 proceedings so that people who haven't testified
17 before get a chance to get their word in.

18 I believe what I'm going to do, I have
19 the sign up list from last time, I'm going to run
20 down that first and get the people that signed up
21 that time a chance to speak first. I'm assuming
22 quite a few of those people won't be here but we'll
23 skip on through them and then we'll go with names
24 that signed up on the list here this evening.

25 So the first name on my list from last

1 week, or from last time is Susan Yarbrough. Is Ms.
2 Yarbrough here?

3 All right. I believe we did take her
4 testimony in written form last time.

5 Joel Cummings.

6 FROM THE FLOOR: He's absent.

7 JUDGE WOODRUFF: Okay. Gary Kappler?

8 FROM THE FLOOR: Absent.

9 JUDGE WOODRUFF: Gregg Aubuchon. All
10 right. Come on forward. And let me explain the
11 procedure for those who might not remember from
12 last time. I'll swear you in to give your
13 testimony, after you've testified I'll let the
14 commissioners ask any questions they may have and
15 then I'll give the parties the chance to ask any
16 questions also.

17 (WITNESS SWORN)

18 JUDGE WOODRUFF: What would you like
19 to tell us?

20 MR. AUBUCHON: First I'd like for this
21 opportunity in front of the Public Service
22 Commission. I'm from Festus, Missouri, I became
23 concerned because of the way Ameren has, just
24 because of the Rush Island plant and I became
25 interested in what was going on at Labadie, I'm a

1 stockholder, very appreciative of the power that
2 they deliver, the rates that they deliver, when
3 there's a power outage they respond, I appreciate
4 that, I appreciate the rates, I have no problem
5 with Ameren providing service, utility, but I have
6 become very upset because you have an incident,
7 Taum Sauk, and that was mostly negligence. In this
8 day and age corporations, they trim their costs,
9 they cut manpower, you take the auto corporation,
10 what do they do, they put out vehicles, they
11 realize that these vehicles before they leave the
12 assembly line there's a defect but it's cheaper to
13 let that car go out on the street and have a
14 recall. Now something's wrong with that. With
15 Ameren what they're asking for here is for another
16 landfill. They've already filled up one landfill,
17 it's full. They say they got 50 percent of it that
18 they can reuse so actually they haven't spent much
19 time figuring out how to reuse this landfill if
20 it's full. And so I'd say they have very myopic
21 tendencies. They don't understand that we use in
22 Missouri that we're burning 80 percent coal to
23 drive our energy. In the United States the average
24 is 37 percent. I don't think they see the writing
25 on the wall that we can't continue burning coal and

1 figure that this is the cheapest way to do things.
2 We're going to put another landfill in here and
3 it's only going to cost \$27 million, that doesn't
4 sound like a lot of money, I think the Taum Sauk
5 episode cost at least 27 million. I think if you
6 take the bonuses for the Ameren executives their
7 bonuses exceed 27 million so they're going to
8 appear in front of you and they're going to say
9 look, we're not going to pass any costs on to the
10 consumer, well that's fine, no cost today. My
11 thought is they're already getting out of Illinois
12 because they didn't anticipate that they were going
13 to have to clean up their messes because of the
14 landfills. I think eventually they're going to
15 have to clean the messes up over here so it's not
16 27 million, it's kind of like if you go the cheap
17 way sometimes you don't understand what the full
18 cost is and then eventually we're going to pass
19 that cost on to the consumer. So my problem is why
20 build another landfill, you haven't figured out how
21 to handle the ones that you already have, you've
22 got some landfills that are not lined and
23 effectively Ameren runs their company, they don't
24 do any monitoring of the air and the water in some
25 of these plants. They don't do this unless they're

1 mandated and I imagine the same thing's going to
2 happen in Illinois, they're going to have to clean
3 up those landfills, at what cost I don't know. So
4 I believe they have an addiction to coal, I think
5 they don't see the writing on the wall. I got a
6 letter from Senator Blunt just before I left the
7 house today and he's bragging about, you know, we
8 burn 80 percent coal to produce electricity in this
9 state and we are, we have the 17th cheapest
10 utilities so if we're burning that much coal how
11 come our utilities cost that much?

12 Thank you.

13 JUDGE WOODRUFF: Thank you, sir.

14 Mr. Chairman have any questions?

15 EXAMINATION

16 QUESTIONS BY CHAIRMAN KENNEY:

17 Q. Mr. Aubuchon thanks for coming out.
18 I don't have any questions but I do want to say
19 something as we get in to the rest of the hearing
20 for those that weren't here last time. We
21 appreciate you being here, there are two of us
22 here, myself and Commissioner Stoll, our other
23 commissioners that aren't able to be here will be
24 able to have the benefit of reading the transcript
25 of your comments that are being taken down by the

1 court reporter and so it becomes a document that
2 they would be able to read as we deliberate the
3 case. So we do appreciate you being here and do
4 appreciate you taking the time.

5 Let me just ask you one question Mr.
6 Aubuchon. You did say that you don't have any
7 complaint with quality of service and you said
8 you're an Ameren shareholder as well, is that
9 right?

10 A. Yes, sir.

11 Q. All right. And are you more
12 concerned with burning coal generally or with the
13 utility waste landfill specifically?

14 A. Right now it's the landfill but the
15 overall picture is we have to cut back on our
16 burning of coal, it's not healthy.

17 Q. Thank you for taking the time.
18 Thanks for being here.

19 JUDGE WOODRUFF: Commissioner Stoll?

20 COMMISSIONER STOLL: I have no
21 questions but I did want to thank you for coming
22 out tonight.

23 MR. AUBUCHON: Thank you.

24 JUDGE WOODRUFF: Any questions from
25 the parties?

1 MR. LOWERY: No questions.

2 JUDGE WOODRUFF: Thank you, sir.

3 Next name on last time's list is Lisa

4 Glenn.

5 Tom Diehl.

6 Arielle Klagsbrun.

7 Michael Berg.

8 Joe Dittrich.

9 Christine Dieckman.

10 Ruth Campbell. Good evening, ma'am.

11 MS. CAMPBELL: Hello.

12 (WITNESS SWORN)

13 JUDGE WOODRUFF: And you are Ruth

14 Campbell? Your name is Ruth Campbell?

15 MS. CAMPBELL: Right.

16 JUDGE WOODRUFF: You might want to

17 move the microphone down a little bit.

18 MS. CAMPBELL: Thank you for listening

19 to our comments and our concerns about a toxic

20 waste landfill. My name is Ruth Campbell, I live

21 at 183 Cleome Drive, Labadie, Missouri 63055.

22 In the 1800s my great grandfather

23 immigrated to Missouri from Germany. He purchased

24 land on the hill overlooking the Missouri River at

25 St. Albans. Now the site overlooks St. Albans

1 bottoms which was created when the upheaval from
2 the New Madrid earth fault caused the river channel
3 to move farther north creating the Boles, Labadie
4 and St. Albans river bottoms. Could this happen
5 again? I hope not. I was born in the 1920s in a
6 house in Boles Missouri River Bottom about a mile
7 west of the Ameren plant. Cool oil lamps furnished
8 our lights, gasoline engines ran the washer and the
9 outdoor clothes lines dried our clothes, and the
10 irons were heated on the stove to iron our
11 clothing. In the early '30s my parents moved to
12 Labadie on a farm on a hill just south of the
13 Ameren plant and farmed the bottom land where the
14 Ameren plant now exists. Property they later
15 inherited. Several years later Missouri contracted
16 Union Electric to furnish electric power to rural
17 families, and what a Godsend that was. Lights,
18 motors, et cetera, with the turn of a switch. With
19 that background one can understand why they sold
20 the land to UE so it could provide the same
21 conveniences to more people. They thought UE was
22 an honorable and concerned company, it was
23 concerned with benefits for everybody. When I
24 inherited half of the hill property in the '90s I
25 decided to make my home where I enjoyed my living

1 as a child. I assumed the ground, air, water were
2 safe. Later, however, there were rumors that the
3 electric plant was polluting the air with emissions
4 from the stacks and that a pond to collect
5 contaminants was leaking in to the river.
6 Apparently the powers that be were not monitoring
7 or caring what hazards might be, it might be
8 sending in to the environment. When UE became
9 Ameren Missouri the power was great but at what
10 cost to the community? We beg our local state and
11 federal officials to listen to our concerns about
12 the known and unknown toxic wastes that are, and
13 its disposal. Does a thin plastic type barrier
14 really waste, really keep waste heaps from leaking?
15 Now, and experience with nature tells us that wind
16 and water usually go where and when it chooses. A
17 landfill where flooding occurs is especially
18 dangerous, it is our hope that land, air and water
19 quality for a healthy environment can be achieved
20 for Labadie, for those downstream from us and for
21 the whole world. A landfill with potential hazards
22 is not acceptable.

23 Thank you.

24 JUDGE WOODRUFF: Thank you, ma'am.

25 Mr. Chairman any questions?

1 CHAIRMAN KENNEY: No thank you.

2 Thank you for being here Mrs.

3 Campbell.

4 JUDGE WOODRUFF: Mr. Stoll?

5 COMMISSIONER STOLL: Thank you for

6 being here.

7 JUDGE WOODRUFF: Any questions from

8 the parties?

9 MR. LOWERY: I just have one or two.

10 JUDGE WOODRUFF: All right. Go ahead.

11 EXAMINATION

12 QUESTIONS BY MR. LOWERY:

13 Q. Ms. Campbell are you a member of the
14 Labadie Environmental Organization?

15 A. Yes, I am.

16 Q. Have you been pretty active in the
17 organization?

18 A. I'm sorry?

19 Q. Have you been pretty active in the
20 organization?

21 MS. LIPELES: Object to the question.

22 JUDGE WOODRUFF: I'm going to overrule
23 the objection.

24 Go ahead and answer the question.

25 A. Yes I am as an older person.

1 Q. (BY MR. LOWERY) Okay. Thank you.

2 JUDGE WOODRUFF: Thank you.

3 MS. LIPELES: I have a question.

4 JUDGE WOODRUFF: Go ahead.

5 EXAMINATION

6 QUESTIONS BY MS. LIPELES:

7 Q. Mrs. Campbell, I'm sorry.

8 How close is your property to the
9 Ameren property?

10 A. We're about a mile I guess, we're on
11 the hill right above the plant.

12 Q. That's your house?

13 A. We're about a half mile I guess.

14 Q. And you do have a well on your
15 property?

16 A. Yes, we do.

17 Q. And do you have concerns about the
18 well in terms of the landfill?

19 A. We wonder.

20 Q. Thank you.

21 JUDGE WOODRUFF: Next name on the list
22 is Angie Hamlyn.

23 Mollie Freebairn.

24 Dave Greeley.

25 Donald Struckhoff.

1 Rob Compton.

2 Kathy Holloway.

3 Ron Holloway.

4 Jane von Kaenel

5 Kara Rangel.

6 That actually takes care of all the
7 names that were on the list from last time so I'm
8 now moving to the names that signed up for tonight.
9 First name is Adrian Hutton.

10 Good evening, sir.

11 MR. HUTTON: Hi, how are you all?

12 (WITNESS SWORN)

13 JUDGE WOODRUFF: And your name is
14 Adrian Hutton?

15 MR. HUTTON: Yes. H-U-T-T-O-N.

16 JUDGE WOODRUFF: Thank you very much.
17 What would you like to tell us?

18 MR. HUTTON: I attended a PSC hearing
19 in Union on June 25th and over 20 people gave
20 testimony, I will try not to repeat detailed facts
21 already presented on the record related to Ameren's
22 poor environmental record, their failure to manage
23 safely the existing coal ash waste runoff ponds or
24 engineering failures of their Taum Sauk reservoir
25 and other facilities. I want to share additional

1 concerns about this proposed project.

2 From the beginning of the review and
3 approval process utilized by Ameren and Franklin
4 County commissioners including planning and zoning
5 there has been no formal effort to openly consider
6 alternate project proposals. In fact there's been
7 an exerted effort to prohibit serious study of
8 alternatives. The Franklin County commissioners
9 refuse to find ways of establishing groups of
10 knowledgeable citizens to address the issues and
11 make recommendations. Ameren's proposed project is
12 all that has been considered for consideration. No
13 engineering studies or various project alternatives
14 that weigh risk, cost and other important criteria
15 was reviewed or presented at any public forum.

16 At the heart of my concern is a long
17 history of involvement with major engineering
18 projects utilizing hazardous, toxic and flammable
19 material. Safety and environmental considerations
20 were also a major and integral part of this work.
21 I have a Baccalaureate, Master, Ph.D. degrees in
22 chemical engineering, I was involved for more than
23 30 years in all phases of project engineering,
24 research and development, design, construction,
25 startup, operations and management. I have

1 engineering experience in nuclear, petroleum,
2 chemical and environmental projects. I retired as
3 director of engineering for Monsanto Company in
4 1993 and subsequently worked for Waste Management
5 Corporation for the Hong Kong government from 1993
6 to 1996 cleaning up industrial waste.

7 As far as questions from me that could
8 follow this testimony, but might not be asked, I
9 offer a question now.

10 Would I as engineering director for a
11 large multinational company approve this project as
12 proposed? Answer: No, I would not. There are too
13 many public health issues, future liabilities, too
14 little understanding of the engineering facts and
15 details of this proposed or alternate project
16 designs.

17 Back to my growing list of personal
18 concerns about this proposed project. It's common
19 to hear excuses for not doing detailed engineering
20 studies for safe, responsible and effective
21 projects. We already know what should work, why
22 get all mixed up in considering complicating
23 alternatives where resulting recommendations could
24 create more roadblocks or threaten the project?
25 Considering alternatives takes time and we put off

1 dealing with this issue so long that there's just
2 not enough time left for other options. Study
3 alternatives cost money. We're already convinced
4 that any change will only add costs to the proposed
5 project. Additional engineering studies require
6 more data than currently available and of course
7 that requires more time and money and maybe more of
8 a problem is some required data might not be
9 desirable to find out about right now. For
10 example, would ground water testing around existing
11 waste runoff ponds be desirable for right now? Is
12 there toxic materials in the waste product? Is
13 there high solubility in the exposed environment?
14 Maybe it's better not to know for sure what's going
15 on down there. Project proposals that come
16 prepackaged for approval can hide behind a cloak of
17 incomplete facts and limitations only partially
18 revealed through the inefficient playing of 20
19 questions.

20 The proposed design of this landfill
21 appears to be for a municipal waste facility
22 similar to that installed in Hong Kong while I was
23 working there for Waste Management. I am concerned
24 because coal solids, toxic wastes are definitely
25 not municipal wastes. It also seems that some last

1 minute engineering recommendations, for example the
2 concrete cover over the landfill being made by or
3 for the Franklin County commissioners, I'm not
4 familiar with the commissioner's technical record
5 but based on my experience environmental
6 improvements to ill-conceived projects do not
7 usually work out for the best and I'm sure some of
8 you have heard the old retort if you put lipstick
9 on a pig it's still a pig. I see little safety
10 testing of alternatives required for sound
11 engineering projects, I hear nothing about details
12 of numerous worst case design impacts and
13 solutions. One of the worst things that can happen
14 with this project, and specifically how should that
15 be factored in to the design criteria and alternate
16 project designs? Public health and safety impacts
17 are consequences of project alternatives, those
18 considered, and those ignored.

19 Where are data related to the
20 leachability of coal solid waste? No real
21 alternate case evaluation could be made without
22 data at various pH levels and what method of
23 leachability testing was used or should be used for
24 the specific coal solid waste to be landfilled? At
25 the end of my testimony, and I'll submit a survey

1 article written by Ann Kim, research fellow of DOE,
2 which might help Ameren and you with these
3 unanswered questions about leachability studies.

4 It's not only the real estate where
5 the most important factor can be location,
6 location, location, project site and safety
7 environmental considerations can be dominant
8 factors, for example, site in a floodway,
9 floodplain, seismic zone, neighborhoods next to
10 schools, et cetera. Poor location seems to be a
11 major issue in this proposed project. Ameren is a
12 publicly traded company that can change ownership,
13 management, community commitments and liability
14 many times over the forever lifetime of these toxic
15 wastes. Is Ameren capable of safely operating and
16 maintaining these landfills forever?

17 There is often off hand dismissal of
18 alternatives. From the June 25th Union PSC
19 pre-meeting Ameren Q and A session. Question: Use
20 rail cars to ship the waste to a safe location.
21 Answer: Coal cars are just designed for coal
22 delivery and would not be appropriate for this
23 material. There should be more questions and
24 answers about this option and other options. What
25 about special rail cars designed specifically for

1 coal solid waste? There seems to be special rail
2 cars appropriate for all kinds of hazardous waste
3 or special barges or something else. And, of
4 course: Our family's drinking water supply is from
5 a private water well and we're concerned about
6 hazardous and toxic material impacts to our safe
7 water supply. Everyone downstream of this proposed
8 project should also be concerned.

9 I think we've witnessed significant
10 political and administrative expertise by Ameren,
11 Franklin County commissioners and others in
12 shepherding this proposed project. Demonstrated
13 engineering expertise related to the proposed
14 project is another matter. I'm very concerned
15 about the lack of documented, disclosed and
16 detailed engineering studies that should form the
17 basis of the proposed project. Quality engineering
18 studies should include various project alternatives
19 that are critically tested and weigh risk, cost and
20 other important very criteria in an open and
21 documented manner. This should be done for a
22 project that has so many major public health,
23 environment and liability issues. This, these
24 important studies have not been done for this
25 proposed project.

1 The PSC should not approve Ameren's
2 request for certificate of convenience and
3 necessity.

4 Thank you for your time and
5 consideration.

6 JUDGE WOODRUFF: And you said you had
7 a document you wanted to give me?

8 MR. HUTTON: Yes, I do.

9 JUDGE WOODRUFF: All right. Can you
10 bring that up to me?

11 MR. HUTTON: Yes, you bet.

12 JUDGE WOODRUFF: All right. This is a
13 document entitled "Leaching Methods Applied To The
14 Characterization Of Coal Utilization By-Products."
15 I'm going to mark it as Exhibit AA, it will be
16 received in to the record.

17 Questions?

18 CHAIRMAN KENNEY: Dr. Hutton thank you
19 for your testimony, for the document.

20 EXAMINATION

21 QUESTIONS BY CHAIRMAN KENNEY:

22 **Q. Have you, are you aware of whether**
23 **there have been any alternate project proposals put**
24 **forth at all?**

25 A. I've heard various meetings where

1 Ameren has made comments that they did studies over
2 a five year period then I heard it in meetings
3 where they didn't do any studies. I do not know of
4 any studies, have seen no studies, have been not
5 part of a formal review or even an informal review
6 of any alternate studies, no.

7 CHAIRMAN KENNEY: Thank you for your
8 time and thank you for being here.

9 JUDGE WOODRUFF: Mr. Stoll?

10 COMMISSIONER STOLL: I do thank you
11 for your testimony, a question I was going to ask I
12 have to save for later. Thank you.

13 JUDGE WOODRUFF: Any questions from
14 the parties?

15 EXAMINATION

16 QUESTIONS BY MR. LOWERY:

17 Q. Mr. Hutton, or Dr. Hutton?

18 A. It's Adrian Hutton.

19 Q. Mr. Hutton thank you for being here,
20 I do have just a few questions.

21 You indicated you weren't aware
22 whether Ameren had studied alternatives to building
23 a nuclear waste plant. Is that your testimony?

24 A. I have not received or been privy to
25 any alternate project evaluation.

1 Q. You don't actually know what other
2 alternatives Ameren has or has not studied though,
3 isn't that true?

4 A. No, I don't know who's behind the
5 curtain.

6 Q. Are you a member of the LEO
7 organization?

8 A. Yes, I am.

9 Q. Are you aware that the LEO
10 organization is a party to this proceeding before
11 the Commission?

12 A. Well sure I am.

13 Q. Are you aware the LEO organization
14 has the ability to ask questions such as whether
15 there have been studies and ask for documents
16 related to those studies?

17 A. All of us have the ability to ask
18 questions.

19 Q. Are you aware that LEO hasn't asked
20 any such questions?

21 A. No, I'm not aware of it.

22 Q. You also, where do you live? And you
23 don't have to give me your street address.

24 A. I live in Labadie.

25 Q. About how far from the plant?

1 A. About a mile.

2 Q. You indicated you were concerned
3 about your well, is that your testimony?

4 A. Yes.

5 Q. Have you had that well tested?

6 A. Yes, I have.

7 Q. Were there any contaminants?

8 A. Not whenever I had it tested about 15
9 years ago.

10 Q. You haven't had it tested in the last
11 15 years?

12 A. No.

13 Q. You're aware that there have been
14 these allegations about contaminants leaking from
15 an unlined ash pond, correct?

16 A. Yes.

17 Q. That didn't prompt you for example to
18 test your well?

19 A. No, it prompted me to start drinking
20 bottled water. I bathe in water from my well, I
21 wash clothes in water from my well, I water the
22 grass from the water in my well but I cook and
23 drink with bottled water.

24 Q. Were you aware that in the lawsuit
25 that LEO has brought against Ameren and actually

1 **against Franklin County that Ameren's involved in**
2 **over the zoning ordinance that Ameren offered to**
3 **test water wells in the area?**

4 MS. LIPELES: Objection, this has
5 absolutely nothing to do with this and it's not
6 accurate and I don't think this is the time and
7 place to get in to what is or is not an issue in
8 the other case.

9 JUDGE WOODRUFF: I'm going to sustain
10 that objection.

11 **Q. (BY MR. LOWERY) Do you have any**
12 **knowledge about whether or not either from an**
13 **engineering perspective or practical perspective or**
14 **any other perspective Ameren could load coal cars**
15 **that deliver coal to the plant with coal ash and**
16 **ship them for example back to Wyoming, do you have**
17 **any knowledge whether that's actually feasible at**
18 **all?**

19 A. No, I took the Ameren gentleman that
20 spoke at the last meeting in Union that using a
21 coal car is feasible but that doesn't prohibit
22 there to be special cars for moving toxic waste to
23 another safe site.

24 **Q. Now you're an engineer, correct?**

25 A. Yes, at least once.

1 Q. Sounded like two or three times, you
2 have a lot of experience in various engineering
3 areas, correct?

4 A. Yes.

5 Q. Are you aware that Ameren has
6 submitted a construction and permit application
7 with the Department of Natural Resources in
8 Missouri for this landfill?

9 A. I saw that on the schedule.

10 Q. Are you aware that before they
11 submitted that application Ameren had to submit a
12 detailed site investigation report, engineering
13 documents, et cetera, to the Department of Natural
14 Resources?

15 A. Oh, yes.

16 Q. Have you seen that detailed site
17 investigation?

18 A. I have not looked at the detailed
19 report because it's around the alternate proposal
20 and I am wondering what other evaluations should be
21 and could be done to look for alternatives to the
22 proposal.

23 Q. So you didn't for example request to
24 get a copy of that from the Department of Natural
25 Resources for example?

1 A. I have not.

2 Q. Were you aware that the Department of
3 Natural Resources made a determination after that
4 detailed site investigation was submitted that this
5 site was appropriate for utility waste landfill?

6 A. I'm not surprised.

7 MR. LOWERY: I don't have any further
8 questions Your Honor.

9 Any other questions by any of the
10 parties?

11 MR. WILLIAMS: Yes.

12 EXAMINATION

13 QUESTIONS BY MR. WILLIAMS:

14 Q. Mr. Hutton may name is Nathan
15 Williams, I'm going to ask you a few questions,
16 hopefully not too many.

17 First of all I'm going to ask on
18 whose behalf are you testifying here today, on
19 behalf of yourself or someone else?

20 A. Mine, my wife and myself. And based
21 on my background and my observations about how this
22 project has been vetted, how it has been not
23 inclusive in the community in which it's going to
24 be constructed, the way in which Ameren has
25 presented the information about this project and,

1 in a take it or leave it manner, so myself.

2 **Q. When you testified that you believe**
3 **that other alternatives should be considered, and I**
4 **recall you specifically mentioned rail cars. Are**
5 **there any other specific alternatives that you**
6 **think should be evaluated?**

7 A. Well, there are all kinds of
8 alternatives. Let's see. The projects that I've
9 been associated with over 30 years have all
10 included alternative detailed evaluations to make
11 the selection that's right for the project based on
12 its location, its function, all kind of things. So
13 I'm not claiming that I can dictate which one
14 alternative should be the one pursued by Ameren. I
15 think that there, I've heard various people say if
16 you want to reduce the toxic coal ash solid waste
17 consider what the likelihood would be of burning
18 natural gas to boil the water to make the steam to
19 make the utility. That's an alternative. Reduce
20 the waste. Store the waste at a place that's safer
21 than in a floodplain. So I don't have specific
22 alternatives, I don't claim to be an expert.

23 **Q. Thank you.**

24 A. I just have experience with
25 engineering projects.

1 **Q. Thank you.**

2 JUDGE WOODRUFF: Any other questions?

3 EXAMINATION

4 QUESTIONS BY MS. LIPELES:

5 **Q. Dr. Hutton if there was an**
6 **alternative study that was about 20 pages and a**
7 **spreadsheet would that be the kind of alternative**
8 **study that you were talking about or are you**
9 **thinking about something somewhat more in depth?**

10 A. I was thinking about something in
11 depth. I was thinking about details that show
12 impact factors so risk, quantifiable, show cost,
13 show some words to go with the set of numbers that
14 have been generated but I'm not sure what.

15 **Q. Thank you.**

16 JUDGE WOODRUFF: All right.

17 Thank you Mr. Hutton.

18 Next name on the list is Ruth
19 Campbell.

20 MS. CAMPBELL: I've already
21 testified, thank you.

22 JUDGE WOODRUFF: Okay. I'm sorry.

23 Joan Featherston.

24 MS. FEATHERSTON: My name is Joan
25 Featherston, I'm a Franklin County resident.

1 JUDGE WOODRUFF: I need to swear you
2 in.

3 (WITNESS SWORN)

4 MS. FEATHERSTON: It's not really
5 testimony, I just want to make a statement.

6 JUDGE WOODRUFF: That's testimony.
7 That's fine.

8 MS. FEATHERSTON: Okay. My name is
9 Joan Featherston, I'm a Franklin County resident.
10 I just hope that UE and many other large companies
11 will consider and start doing something about
12 recycling, reusing some of the bad waste that are
13 produced from whatever process they use. And
14 that's, I just think, you know, as civilization in
15 quotes goes on we're just going to be creating more
16 and more stuff that's harmful to humanity and if
17 Union Electric, or Ameren UE can begin setting up a
18 process to reuse what is considered bad waste
19 products I think that would be helpful to them and
20 to people down the road.

21 That's really all I have to say.

22 JUDGE WOODRUFF: Thank you, ma'am.

23 MS. FEATHERSTON: Thank you.

24 JUDGE WOODRUFF: Questions?

25 Questions from the parties?

1 Thank you, ma'am.

2 John Hollowich.

3 Good evening, sir.

4 (WITNESS SWORN)

5 MR. HOLLOWICH: Yes. I have to tell
6 you I'm not a public speaker so you'll have to bear
7 with me a little bit but I do have some concerns as
8 a citizen. But I also have some comments to make.

9 First of all, we need electricity,
10 that's a given, and Ameren is that source in this
11 area. I am also an Ameren stockholder so I am not
12 anti business or anti utilities but I do want to
13 say that we must protect our air, land and water,
14 that's the three things that we cannot poison and
15 survive, air, land and water. And I'm concerned
16 that where the proposed site is is close to the
17 river, there's people downstream, it's in a
18 floodplain. We do have natural disasters, and we
19 have man made disasters. Natural disasters, we're
20 on a floodplain right here in Missouri, the
21 Meridian, or whatever it's called down there in
22 southern Missouri.

23 JUDGE WOODRUFF: New Madrid?

24 MR. HOLLOWICH: New Madrid, thank you,
25 sir. And that fault has been around for a long

1 time but back in the 1800s the way I understand it
2 from reading that changed the course of the river
3 and who knows when or if it will happen again and
4 we must always be on the side of prevention and
5 safety and always looking forward to what can
6 happen. If we knew what we know now about the
7 Bridgeton fire underground that's burning over
8 there in Bridgeton or the BP spill that's out, was
9 out there in the water, polluting the ocean,
10 killing fish, ruining shores of Alabama and
11 Mississippi and that and also we had Ameren Taum
12 Sauk and the speaker ahead of us, or me, spoke very
13 good about the, more eloquently I guess about
14 things about engineering sources. I am concerned
15 about that floodplain, I'm concerned about
16 earthquakes, I'm concerned about if something goes
17 wrong with this proposed site people down river
18 water supplies, air, land and water. We are given
19 this earth to be good stewards, we must protect
20 those things. For me if I got 20 years left on
21 this earth I might survive but what about that kid
22 there that's five years old? Look at all the kids
23 that wind up at like Times Beach. Because of a man
24 made disaster these kids got cancer and a lot of
25 them were in very bad shape. Times Beach isn't

1 there anymore, so. And it was on the river.

2 So I would like to say we must always
3 side on the side of efficient, safety, always take
4 in to consideration the children that are going to
5 be there not us, we're going to be gone so if
6 something happens to this, but we got to protect
7 these kids that are five years old playing in these
8 playgrounds right now. They're going to be
9 drinking that water, they're going to be bathing in
10 that water and it's not so much up here, it's
11 downstream I think. But I'm concerned about that
12 as a citizen.

13 So that's my comments. Thank you,
14 sir.

15 JUDGE WOODRUFF: Questions from the
16 commissioners?

17 CHAIRMAN KENNEY: Thank you for
18 sharing.

19 COMMISSIONER STOLL: Thank you for
20 your testimony.

21 JUDGE WOODRUFF: Questions from the
22 parties?

23 MR. LOWERY: No questions.

24 JUDGE WOODRUFF: Thank you, sir.

25 Next name on the list is Jan Brennan.

1 (WITNESS SWORN)

2 MS. BRENNAN: First of all I'm not an
3 expert in any particular field but I don't think
4 that I need to be since your commission has been
5 given plenty of evidence as to why allowing the
6 expansion of this toxic coal ash waste should not
7 be allowed in a floodplain sitting on top of ground
8 water. Since we are the ones that seem to have
9 come up with all the evidence as to why we should
10 not be subjected to the toxic air and water
11 pollution of this expansion site what would be the
12 rationale for the Commission to allow exposing all
13 of us to the potential and obvious dangers of toxic
14 coal ash waste in a floodplain in our drinking
15 water? Since so many have given expert testimony
16 as well as of documentation as to the dangers it
17 seems you should be required to explain to us why
18 it would be okay to allow this. Despite assurances
19 Ameren has a history of leaking pollutants. As you
20 must know you can have all the money in the world
21 but if you don't have your health you have nothing.
22 I'm asking that you not let this come down to money
23 and convenience for Ameren and remind you of taking
24 into consideration all the many comments, testimony
25 and documentation the public has submitted and

1 insist on a safer place for disposal than in our
2 floodplain and waterway. Floodplains contain
3 unconsolidated settlements often extending below
4 the bed of the stream. These are accumulations of
5 sand, gravel, silt and/or clay and are often
6 important aquifers, the water drawn from them being
7 pre-filtered and this is what the coal ash site
8 would sit on top of, most likely negating their
9 effect. According to a FEMA government website
10 surface water, ground water, floodplains, wetlands
11 and other features do not function as separate and
12 isolated components of watershed but rather than a
13 single integrated natural system. Disruption of
14 any one part of this system can have long term and
15 far reaching consequences on the functioning of the
16 entire system. In the past lack of understanding
17 of the overall natural system and its component
18 processes contributed to significant alteration of
19 the natural functions of floodplains and in many
20 cases to the degradation and destruction of these
21 resources. If we're worried about the cost of
22 electricity wait until we have to pay to clean up
23 all our water. We know coal is a terrible
24 pollutant and we should be reducing our consumption
25 of coal so why would you consider furthering our

1 dependence of such at the expense of our health and
2 safety?

3 JUDGE WOODRUFF: Thank you, ma'am.

4 Questions from the commissioners?

5 From the parties?

6 EXAMINATION

7 QUESTIONS BY MR. LOWERY:

8 Q. Is it Ms. Brennan?

9 A. Yes.

10 Q. Where do you live Ms. Brennan?

11 A. In the Pacific area.

12 Q. Are you a member of the Labadie
13 Environmental Organization?

14 A. Yes.

15 Q. Have you been active in that
16 organization?

17 A. I don't know what you mean by active.

18 Q. Do you go to most of the meetings?

19 A. I've gone to some of the meetings,
20 yes.

21 Q. Okay. Early in your testimony you
22 said that we have presented all the evidence. When
23 you say we who are you talking about?

24 A. The public.

25 Q. Just the public in general?

1 A. Right.

2 MR. LOWERY: I don't have any further
3 questions Your Honor.

4 JUDGE WOODRUFF: Any other questions
5 from parties?

6 MR. WILLIAMS: No.

7 EXAMINATION

8 QUESTIONS BY MS. LIPELES:

9 Q. Ms Brennan are you speaking on behalf
10 of LEO or on behalf of yourself?

11 A. On behalf of myself.

12 Q. Thank you.

13 JUDGE WOODRUFF: Next name on the list
14 is Franz Mayer.

15 (WITNESS SWORN)

16 MR. MAYER: Good evening, my name is
17 Franz Mayer, I appreciate the opportunity to
18 comment.

19 I live on the north side of the river
20 outside of Augusta upstream from the proposed
21 landfill area but I still want to add my voice to
22 the opposition to this project because I think it's
23 totally illogical to choose that kind of a siting
24 for a landfill, it flies in the face of common
25 sense. I think, I think we all deep down pretty

1 much agree that that's a bad siting choice. I
2 believe much better use of our time as a community,
3 as a community would be to focus our attention on
4 looking at alternatives. We all use electricity, I
5 personally have had no problems with UE, I'd really
6 like to be able to go in to my room and turn the
7 light on but I think we all have to recognize that
8 electricity costs, and I don't want to be part of
9 choosing the short term cheapest cost at the
10 expense of long term problems and I personally am
11 willing to pay more for my electricity if I can
12 assure that we're doing it in a more conscientious
13 safe way considering long term costs.

14 Thank you.

15 JUDGE WOODRUFF: Thank you, sir.

16 Questions?

17 CHAIRMAN KENNEY: Mr. Mayer, no.

18 Thank you, thank you for being here.

19 COMMISSIONER STOLL: Thank you for
20 your testimony.

21 JUDGE WOODRUFF: From the parties?

22 You may step down.

23 MR. MAYER: Thank you.

24 Next name on the list then is Janet
25 Dittrich?

1 MS. DITTRICH: Since I have testified
2 do you want to call --

3 JUDGE WOODRUFF: You were the last
4 name on the list so come on.

5 Come on up Ms. Dittrich.

6 (WITNESS SWORN)

7 MS. DITTRICH: Well, I came today to,
8 I spoke at the last hearing, I was the second to
9 last, I think it was about 11:45 and kind of hot,
10 tired and spacy and in the process I handed in my
11 notes, my working notes for, that I had worked on,
12 a study, I want to resubmit, I want to submit the
13 complete study that I was referring to in my last
14 speech. I did hand in the study but it was my
15 working copy and it had my notes and it did not
16 have a title page and the table of contents. So I
17 would like to resubmit that for the record.

18 JUDGE WOODRUFF: Bring it on up here.

19 MS. DITTRICH: And since you said, we
20 didn't realize we could talk a second time --

21 MR. LOWERY: Your Honor I need to
22 interpose an objection for the record about
23 witnesses actually testifying twice, I don't have
24 an objection to Ms. Dittrich completing her exhibit
25 that she didn't have complete at the time but I'm

1 going to have to object to witnesses testifying
2 twice in this hearing.

3 MS. DITTRICH: You don't want me to
4 say something different --

5 JUDGE WOODRUFF: Wait. It's up to me
6 to make that decision. He's raised an objection.

7 I am going to go through the list of
8 names here and I see some of these names I have
9 seen before as well. I'm going to allow people to
10 testify a second time but I will ask you not to
11 repeat yourself. There's no reason to repeat
12 yourself and so the objection is overruled. And
13 you can proceed.

14 MS. DITTRICH: All right. I just
15 actually wanted to add one little thing that I had
16 forgotten to say on the last one but I notice, I
17 just want to make it clear for the record that I
18 notice that some of the questioning about LEO and
19 our stance in the last hearing, I want to make it
20 really clear as a board member of LEO that our goal
21 never has been to, or our mission has never been to
22 close down the plant, we always have just wanted it
23 to store their ash in a safe place so I just want
24 to make that for the record. That is, that's all.

25 JUDGE WOODRUFF: Thank you.

1 And your document you've handed me
2 I've marked as Exhibit BB, double B and it will be
3 received in to the record.

4 MS. DITTRICH: Thank you.

5 JUDGE WOODRUFF: Any questions?

6 MR. LOWERY: I do -- I'm sorry.

7 CHAIRMAN KENNEY: No, I don't have any
8 questions. Thanks for coming again. Thank you for
9 being here.

10 EXAMINATION

11 QUESTIONS BY MR. LOWERY:

12 Q. Ms. Dittrich you are aware that the
13 company has stored coal ash at this site for 43
14 years are you not?

15 A. Yes.

16 Q. And you're aware that they stored it
17 in one of the ash ponds unlined, correct?

18 A. Yes.

19 Q. And one of them is lined.

20 A. Yes.

21 Q. Wouldn't you agree that a landfill
22 where the ash is stored in the solid form is an
23 improvement over the unlined wet ash ponds they've
24 used for the last 43 years?

25 A. Well, I think when you know better

1 you do better and 40 years ago when those were
2 planned I don't think we knew the true, what was
3 going on and I think we're learning more and more
4 every day.

5 **Q. So it's your position --**

6 A. So right now, and I wasn't around 40
7 years ago. Had I been around 40 years ago and had
8 looked in to it maybe I would have also objected
9 then.

10 **Q. So I guess your position, the bottom**
11 **line of your position is you don't want Ameren to**
12 **store any ash at this site at all. And I'm just**
13 **asking the question.**

14 A. That would be my opinion.

15 **Q. Thank you very much.**

16 JUDGE WOODRUFF: Any other questions?

17 EXAMINATION

18 QUESTIONS BY MS. LIPELES:

19 **Q. Ms. Dittrich you're speaking on**
20 **behalf of yourself and not on behalf of LEO, is**
21 **that correct?**

22 A. Yes, except for when I, you know,
23 when I state the fact that our position, you know,
24 hasn't been to close the plant.

25 **Q. But you're speaking on behalf of**

1 **yourself as a member of LEO and not on behalf of**
2 **LEO.**

3 A. Yes.

4 Q. Okay. And are you aware that
5 **Ameren's proposal is to leave the ponds as they are**
6 **and then add a landfill, not remove the ponds and**
7 **put a new landfill in place of the ponds?**

8 MR. LOWERY: Your Honor I'm going to
9 object, assuming facts not in evidence.

10 MS. LIPELES: I'm just following up
11 with your questions.

12 JUDGE WOODRUFF: I'm going to overrule
13 the objection.

14 You can go ahead and answer.

15 A. I'm not aware of that. That's scary.

16 Q. **(BY MS. LIPELES) Thank you.**

17 JUDGE WOODRUFF: All right. Thank
18 you.

19 I do have another list of names here.
20 We have a list of names here, I notice several of
21 them are people who testified before as I
22 indicated, I'm going to let you testify again but
23 I'm going to call the names that have not testified
24 first, at least that I don't recognize then we'll
25 go back to the others.

1 Lisa Venezia.

2 FROM THE FLOOR: She is on her way
3 here, she should be here probably in about 10
4 minutes.

5 JUDGE WOODRUFF: Okay.

6 Joseph Edward Grohs, Jr.

7 MR. GROHS: Yes.

8 (WITNESS SWORN)

9 MR. GROHS: I'm coming here as a
10 concerned citizen, perhaps even more so of a future
11 concerned citizen. I live in Festus, Missouri
12 which we also have a water facility on the
13 Mississippi River and I have a lot of concerns
14 about that. Plus also I'd like to place in
15 evidence this evening a document of the United
16 States Environmental Protection Agency, Region 7.
17 What this will describe to you is the use of Ameren
18 UE's coal ash product and the damage it has caused
19 to this area and the findings are here and I'd like
20 to submit this as evidence for you, sir.

21 JUDGE WOODRUFF: All right. I'm going
22 to mark this as Exhibit double C, it's from the
23 Environmental, United States Environmental
24 Protection Agency in the matter of Rotary Drilling
25 Supply Incorporated, it's Administrative Order On

1 Consent.

2 MR. GROH: Yes.

3 JUDGE WOODRUFF: All right.

4 MR. GROH: And my background is I have
5 served as a public servant for my community
6 approximately 20 years. I was a city councilman, I
7 worked on planning and zoning plus also I was the
8 mayor of that community for five and a half years.
9 The existence of Rotary Drilling has been during my
10 time and before that time. I was totally unaware
11 of this, knew nothing of it, didn't know about the
12 concerns, didn't know about the pollution and the
13 toxicity of that site, I am aware of it now. I'm
14 just afraid as a resident, not as an expert, that
15 this coal ash no matter what you do with it is
16 going to cause reprehensible damage to our
17 environment. I grew up in a community that had
18 approximately St. Joe Lead Company to the north of
19 me, River Cement to the south of me, Jones Chemical
20 to the south of me and also the old PPG plant that
21 no longer exists. There had been contaminants
22 found there, at that PPG site, I don't know what
23 they've done to eliberate all of it and if you
24 could understand my concern not only of the coal
25 ash but the toxicity of the area I have lost my

1 mother, I have lost my father, I have lost my
2 sister all to cancer. My brother and I are the
3 only two remaining people. I don't have it in
4 front of me today but I have read a medical report
5 where my area is now the hot spot for Legionnaires
6 Disease so you can see my concern. We have been
7 surrounded by all this toxicity, emissions from
8 whatever source, they're toxic and coal and fossil
9 fuel emits whether they put scrubbers on it or not
10 it emits things that are bad for our air. Now can
11 I sit there and tell you my sister died of cancer
12 because of somebody's coal ash, I'm not an expert
13 there, I didn't do a biopsy of my sister's body.
14 But there's a lot of people in the twin cities who
15 die of cancer and we're like in the old five
16 corners of New York, if you're familiar with the
17 five corners, that was just a place where they
18 dumped the poor Irish, well I don't want the people
19 in the city of Festus to feel like they're a
20 dumping ground for every utility, industrial
21 complex that wants to pollute our air, pollute our
22 water and walk away from it like Humpty Dumpty sat
23 on a wall and Humpty Dumpty had a great fall and
24 where are they going to be? They're not taking
25 responsibility for Rotary Drilling. You can read

1 that.

2 That's what I have.

3 JUDGE WOODRUFF: You said you're from
4 Festus, that's the community you were talking
5 about?

6 MR. GROHS: Yes.

7 JUDGE WOODRUFF: Can you tell me a
8 little bit more about the Rotary Drilling case?

9 MR. GROHS: Rotary Drilling case is
10 perhaps, my colleague -- Greg you want to testify
11 on that particular case? You know more facts than
12 I know.

13 JUDGE WOODRUFF: It's in the document
14 you gave me.

15 MR. GROH: It's in the document I gave
16 you. But the site is contaminated and next to it
17 is the local Elk's lodge which I'm a member of and
18 we have like a 13 acre lake. All the runoff from
19 that property from storm water is going down in to
20 that lake plus also they had well water there
21 associated with it. St. Pius High School is in
22 close proximity to that site. I don't know how
23 much leaching and water went down to their well
24 system. The hospital draws water from a well which
25 is now Mercy Hospital. I mean we could read, look

1 in to this and go farther and farther. Do I have
2 the studies in front of me what they found or if
3 they were tested, but no, they are in proximity to
4 a polluted site. And I believe through leaching
5 and seepage and underground water systems,
6 particularly the Potosi river table there we are
7 going to have problems and more problems coming
8 down the road if we keep believing in dilution is
9 the solution. Dump it in the Mississippi, well
10 there's only so many million gallons, how many
11 millions of gallons go down the river a day? It's
12 not the answer. We've got to look for alternatives
13 and that's just one thing I had to say.

14 JUDGE WOODRUFF: Thank you, sir.

15 Any questions?

16 CHAIRMAN KENNEY: No.

17 JUDGE WOODRUFF: Commissioner do you
18 have any questions?

19 COMMISSIONER STOLL: I have no
20 questions, thanks for coming and testifying.

21 JUDGE WOODRUFF: I've marked your
22 document the initiative order as double C and it
23 will be received in to the record.

24 Questions from the parties?

25 Thank you very much, sir.

1 Let's go back up to the top of the
2 list. Petra Haynes.

3 MS. HAYNES: Ms. Venezia is here now.

4 JUDGE WOODRUFF: All right. We'll
5 take Ms. Venezia.

6 MS. VENEZIA: I have to take note in
7 Union we had a table and a chair, I certainly would
8 have appreciated that.

9 JUDGE WOODRUFF: Different facilities
10 set these things up differently.

11 (WITNESS SWORN)

12 JUDGE WOODRUFF: Can you spell your
13 last name for the court reporter?

14 MS. VENEZIA: V-E-N-E-Z-I-A.

15 JUDGE WOODRUFF: Thank you very much.
16 What would you like to tell us?

17 MS. VENEZIA: I'm going to read so
18 that I don't ramble.

19 My name is Lisa Venezia, I moved to
20 Labadie 15 years ago. I've been an owner of the
21 Labadie Market and Deli, the president and the
22 business's manager for the past 13 and a half
23 years. I've had the privilege of meeting, serving
24 and befriending so many Labadie area residents,
25 countless Ameren UE employees and hundreds of

1 outside contractors who have worked at the power
2 plant. I have much respect for most.

3 I'm here tonight to share with you my
4 experience with the Ameren UE plant manager in
5 early 2010. I am opting now not to say his name
6 publicly, however, shortly after the controversial
7 landfill project was presented to the community
8 this gentleman orchestrated a boycott of my market
9 and deli in January 2010 that lasted several
10 months, nearly four. His comments at the time of
11 reconciliation with me in later spring still
12 concern me today, three and a half years later.
13 Here are those that I remember most and best:

14 1. I couldn't believe you were
15 letting a LEO member be interviewed inside your
16 store.

17 Number 2. I felt betrayed and angry
18 when I thought you were supporting their
19 objections.

20 Number 3. We don't want public
21 scrutiny.

22 Number 4. The general public can't
23 understand what we have to do.

24 Number 5. Considering all of the
25 business we've given you over the years I really

1 thought we'd have your support.

2 I have to ask myself are these the
3 arguments used with public officials, i.e. because
4 of the taxes we pay and the service we provide we
5 expect your support no matter what? That was the
6 message I was receiving.

7 LEO had held their first public
8 meeting regarding the proposed new landfill in
9 October 2009. Ameren had held their second public
10 meeting on the same a month later in November 2009.
11 I attended both. I had not had an initial negative
12 knee jerk reaction to their plan, I gathered
13 information and insight from as many Ameren
14 employees and LEO members as possible. As you will
15 hear now when I now read excerpts from two letters
16 sent to the plant manager with cc, copies to other
17 Ameren officials during the time of their boycott I
18 took tremendous offense to their efforts to silence
19 our discussion.

20 This first letter I composed February
21 2010.

22 Dear Mr., according to numerous and
23 reliable sources you have ordered a boycott of all
24 Labadie Market purchases that might have otherwise
25 been made with any Ameren UE corporate credit card.

1 I am shocked, dismayed and angered by this action,
2 and I'm going to skip my lengthiness and jump down.

3 Our offense, I am told from multiple
4 sources, is having allowed a Fox newscaster to
5 remain inside our store while he interviewed a
6 Labadie Environmental Organization representative.
7 That same reporter claimed to have requested an
8 interview with an Ameren representative, had an
9 Ameren representative arrived to conduct that
10 interview they also would have been welcomed and
11 allowed to remain inside our store for the duration
12 of that interview. We locked our doors at the
13 regularly appointed closing hour while Fox News
14 continued their interview outside in front of the
15 store.

16 Skipping down. The Labadie Market is
17 a public venue, no public discourse. The owners
18 believe deeply in the opportunity for open and free
19 exchange of ideas, facts, arguments, opinions and
20 even speculations. Patrons of the market have
21 openly, and recall this was written in February
22 2010, also received by the commissioner at the
23 time, presiding commissioner and our first district
24 commissioner. So they were aware of this taking
25 place.

1 Patrons of the market have openly
2 expressed the full gamut of opinion regarding
3 Ameren UE's proposed landfill expansion project,
4 some supportive, some skeptical, others opposed.
5 The owners of the market made a conscientious
6 decision to remain publicly neutral on this
7 subject. We have purposely sought information
8 firsthand from plant managers and supervisors. We
9 have listened to dissenting opinions from LEO
10 representatives.

11 Skipping down. Your economic boycott
12 of the Labadie Market is blatant corporate bullying
13 and attempted intimidation to try to silence any
14 community concern and questioning of your proposed
15 landfill. Shame on you. If your plan is
16 appropriate for our community then it should be
17 able to withstand public scrutiny. We will not
18 restrict public discourse on this subject inside
19 the market despite your corporate purchasing power
20 boycott. In fact the only censorship we've been
21 guilty of to date is denying LEO to post notices
22 within our store.

23 Skipping down, your choice of
24 retribution has now brought the integrity of the
25 leadership of the Ameren Corporation in to my

1 doubt. No community wants to feel bullied or
2 threatened by their publicly traded utility
3 company.

4 Quickly, the second letter was written
5 in April 2010. Dear Mr., thank you for meeting
6 with me March 26th. I appreciate your effort to
7 meet and the opportunity, blah, blah, blah. To the
8 final two short paragraphs, thank you again for
9 offering to withdraw your recommendation that
10 Ameren UE and its employees avoid commerce with the
11 Labadie Market. I know how your initial opinion
12 was presented to various staff but I forgot to ask
13 when and how your recommendation to resume normal
14 and prior levels of commerce would be made to
15 staff. To date I have not seen restoration of
16 normal purchase activity. Please let me know how
17 the employees will know now that it is safe and
18 acceptable to make purchases with the Ameren UE
19 corporate credit card. Thank you again for your
20 reconsideration.

21 And that boycott applied not just to
22 the corporate credit card use which was absolutely
23 in effect but the general employee staff at the
24 power plant was made to feel intimidated and feared
25 being seen going in and out of the market. I know

1 this, I know flier posts were hung inside the plant
2 with what they imagined was a photo of me during
3 that interview, it was not me but that's beside the
4 point. I know that the secretarial staff was
5 forbidden to order, we had a large catering job
6 prearranged a week in advance that was cancelled
7 with just hours notice the morning following the
8 broadcast of that news interview, employees were
9 overheard saying boy, I really miss their
10 sandwiches, I wish we could go in there, this is
11 ridiculous.

12 Here's what I know in a nutshell and
13 I'll be quick with this because I think you all
14 know this anyway. The first storage pond was dug
15 in to the raw earth decades ago, holds fish and
16 vegetation even today because the waste byproducts
17 of burning coal in past decades were safer than
18 today because of the majority of heavy metals and
19 other toxins escaped through the stacks. The
20 newer, currently used retention ponds with liners
21 appear like a denuded moonscape. I've climbed
22 towers and looked down and seen it firsthand.
23 Because after electrostatic precipitators were
24 installed to remove some of the particulate
25 pollution matter from the emissions the air became

1 cleaner but the byproduct ash became more toxin
2 laden.

3 More efficient advanced electrostatic
4 precipitator units are being installed right now as
5 we speak here tonight and in the not too distant
6 future federally mandated scrubber systems removing
7 even more particulates from the emissions will
8 eventually be installed as well. These upgrades
9 will be great for our improved air quality, but
10 terrible for the ever increasing toxicity of our
11 ash. I say our because this is a publicly held
12 utility, we all use the electricity generated and
13 you all are our public safety commission members
14 hired to oversee safety of these operations and the
15 use and misuse of the byproducts.

16 This leads me to my final point and
17 concern. We learned at the prior PSC hearing in
18 Union that AmerenUE officials had been aware for
19 years of two ash storage safety violation leaks
20 flowing from the current ash ponds. If memory
21 serves one seeped at five gallons a minute in to
22 the river and another gushed at 30 gallons a minute
23 on site above ground and visible. Our Ameren
24 counsel representative admitted and proudly
25 confirmed those seepages have just recently been

1 remedied, fixed, closed, sealed, stopped, however
2 that was done. Great news but why did it take them
3 so long to address these leaks?

4 I understand the magnitude of the
5 challenge we are facing with the ever increasing
6 toxicity of the byproduct ash but given this
7 admitted history of avoidance of taking immediate
8 corrective measures when faced with this past ash
9 storage safety breach I have had to come to the
10 conclusion that a floodplain, floodway, earthquake
11 susceptible riverside location is not necessarily
12 going to be the best location for increasing
13 volumes of increasingly toxic material. Probably
14 only very convenient but we should all want better
15 than just convenient.

16 Please send the extremely skilled
17 engineers and site planners and designers back to
18 the drawing table. It is ultimately acceptable to
19 say no, sometimes even to Ameren UE, and yet still
20 hold their people in your highest regard as I do.
21 I know, I've done it.

22 Thank you.

23 JUDGE WOODRUFF: Thank you, ma'am.

24 MS. VENEZIA: I'd like to enter
25 copies, the full copies of those letters and what I

1 have just read.

2 JUDGE WOODRUFF: Bring them on up
3 here. I'm going to go ahead and mark these as
4 double D and any questions from the commissioners?

5 EXAMINATION

6 QUESTIONS BY CHAIRMAN KENNEY:

7 Q. Ms. Venezia, thank you, thanks for
8 taking the time to be here.

9 Did you get any responses to the
10 letters that you sent to the plant?

11 A. Nothing written. The plant manager
12 ultimately tracked me down personally the end of
13 March and we met face to face March 26th, 2010.
14 But the boycott had already been in effect, it
15 started at some point in earlier January, right
16 after that television interview was broadcast and
17 it was well in to April before employees started
18 feeling safe to return. The plant manager himself
19 finally broke the ice after my second followup
20 letter and the day he stopped at the market for a
21 nightly beer with colleagues was a momentous day
22 for me and my business.

23 Q. How's business today?

24 A. We're in the black.

25 Q. Okay. Things are getting back to

1 **normal with respect to --**

2 A. Yeah, I would say by summer
3 everything was back to normal, they were happy to
4 begin ordering catered lunches and such again.

5 **Q. Very good. Thank you for your time**
6 **and your testimony.**

7 JUDGE WOODRUFF: Double D will be
8 received in to the record.

9 COMMISSIONER STOLL: I have no
10 questions but I do thank you for coming out this
11 evening and sharing that with us.

12 MS. VENEZIA: Thank you.

13 JUDGE WOODRUFF: Questions from the
14 parties?

15 MR. LOWERY: No thank you.

16 JUDGE WOODRUFF: No questions so you
17 may step down.

18 MS. VENEZIA: Are you sure?

19 MR. LOWERY: I'm sure.

20 MS. VENEZIA: And I hope I don't see
21 any change in business after tonight.

22 JUDGE WOODRUFF: Next name on the list
23 is Katheryn Krueger.

24 (WITNESS SWORN)

25 JUDGE WOODRUFF: Your name is Kathryn

1 Krueger?

2 MS. KRUEGER: Yes.

3 JUDGE WOODRUFF: What would you like
4 to tell us?

5 MS. KRUEGER: Well, good evening, my
6 name is Kathryn Krueger, I am a public health
7 graduate student and a lifetime resident of
8 Oakville near the Meramec power plant in St. Louis
9 County.

10 After learning about Ameren's plans to
11 construct coal ash waste landfills at the Maramec,
12 Labadie and Rush Island plants I decided to
13 research coal ash and how it can impact the health
14 of the community. In doing so I've become quite
15 concerned about the location of the coal ash
16 disposal and the possible adverse health effects
17 from keeping the waste material so close to
18 residential areas and in the floodplains of
19 Missouri's largest rivers which supply drinking
20 water for many communities. Coal ash contains
21 several elements that can harm human health and
22 animal health from exposures from all sources such
23 as breathing, eating, drinking and skin contact are
24 taken in to consideration. Coal ash contains
25 mercury, lead, arsenic, cadmium, accidental chromium

1 and others which are carcinogenic, nerve toxic and
2 can produce a variety of other serious health
3 conditions. Even very small exposures to some of
4 these elements over time can have devastating
5 health consequences. That is why the Environmental
6 Protection Agency has determined that for drinking
7 water the maximum contaminant level goals for
8 elements such as arsenic and lead is zero parts per
9 million so if there is a way to prevent it we
10 should not allow any additional toxic contaminants
11 to impact our water systems. As Apocolos once
12 stated if you want to learn about the health of a
13 population look at the air they breathe, the water
14 they drink and the place where they live. Now this
15 is what we do in the field of public health. We
16 study the health of populations and the factors of
17 guiding people, either aiding them or preventing
18 them from obtaining optimal health. When a risk
19 factor has been identified all reasonable efforts
20 should be taken to minimize exposure of the
21 population to the health risk.

22 We know from case studies and research
23 around the country and the world that ground water,
24 river water and soil can become contaminated when
25 harmful contaminants from coal ash and therefore we

1 can, or we should take every precaution to protect
2 the public and our waterway from unnecessary
3 exposures here in Missouri.

4 So I urge you to any consider all the
5 possible damaging effects that a coal ash landfill
6 in this particular location can cause to the health
7 and well being of the entire region, not only today
8 but decades in to the future. This proposed
9 landfill will not soon disappear but instead will
10 continually leach and spread its toxin contaminants
11 in to the surrounding environment threatening both
12 human health and wildlife in the surrounding area
13 and downstream from the landfill in years to come.
14 When there's safer alternatives available we should
15 not be trading on the welfare of the people and the
16 environment for the profit and convenience of this
17 plan.

18 Thank you.

19 JUDGE WOODRUFF: Questions?

20 CHAIRMAN KENNEY: No. Thank you for
21 your testimony.

22 JUDGE WOODRUFF: Questions from the
23 parties?

24 Thank you ma'am.

25 Next name on the list is Stuart

1 Keating.

2 (WITNESS SWORN)

3 MR. KEATING: Thank you for having me
4 here tonight. My name is Stuart Keating, I'm the
5 state advocate for Environmental Missouri and I'm
6 here representing our over 3,000 members and
7 supporters in this matter. We are a state wide
8 citizen based grass roots environmental advocacy
9 organization working for clean air, clean water and
10 open space for all Missourians and we believe that
11 the Labadie coal ash landfill is a terrible
12 decision on environmental and frankly even economic
13 grounds. As we know Ameren does not have the best
14 track record for either public safety or for the
15 general cleanliness of their plants. The Labadie
16 plant has long been one of the dirtiest in the
17 country and they're currently being, they're
18 currently under investigation by the EPA for
19 several illegal dumping sites in Illinois so we
20 don't believe that building a plant on a very
21 highly sensitive floodplain given their safety
22 record should be allowed at all.

23 In terms of the economic concern and
24 why I'm here representing all of our members even
25 though not all our members are from the area is

1 that we as ratepayers for Ameren UE will pay for
2 the construction of this plant and when, not if,
3 something goes wrong we will pay for the cleanup as
4 well so I'm sure you've heard from many, many
5 people across the state, many people involved here
6 and elsewhere that they don't want this built. I'm
7 not sure exactly what more you need to hear from
8 stakeholders from around the state to weigh in on
9 this but if we as ratepayers don't want this built
10 it's up to you as the Public Service Commission and
11 it's up to Ameren who is beholden to the ratepayers
12 believe it or not to listen to us.

13 So that's all I have.

14 JUDGE WOODRUFF: Thank you, sir.

15 Questions?

16 EXAMINATION

17 QUESTIONS BY CHAIRMAN KENNEY:

18 Q. Mr. Keating thank you for being here.

19 Is the organization, is the name of
20 your organization Environmental Missouri?

21 A. Yes, sir.

22 Q. Is it a state wide organization?

23 A. Yes.

24 Q. Okay. My question is assuming
25 hypothetically that Ameren decided to not build a

1 coal ash pond at Labadie and they decided to build
2 it someplace else that was more ecologically
3 sensitive would your position still be the same?

4 A. If they were to build it in a more
5 ecological place?

6 Q. Yeah. Again, well let me ask. Is
7 there a place where they could build it that would
8 satisfy Environmental Missouri that would be more
9 ecologically appropriate?

10 A. Over the long term we would obviously
11 like to see no more coal ash at all but in the
12 short term we are cognizant of the fact that there
13 is coal ash that needs to be disposed of and so I
14 do not have any particular site in mind, I'm a
15 lawyer, not an engineer. I don't believe that, I
16 don't believe a floodplain, especially a floodplain
17 that was under water in 1993 is a very good site.

18 Q. Thank you for taking the time to be
19 here, thank you for your testimony.

20 JUDGE WOODRUFF: Commissioner Stoll?

21 COMMISSIONER STOLL: Thank you for
22 coming out this evening.

23 JUDGE WOODRUFF: Questions from the
24 parties?

25 You can step down.

1 MR. KEATING: Thank you.

2 Then we've got three more names on the
3 list, I believe all three of them testified last
4 time so as I said you're welcome to testify again
5 but please don't repeat yourself.

6 Petra Haynes.

7 (WITNESS SWORN)

8 MS. HAYNES: Thank you very much for
9 allowing me to testify one more time. I would like
10 to make three fairly brief points.

11 The first one is with respect to the
12 last hearing in Union. Mr. Wood I believe was the
13 name of the Ameren representative had a sample of
14 the coal waste the way they planned to store it as
15 a solid quote unquote I think he said it sets up as
16 concrete, do you remember that? It was there. I
17 don't know if you saw it.

18 JUDGE WOODRUFF: Myself and the
19 Commissioner were not there for that portion of the
20 proceeding.

21 MS. HAYNES: Let me just tell you. He
22 had a sample of this, the substance that they plan
23 to store in the proposed landfill and the way they
24 intend to do that and you have probably heard that
25 or read about it is that they will have it set up

1 as, and they say concrete and it was a cylinder. I
2 remember actually at the open house, Ameren's open
3 house in fall of 2009 in Labadie they also had some
4 of those on hand to show people who came to the
5 open house what that would look like. At the time,
6 at the open house I remember someone asking one of
7 the attendees if Ameren had done a study on how
8 this material would behave if it were submerged in
9 water for over an extended period of time, for
10 instance during a flood, and I remember the
11 gentleman who was in charge of that sample being a
12 little flustered and admitting that well, no, not
13 really, they hadn't really done that. Maybe just
14 briefly but they really had not done a study to see
15 what, how that material would behave. So that is
16 something we apparently don't know. I mean I would
17 like to know, I think the public would like to know
18 if Ameren has in fact maybe since then done a
19 study, an extensive study hopefully on how this
20 material would behave if it were to be submerged
21 for an extended period of time and I do understand
22 that Ameren plans to have these ponds or sites
23 lined with plastic liners but then we also have
24 heard that liners do break and that, and then we
25 also heard about the concrete that is supposed to

1 surround the site and, we know that concrete cracks
2 so that may not be the fix all either so that is
3 something I'm really interested in. Have they done
4 a study on that and if they have done a study could
5 they share that with the public to, so we may be
6 better informed on how this material would behave
7 under such circumstances because flood that site
8 will do, we know that, because it does every year.

9 My second point is with respect to
10 something Mr. Lowery said earlier when he asked one
11 of the speakers whether he was aware of the fact
12 that LEO did not request a copy of Ameren's
13 alternative site study and I am a member of LEO and
14 so I think I would say to that when we first became
15 aware in the very early days in 2009 when we
16 organized and we looked on Ameren's website and in
17 fact there was something about that they had done
18 this study and they also had a poster at their open
19 house in 2009 that they had done this study, they
20 looked at 22 sites, we actually did ask the people
21 who were there whether, where is this study, how
22 can we see this study, we would like to see the
23 study, we're interested in the study but first
24 there was no response at all for months I think and
25 then we were told that there was no study, they had

1 never done a study and I believe Mr. Menne, and
2 that by the way is M-E-N-N-E, who I think at the
3 time was the VP of environmental affairs for Ameren
4 if I'm not mistaken, he actually said that Ameren
5 did not do a study so I guess I would have to say
6 when you're told that there is a study there really
7 is no reason to pursue requests for a study that
8 apparently was never done, I think that makes sense
9 although most recently we have heard, I think at
10 the last PSC hearing that maybe there is a study so
11 we're not really clear on what the status is on the
12 study but if there is one we sure would like to see
13 it.

14 My third point is that any business
15 that deals with toxic wastes, for instance an auto
16 mechanic, the place where I take my car to get my
17 oil changed and you I'm sure, I know that those
18 business are required by law to dispose of those
19 hazardous materials in certain safe ways and I know
20 that they can lose their business license, they
21 must be permitted to do so as well it should be so
22 they're held to the standards as well they should
23 be. I see really no reason why a company like
24 Ameren that also produces in the course of doing
25 business lots of hazardous materials should not be

1 held to the same standards, meaning that their,
2 they should have permits, their permits should be
3 current, there should be, applications for renewal
4 should be applied for in a timely fashion and
5 renewed in a timely fashion if in fact Ameren's
6 operation warrants renewal of the permits and if
7 they don't then something needs to be done about
8 that. I don't see why Ameren is being held to
9 different standards apparently. That's a problem I
10 think. And that's all I have to say.

11 JUDGE WOODRUFF: Thank you.

12 Questions?

13 EXAMINATION

14 QUESTIONS BY CHAIRMAN KENNEY:

15 Q. Ms. Haynes thanks for coming again
16 tonight. Can I ask you a question about your
17 second point? You mentioned a meeting, an earlier
18 meeting at which a Mr. Menne said there was no
19 study. What meeting was that?

20 A. Actually I believe Mr. Menne said
21 that on the air in a radio interview that was done,
22 the station is KWMU and it was a local broadcast
23 that would have been at 11 a.m., the day I can't
24 tell you, would have probably been early summer, I
25 remember listening to the broadcast on my phone,

1 actually kayaking and pulling over on a sand bar to
2 listen to the broadcast so there were
3 representatives of LEO there, I think Ginger
4 Gombaro, Patricia Shuba, Mr. Menne and I think
5 maybe someone else and in the course of that
6 interview that question came up, I think maybe
7 someone called in and asked about it and I'm pretty
8 sure that that was the time that that comment was
9 made that there wasn't. And, consequently Ameren
10 did remove that information about the site study,
11 or alternative site studies from their website and
12 it is no longer on there now if you look on the
13 website.

14 Q. So this would have been an episode of
15 St. Louis On The Air on KWMU?

16 A. Yeah, what used to be the 11 a.m.
17 broadcast with Don --

18 Q. Marso?

19 A. Yes.

20 Q. What year?

21 A. Oh, boy. 2010 maybe. Certainly no
22 later than 2011.

23 Q. And then in a meeting before that is
24 when you said that somebody mentioned that there
25 was in fact a study?

1 A. Well at Ameren's open house in the
2 fall of 2009 they had a poster there at the open
3 house which everyone who attended saw and that was
4 actually a printout of the piece they had on their
5 website stating the same thing.

6 **Q. It was a poster that --**

7 A. Yes, it was a display.

8 **Q. All right. Thank you.**

9 **Again thanks for taking the time to**
10 **come this evening.**

11 A. Thank you very much.

12 COMMISSIONER STOLL: No questions,
13 thank you for coming out this evening and
14 testifying.

15 JUDGE WOODRUFF: Questions from the
16 parties?

17 EXAMINATION

18 QUESTIONS BY MS. LIPELES:

19 **Q. Ms. Haynes you're speaking on behalf**
20 **of yourself and not on behalf of LEO even though**
21 **you're a member of LEO, is that correct?**

22 A. That's correct.

23 **Q. Thank you.**

24 JUDGE WOODRUFF: You can step down.

25 Next name on the list is Susan

1 Cunningham.

2 (WITNESS SWORN)

3 MS. CUNNINGHAM: I learned a lot at
4 that last hearing in Union and one of the things
5 that stuck in my head is from the man who has a lot
6 of experience with construction who said there are
7 two kinds of concrete, concrete that has cracked
8 and concrete that hasn't cracked yet and I've been
9 telling that to everybody since then but what else
10 has happened since I talked to you last time was I
11 was Monday morning at a meeting where I heard a
12 very in-depth Powerpoint presentation about what is
13 happening in north St. Louis County in the
14 Bridgeton Hazelwood area with the two landfills and
15 like most people who read the paper I thought well
16 that's not near me, somebody else is going to take
17 care of it, certainly the DNR or the EPA won't let
18 this happen but the person who gave the talk
19 explained what's happening is -- well in case you
20 don't know there are two landfills, one's a
21 traditional dump that's on fire way down deep and
22 the other has a lot of nuclear waste in it and
23 they're about 1,000 feet apart and they're in the
24 Missouri floodplain. The problem with the way it's
25 being handled according to the person that gave the

1 presentation when she was asked at the very end
2 what is the biggest obstacle to getting that
3 nuclear waste removed and transported to another
4 place and there is no good place for nuclear waste,
5 I agree with that. Her answer was political will
6 and I think that says a lot. I'm a retired history
7 teacher, I followed politics for a long time. The
8 problems that happened with the BP oil spill, the
9 fire up in Bridgeton, the nuclear waste that now we
10 don't know what to do with, all of these things
11 were made by human beings at some point made these
12 decisions to do these things and in many cases
13 anyone who questioned was reassured not to worry,
14 nothing's going to happen. We've got it covered.
15 But then things did happen didn't they? And
16 they're still happening today in so many places.
17 So as a historian I think of what this is going to
18 look like 20, 30, 40 years from now when people
19 review how did this happen, how was this allowed to
20 happen, why wasn't it turned down at the county
21 level, certainly the county commissioners are the
22 closest to the people that this would affect, well
23 I know why it wasn't turned down by the county
24 commission, because I was at every hearing and I
25 listened to what they said, they paid no attention

1 at all to any of the very, very fine scientific
2 information they were given. Well then why wasn't
3 it stopped at the state level? And that's a
4 question that's going to be asked when this thing
5 implodes or washes away, something bad is bound to
6 happen to this. I really hope you and the people
7 at the DNR will think about this, how is this going
8 to look for your agencies, for you, for the state,
9 other state agencies that have supervision over
10 this because there will be questions asked. I've
11 just been around too long to know that whenever a
12 company wants to build something they give you all
13 the reassurance in the world, there are no
14 guarantees. They cannot guaranty the safety of
15 this stuff in a floodplain no matter what they tell
16 you.

17 Thank you for letting me speak again.
18 That was such an eye opener Monday morning when I
19 watched, I saw the maps and the photographs of
20 what's going on up there in Bridgeton Hazelwood
21 area I just don't want to see that to happen here.
22 Thank you.

23 JUDGE WOODRUFF: Questions?

24 CHAIRMAN KENNEY: Thank you Mrs.
25 Cunningham. No questions.

1 COMMISSIONER STOLL: Thank you Mrs.
2 Cunningham.

3 JUDGE WOODRUFF: From the parties?
4 Thank you.

5 The last name on my list is Celeste
6 Nohl Smith.

7 (WITNESS SWORN)

8 MS. SMITH: All right. Well I've come
9 up with many questions also, had the availability
10 to be at the last hearing and the privilege to be
11 at this hearing which is a privilege because I'm an
12 American citizen and I appreciate that very much
13 but I'm not an expert so I tend to come up with
14 more questions that look like a jeopardy contest
15 than an expert witness but I'd like to share those
16 questions with you this evening. And I also
17 appreciate all different levels of knowledge,
18 intelligence and public speaking that is allowed on
19 this stage.

20 All right. So I've been learning
21 about this over the four years, one of the points
22 that was brought up in the past was coal combustion
23 waste being transported from other facilities to
24 the Labadie landfill waste and then they put the
25 amendment in place by the county commissioners so

1 my question is will the certificate of convenience
2 of necessity allow coal combustion waste from other
3 locations? And I want to know what type of
4 regulations are associated with a certificate of
5 convenience of necessity with the request that
6 Ameren has for the landfill and who oversees the
7 certificate of convenience of necessity regulations
8 if they're associated with that and if a CCN is
9 allowed what is the PSC's role in that, if that
10 would happen and how does the PSC weigh the public
11 testimony when you're making your decision?
12 Frequently at our workplace, I'm a nurse, you take
13 in a lot of different factors and then you have to
14 give percentages when you're going to make your
15 decision how much that percentage weighs so I was
16 really curious as all this public testimony, how
17 much of that percentage goes in to the decision
18 that you make? And what are the other things that
19 go in to your decision making process? And I
20 wanted to refer back to our Ameren representative
21 who was comparing coal combustion waste ponds that
22 were started 43 years ago to now and some questions
23 that come with that is yes, that was 43 years ago
24 but was that volume as much as it is now? Was the
25 power plant producing as much coal combustion waste

1 43 years ago as it is now? Did we know more, do we
2 know what we know now from 43 years ago? Is the
3 population in the area the same now as it was 43
4 years ago? Does the Ameren power plant produce the
5 coal combustion waste the same way it did 43 years
6 ago as it does now? Are people more involved with
7 public awareness more now than it was 43 years ago
8 with social media, TV, Internet, medical knowledge
9 and why is the power plant not utilizing natural
10 gas abilities? I also live in the community, know
11 a lot of the people and they say that that power
12 plant has the ability to produce electricity using
13 natural gas. And since Ameren knows of LEO
14 organization that has developed over the past four
15 years and that we're trying to gain knowledge and
16 understand Ameren's process in this landfill
17 request why does LEO have to go ask for data,
18 studies and statistics if you have those in place?
19 If you were being a good neighbor and you wanted to
20 prove that there's no concerns about harmfulness of
21 coal combustion waste and the environment or to the
22 public health why wouldn't you just produce those
23 studies and data to the public?

24 And lastly I would like to make a
25 statement that as I've been here the past two

1 meetings and I might be the last presenter at this
2 time I've heard 100 percent so far of everyone's
3 testimony that they are asking that the coal, that
4 the certificate of convenience of necessity not be
5 issued and that the landfill not be placed in the
6 Labadie bottom floodplains.

7 That's it.

8 JUDGE WOODRUFF: Any questions?

9 CHAIRMAN KENNEY: No. Nothing. Thank
10 you for being here.

11 COMMISSIONER STOLL: The only thing I
12 will add and I think this is appropriate that some
13 of those questions that you asked could be answered
14 by our Staff, Office of Public Counsel, young lady
15 sitting back there off to the side and so you could
16 get some of those questions answered this evening,
17 I believe.

18 MS. SMITH: Okay.

19 COMMISSIONER STOLL: Thank you for
20 your testimony.

21 JUDGE WOODRUFF: Questions from the
22 parties?

23 EXAMINATION

24 QUESTIONS BY MS. LIPELES:

25 Q. Ms. Smith you're testifying on

1 **behalf of yourself and not on behalf of LEO, is**
2 **that right?**

3 A. Correct.

4 **Q. Thank you.**

5 JUDGE WOODRUFF: Thank you.

6 That was the last name on the list.

7 Is there anyone else who would like to testify that
8 didn't get signed up?

9 I don't see anybody coming forward.

10 Well thank you once again for coming
11 this evening, I will point out that if you're not
12 aware of it the Commission, all the evidence that's
13 been presented to the Commission thus far and will
14 be presented to the Commission in the future is
15 available on our website, it's PSC dot mo dot gov,
16 when you get on there there's a prompt to look for
17 pending cases I believe or something along those
18 lines and if you type in EA-2012-0281 that's the
19 name of this case, case number for this case, you
20 can get in to that document and it's all displayed
21 right there for you and part of that, what's
22 already in that system is the testimony that was
23 given two weeks ago along with all the exhibits
24 that were presented that night. So you can go
25 ahead and take a look at that.

1 COMMISSIONER STOLL: The case number
2 is on the information sheet back on the table.

3 The case number in case you want to go
4 to the website is on the information sheet that you
5 can get at the back of the room and it also answers
6 some of the questions you may have.

7 JUDGE WOODRUFF: All right. Thank
8 you. And with that we are adjourned.

9
10 (Whereupon, the hearing concluded at 6:47 p.m.)

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12 EXHIBITS

13 AA "Leaching Methods Applied To The
14 Characterization of Coal Utilization
15 By-Products"

16 Submitted by Mr. Hutton

17 BB EPA article: "Inhalation of Fugitive
18 Dust: A Screening Assessment of the
19 Risks Posed by Coal Combustion Waste
20 Landfills"

21 Submitted by Ms. Dittrich

22 CC EPA document in re the matter of
23 Rotary Drilling Supply, Inc.

24 Submitted by Mr. Groh

25 DD Notes of Ms. Venezia

1 REPORTER CERTIFICATE

2

3 I, SUZANNE BENOIST, Certified Shorthand
4 Reporter, do hereby certify that there came before
5 me at Knights of Columbus, 1121 Columbus Lane,
6 Washington, Missouri 63090, the above-referenced
7 parties, that the proceeding was translated and
8 proofread using computer-aided transcription, and
9 the above transcript of proceedings is a true and
10 accurate transcript of my notes as taken at the
11 time of said event.

12 I further certify that I am neither attorney
13 nor counsel for nor related nor employed by any of
14 the parties to the action in which this examination
15 is taken; further, that I am not a relative or
16 employee of any attorney or counsel employed by the
17 parties hereto or financially interested in this
18 action.

19

20

21

22 SUZANNE BENOIST, RPR, CCR, CSR-IL

23

24

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