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FRANKLIN COUNTY PLANNING AND ZONING
FRANKLIN COUNTY COMMISSION
FRANKLIN COUNTY GOVERNMENT CENTER
SECOND FLOOR COMMISSION CHAMBERS
400 EAST LOCUST STREET
UNION, MISSOURI 63084

V O L U M E II of II

TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

JUNE 11, 2015

(Commencing at 2:48 p.m.)

Reported by:
Patsy A. Hertweck, C. R.
Midwest Litigation Services

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24 (All exhibits, if any, were retained by the Commission, and will

25 not be attached hereto.)

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

2 COMMISSION MEMBERS:

3

John Griesheimer, Chairman

4

Timothy Brinker, Commissioner

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Ms. Nichole Zielke, Administrative Assistant

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

2 (June 11, 2015 - Volume II of II)

3 [Continued from Volume I; resuming at
4 2:48 p.m. as follows:]

5 CHAIRMAN GRIESHEIMER: We need to get
6 quiet in the hallway please so everybody can hear.

7 [Thereupon, the witness was sworn.]

8 MS. REPORTER: And then I need you to
9 state your name.

10 MS. CATHY FULLER: Cathy, C-A-T-H-Y.
11 Fuller, F-U-L-L-E-R.

12 MS. REPORTER: Thank you.

13 MS. FULLER: Commissioners, you are the
14 guardians of the resources, the economy and welfare of Franklin
15 County, its residents and its businesses. You were elected to do
16 a job, and it's sometimes difficult, complex, and sometimes
17 downright unpleasant. You must make tough decisions with
18 competing and conflicting cost to benefit.

19 Your duty most importantly is protecting the health,
20 safety and welfare of the citizens of Franklin County above all
21 else.

22 We heard today about Ameren's engineering studies
23 and their site plan for the dry cell storage facility that is
24 planned for the Labadie Bottoms. While it makes sense to Ameren
25 to build such a facility in a floodway above an alluvial aquifer,

1 it will be safer than the coal ash ponds currently in use.

2 Would Ameren have designed the landfill with the
3 liner systems, raised floor, 500-year flood level berm, dust
4 control, leachate collection system and monitoring wells without
5 public scrutiny and without pressure from the citizens such as
6 the members of LEO and from the Franklin County Regulations?

7 Probably not.

8 Missouri's DNR and EPA regulations are subject to
9 change. Retaining Franklin County's current regulations is a
10 good idea to set a minimum layer of protection in case MDNR or
11 EPA relax any of their rules or those rules are found too
12 difficult to enforce.

13 Disposing of coal combustion byproduct is a cost of
14 doing business for Ameren. By requiring adherence to stringent
15 safeguards, you will protect taxpayers, rate payers, and even
16 Ameren from potential future disasters like the \$20 million
17 cleanup of Duke Energy's Dan River spill or the estimated \$1.2
18 billion cleanup of the Emory River after the TVA Kingston Fossil
19 Plant failure.

20 It is reasonable to expect Ameren to spend heavily
21 on safeguards to protect the Missouri River and the area
22 groundwater.

23 EPA guidelines and MDNR regulations may change,
24 depending on the party in power at any given time. Keep Franklin
25 County's oversight of this project strong. Maintain local

1 authority over future development. Don't give it away out of
2 fear of lawsuits.

3 Some of the proposed changes are so vaguely worded
4 that they would allow Ameren free reign to do what they wish.
5 For example, the proposed Section 236.b.1.d grants Ameren future
6 lateral extensions, or new cells, at 10 percent of construction
7 as measured by construction costs, including without limitations
8 of soft costs.

9 Soft costs can include anything the accountant wants
10 to allocate to a project, including legal fees, engineering
11 studies, executive compensation. I could go on and on, but
12 there's no scrutiny allowed. So it can be whatever they want to
13 include in each and every future project to get it grandfathered.

14 Please do not allow Ameren to bring in coal ash from
15 any other site for any reason, including as ballast or
16 construction material. I'm asking you, do not abdicate Franklin
17 County's authority to restrict construction and activity at the
18 Labadie utility waste landfill.

19 The voters of Franklin County elected you. You work
20 for us, not Ameren. Do your job you were hired to do. Protect
21 our resources, our citizens, our health and our welfare. Taking
22 care of these responsibilities will benefit the economy and the
23 businesses and the citizens of Franklin County --

24 CHAIRMAN GRIESHEIMER: [Interposing] It's
25 time.

1 MS. FULLER: -- in the long term. Thank
2 you.

3 CHAIRMAN GRIESHEIMER: Thank you. Okay.
4 Richard Fuller.

5 MR. RICHARD FULLER: I'm Richard Fuller.

6 [Thereupon, the witness was sworn.]

7 Thank you for the opportunity to speak before you
8 today. I must admit when I walked in this morning, I thought
9 there must be a mistake. I felt like I was walking into the site
10 of what was obviously a wedding. We saw the groom's side on one
11 side, and the bride's side on the other side. Then slowly I
12 figured it out. And to use that cornball metaphor a little
13 further, I find compelling discussion and arguments from both
14 sides. Let me just say from the beginning I'm not against
15 Ameren. I'm not against anything that would result with impeding
16 their ability to provide electricity in a reliable way.

17 I am also sensitive to the environment. Because my
18 comments will be very brief, let me focus on one area in
19 particular, and that is on the possible arrival of coal ash from
20 other sights. Now, I realize in one section, it looks like it's
21 very strongly worded, and so the words look good in that section.

22 But again, it appears in Section 2, we've kind of
23 changed the dictionary a little bit. And we now included coal
24 ash for construction purposes apparently to allow in.

25 To speak to what Tim had mentioned, Ameren's

1 attorney, a little earlier, I would ask that we really put some
2 effort into cleaning up that language so that it's abundantly
3 clear by what we mean.

4 Craig's presentation this morning was very good, and
5 one of his comments was the distinction between two types of
6 coal, and one that's therefore in a slurry, almost a suspension,
7 versus one that hardens. And the question was asked of him was
8 the coal type or was it the method by which it was processed.
9 The answer that it was the coal type.

10 So it would seem to me that then perhaps we could
11 consider including in the amendment to only operate that type of
12 coal -- it was Type C -- for the continued operation of Ameren
13 because we will be better prepared for dealing with out coal
14 waste with a landfill.

15 I'm reluctantly supportive of the landfill concept.
16 I know and understand and respect it's a big improvement over the
17 lead pond approach.

18 Finally, one of the things to kind of tie together
19 what Craig had said regarding the different types of coal, should
20 there be, by relabeling the different types of coal ash that is
21 permissible to be brought in under the label of construction
22 material or ballast, that we could get some of that Type F type
23 coal, which would be obviously probably the worst thing we could
24 have in a floodplain.

25 That's it. Thank you.

1 CHAIRMAN GRIESHEIMER: Thank you.

2 Greg Vase.

3 MR. GREG VASEL: Greg Vasel.

4 [Threupon, the witness was sworn.]

5 MS. REPORTER: And spell your last name
6 for me.

7 MR. VASEL: V as in Victor-A-S-E-L.

8 MS. REPORTER: Thank you.

9 MR. VASEL: I'm a resident of Fenton,
10 Missouri in St. Louis County. I am a Labadie Energy Center
11 employee, and I have been for 8 1/2 years of the 20 years of my
12 career with Ameren. I'm also a second generation Labadie Energy
13 Center employee. My dad retired after 34 years of service in
14 2007. The Labadie Energy Center has supported me for most of my
15 life.

16 My dad and I have both worked in and around coal and
17 its residual combustion products day in and day out throughout
18 our working career, and neither of us have suffered any ill
19 effects from that. In fact, my dad's the healthiest 71-year old
20 that I know.

21 Even though I've heard many times today it's not
22 LEO's intent to shut down the Labadie plant, I've heard no
23 alternatives to this landfill, either today or prior to today,
24 that's viable anyway.

25 And while I have no reason to believe -- or I have

1 no reason not to believe, rather, that our good neighbors are
2 sincere in what they say, I am inclined to believe that's the
3 intent of those fueling LEO that it would make them very happy to
4 shut down the Labadie plant.

5 [Audience comments.]

6 CHAIRMAN GRIESHEIMER: Folks, folks. No
7 -- none. Come on.

8 MR. VASEL: We've heard arguments today
9 that the County Zoning Regulations are being changed. I feel for
10 the lady who's selling real estate whose clients are hearing half
11 the truth, that the zoning regs -- such things as the two-feet of
12 clay is being eliminated. But the real truth is we're not --
13 we're not -- we're not increasing that by 50 percent or a hundred
14 percent. We're going 250 percent more than what that prior
15 regulation required.

16 Although I haven't served in this capacity on this
17 project, I am a registered professional engineer, and I believe
18 this design to be safe. I believe it is protective of those
19 around us. It is a company -- it is a corporate value to be good
20 environmental stewards, mine as well.

21 I believe building this utility waste landfill is
22 the right thing to do. Through keeping the plant open, it
23 provides jobs, not only the plant employees but also those who
24 support our operation. The tax revenue that goes into Franklin
25 County from the plant is, I understand, critical to the education

1 of the children in the county. And it's environmentally
2 responsible, and like I said, I see no viable alternatives.

3 Failing to move forward and continuing to entertain
4 these oppositions is really not good for any of us, with the
5 exception possibly of the lawyers, and most certainly costs the
6 Ameren-Missouri ratepayers money.

7 Also continuing the issues of this will continue to
8 concern residents and potential residents.

9 Thank you for your time.

10 CHAIRMAN GRIESHEIMER: Thank you. Next up
11 number 5 Gary Marquart, and then on deck number 6 David Struberg
12 and number 7 Ron Holloway.

13 [Thereupon, the witness was sworn.]

14 MS. REPORTER: And your name was?

15 MR. GARY MARQUART: It's Gary. It's
16 G-A-R-Y. And it's M-A-R-Q-U-A-R-T, just like it sounds.

17 Good afternoon. I'm Gary Marquart. I'm a 30-year
18 employee of Ameren-Missouri. I'm a registered professional
19 engineer in the state of Missouri too as well. I'm a native of
20 Franklin County. I live in rural Franklin County right now.

21 I want to thank presiding Commissioner Griesheimer
22 and First District Commission Brinker for their service to the
23 community. I know it's a difficult job to have, to sit and
24 listen to all this all day, and I know you'll sort it out and do
25 the right thing. I have the utmost confidence that you're going

1 to sit there.

2 You know, I've heard conflicting things all day on
3 one about the trucks and whether they'd be tarped or sealed or
4 not. And they're not, they are, they're not, they are, and I
5 know you're going to sort that out and you're going to get that
6 straightened out. I don't think there's going to be any problem
7 with that at all.

8 I heard stuff about how high up it's going to be off
9 and whatever else, and I heard conflicting statements again. And
10 I've seen this landfill is going to be at least seven feet above
11 ground level, is what I saw on all the diagrams and construction.
12 And I know Craig is most confident in making sure all that's
13 going to happen and everything is going to be fine.

14 I ask you to sit there and make your best judgment,
15 make your best decision and support the changes that need to be
16 made to the Code, and if you, you know, some of them that you
17 don't like. All right. That's your prerogative to sit there and
18 say we're not going to do it that way.

19 But I think Mark is looking out for the best
20 interest of Franklin County. We can talk and argue liability all
21 day on both sides of the wheel, and there's going to be a lot of
22 winners, there's going to be a lot of losers. It really don't
23 matter one way or the other. The liability is going to be there.
24 It's just which way do you want to look at it.

25 But again, I urge you in your best judgment, you mak

1 the best decision and support what I think some here is looking
2 for.

3 Thank you.

4 CHAIRMAN GRIESHEIMER: Next up David
5 Strubberg.

6 [Thereupon, the witness was sworn.]

7 MS. REPORTER: And your last name?

8 MR. DAVID STRUBBERG: S-T-R-U-B as in
9 boy-B as in boy-E-R-G.

10 MS. REPORTER: Thank you.

11 MR. STRUBBERG: Commissioners, thank you
12 for giving me the change to speak. My name is David Strubberg.
13 I am director of Labadie Energy Center where the utility waste
14 landfill is being constructed.

15 I have been an employee of Ameren-Missouri Union
16 Electric since 1986, and had the privilege to be the leader of
17 Labadie Energy Center since January 2011. I live in St. Louis
18 County, Missouri, which is downstream of the proposed -- of the
19 utility waste landfill. But I grew up in Franklin County. I
20 attended Immaculate Conception grade school, graduated from Union
21 High School in 1977, earned a degree from East Central College in
22 1979. I received my Bachelor of Science in Mechanical
23 Engineering from the University of Missouri at Rolla in 1981,
24 which is now known as Missouri S and T. And I'm also a
25 registered professional engineer in the state of Missouri.

1 Though I no longer live in Franklin County, I have
2 three aunts, one uncle, nine first cousins, John, Lynn, Jim, Tom,
3 Cathy, Julie, James, Ed, and my namesake David A., that live
4 there with their families.

5 I have three first cousins, Bob, June, Nancy, and
6 their families who live in St. Louis County like me that is
7 downstream of the utility waste landfill. Plus I have friends in
8 Franklin County and St. Louis County.

9 I feel just to let you know I would not be in favor
10 of a project that had a risk to hurt any of my family and
11 friends.

12 I'd like to clear up some misinformation that's been
13 stated at various public hearings on the utility waste landfill
14 and Labadie's permit over the years this has been going on.

15 I have to state that very few employees at Labadie
16 live in Franklin County. I know Tim had mentioned it, but I'm
17 just want to reiterate. At least 63 percent of the employees at
18 Labadie call Franklin County home.

19 There have been other statements doubting
20 Ameren's/Labadie's commitment to the community. For the last
21 five plus years, Ameren has been the number one or two
22 contributor to the Franklin County area United Way. And
23 everybody knows that all that money stays in Franklin County. It
24 goes nowhere else. I am personally serving my fourth year as a
25 Board member of the Franklin County Area United Way, but my first

1 three years as an office. I volunteer my time because this is
2 the area where I grew up, and it will always be home to me.

3 It should also be noted for the year 2014
4 Ameren-Missouri paid \$11,851,064.59 of taxes to the schools, fire
5 districts, ambulance districts, sewer districts, cities,
6 villages, special road districts and library districts in
7 Franklin County. A lot of this tax liability is due to the
8 assessed value of the Labadie Energy Center.

9 If the opponents to the ordinance have their way and
10 force Labadie to no longer burn coal, it would result in Labadie
11 being closed before it's scheduled in our most recent integrated
12 resource. The closure of Labadie would greatly impact the
13 services to the citizens of Franklin County due to the loss of
14 the tax revenue.

15 I ask that the Commissioners approve the ordinance
16 as proposed for the betterment of the citizens of Franklin County
17 and the environment.

18 I thank you very much for your time.

19 CHAIRMAN GRIESHEIMER: Thank you. Ron
20 Holloway. Then after Mr. Holloway, Kevin Stubby, Carol Carter
21 and Kathy Holloway.

22 [Thereupon, the witness was sworn.]

23 MR. RON HOLLOWAY: H-O-L-L-O-W-A-Y.

24 Good afternoon. I, like many other individuals
25 testifying, have been here many times before. We are caring,

1 bright, intelligent people who are here solely because we care
2 about clean water and air for our county, our state, our country,
3 and health and safety of our children, grandchildren, and all the
4 future generations.

5 I hope that the leaders of this county have not lost
6 sight of the mission, and that they have not decided to cave to
7 the demands of big money and big business. Please do not reduce
8 the current regulations and remove the safeguards that have been
9 put in place.

10 I would think that those of you who have a say in
11 this decision would have a hard time looking into the faces of
12 your children and explaining to them that their futures are not
13 important. Removing safeguards would not be for the health and
14 well-being of residents of Franklin County.

15 I only know that if you vote to remove or reduce
16 safeguards that are currently in place, it would done for the
17 wrong reasons.

18 Thank you.

19 CHAIRMAN GRIESHEIMER: Thank you.

20 Next up Kevin Stumpe.

21 [Thereupon, the witness was sworn.]

22 MS. REPORTER: And what was your name?

23 MR. KEVIN STUMPE: Kevin. Last name is
24 Stumpe. S-T-U-M-P-E.

25 Thank you for the opportunity to talk to you today

1 about this very important issue. My name is Kevin Stumpe. I'm a
2 lifelong resident of Franklin County. I've been employed by
3 Ameren for 34 years. I've worked at the Labadie Energy Center
4 since 1982.

5 This issue is really not about me. We must do the
6 right thing for all stakeholders involved. In this case, that
7 translate into constructing the landfill to the latest
8 specifications provided by our state and federal environmental
9 agencies. This is the proper course of action for our
10 environment, our employees, our customers, and our shareholders.

11 In my current role, I'm in charge of engineering,
12 planning, and scheduling, as well as administrative support.
13 When discussing properties with out teams, our environment is at
14 the very top of our list, right after the safety of our employees
15 and the public. We're very serious about this responsibility.

16 Labadie Energy Center has been recognized
17 nationally, not only for being leaders in various environmental
18 categories, but also for our production, cost, and safety
19 performance. Labadie Energy Center is truly an asset to Franklin
20 County and our Ameren customers.

21 Coal is a vital part of our country's energy
22 portfolio. Efficient coal-fired electricity production has
23 allowed a supply of dependable and reliable power at a very
24 affordable cost for decades. We look forward to the opportunity
25 to continue to power our state and power our economy for years to

1 come.

2 I am obviously here to support the proposed
3 amendments to the Franklin County Landfill Ordinance. Building
4 the new dry coal ash landfill at the Labadie Energy Center is
5 absolutely the right thing to do for our environment, our
6 customers, our employees, and our shareholders.

7 Thank you for the opportunity to talk to you about
8 this very important issue today. Thanks.

9 CHAIRMAN GRIESHEIMER: Thank you.

10 Next up Cara Carter.

11 MS. CARA CARTER: I have till the 22nd to
12 submit stuff in writing, right?

13 CHAIRMAN GRIESHEIMER: Yes, ma'am.

14 MS. CARTER: Okay. I'm going to submit
15 mine in writing if that's okay.

16 CHAIRMAN GRIESHEIMER: Sure. That's fine.

17 MS. CARTER: Okay. Very good.

18 CHAIRMAN GRIESHEIMER: All right. Next up
19 Kathy Holloway. And then after Kathy -- okay. Terri Gates,
20 Steve Broffy and -- some of these have already spoken. So Mark
21 Owen.

22 [Thereupon, the witness was sworn.]

23 MS. REPORTER: And your name is?

24 MS. KATHRYN HOLLOWAY: Kathy, with a
25 K-A-T-H-R-Y-N, Holloway. H-O-L-L-O-W-A-Y.

1 MS. REPORTER: Thank you.

2 MS. HOLLOWAY: I'm Kathy Holloway. I have
3 been a Franklin County resident for 19 years. Recently have sold
4 my farm and am moving to Wild Wood. They have lots of good
5 protection there. I stand before you today doing something I
6 should never have had to do, literally beg my elected officials
7 to protect me and my family.

8 This debacle has been going on for almost six years,
9 and I'm sure it's been in the planning stage even longer. A
10 newspaper article written by Randy Phillips in January of 2011
11 refers to a statement made by Scott DeKalb from 2010. He
12 surveyed his constituents and asked the question:

13 "Should Ameren be permitted to
14 proceed with its plan to develop a
15 landfill on historical property near
16 Labadie Power Plant if done in
17 accordance with the federal, state
18 and county regulations?"

19 Well, I was one of those people that responded to
20 that poll. The results were a resounding no.

21 In a functioning democracy, public servants
22 represent the people's interest. You do not want your names to
23 be synonymous with words like breach, disaster and tax increased.
24 You know we need these protections. Please leave the protections
25 in there. You actually know it shouldn't be in a floodplain, but

1 that's already a moot point.

2 At this point, we're not arguing about where its
3 location is going to be, but about how safe its location will be.
4 Never ever in the history of any of the meetings I have attended
5 has anyone ever said that they wanted the coal plant to close
6 down or that they wanted the plant to be run by anything other
7 than coal. Everyone has always suggested that it all just be
8 done properly.

9 Now, Ameren, you are not a good neighbor. Your
10 track record is not stellar. You do not follow all of the
11 guidelines. You do not have scrubbers, Clean Air Act -- you
12 don't follow the Clean Air Act. Actually two Taum Sauk disasters
13 and unlined pipes, water that's dumped into the Missouri River
14 much more than acceptable ten.

15 The list is just dispicable. Why is it that you
16 can't do it right, for Heaven's sake. You make sure that every
17 little screwup you make we pay for. Why take this chance when
18 you have borne witness to the disasters in Kentucky and the Duke
19 Energy disaster? We're going to be one of the states everyone
20 wants to come to one day because we do have clean water.

21 They don't have a lot of those luxuries left in
22 California. Why do you want to behave in this manner and take
23 this chance? Oh, I know, you probably won't be around when all
24 this bad stuff happens. But maybe you will, and maybe your
25 grandchildren will too.

1 Please leave these protections in. We all need
2 these protections, and so do our children need these protections,
3 and our grandchildren. I know, Mark, that you have a new
4 grandbaby. You can't possibly think for a minute that you don't
5 want him or her to have clean water.

6 I leave you this last thought, pretty simple
7 actually. Protect us from the dangers you're about to bestow on
8 us. Leave the protections in. Do the right thing, and remember
9 the Titanic.

10 CHAIRMAN GRIESHEIMER: Thank you.

11 Tara Gates, number 12. No? Tara Gates? Seeing
12 none, okay. Number 13 Steve Brovey [phonetically]. Steve
13 Brovey.

14 MALE AUDIENCE MEMBER: He's not here. He
15 may be back though.

16 CHAIRMAN GRIESHEIMER: Okay. Number 14,
17 Barb Pohlman. Barbara Pohlman.

18 MS. BARBARA POHLMAN: I'm going to
19 withdraw. I think everything has been said that's in my heart to
20 say.

21 CHAIRMAN GRIESHEIMER: Okay.

22 MS. POHLMAN: Thank you.

23 CHAIRMAN GRIESHEIMER: Thank you.

24 Next up number 16, Maxine Lipeles. And then after
25 -- okay, after her would be Trudy Graves and Ann Schroeder.

1 [Thereupon, the witness was sworn.]

2 LEO ATTORNEY MAXINE LIPELES: My name is
3 Maxine Lipeles. L-I-P-E-L-E-S. I'm the Director of the
4 Environmental -- the Interdisciplinary Environmental Clinic at
5 Washington University School of Law, and we represent the Labadie
6 Environmental Organization and a number of neighbors of the plant
7 and the proposed landfill.

8 COMMISSIONER BRINKER: Thanks for being
9 sworn in although you didn't have to technically as an attorney.

10 CHAIRMAN GRIESHEIMER: Yeah. Thank you.
11 I'm sorry. I didn't think that, sorry.

12 LEO ATTORNEY LIPELES: No problem.

13 My main point is that the Commission is not being
14 given sufficient information to make an informed decision about
15 the proposed changes, and I have two main points that I want to
16 back that up with.

17 The first is that the stated reasons for these
18 amendments don't hold up, and the second is that there's a lack
19 of transparency as to what changes are actually before you.

20 In terms of the proposed -- the stated reasons,
21 there's nothing in the DNR regulations, there's nothing in the
22 DNR permit, there's nothing in the EPA regulations that requires
23 you to make any of these changes. State and federal law allow
24 you to be more strict, and anything that's less strict just drops
25 out. In fact, the County's regulations were written with that in

1 mind. The County's regulations specifically say that whatever is
2 most strict applies, and the County's regulations were written to
3 incorporate more strict state and federal regulations that might
4 occur over time.

5 So there's absolutely no reason to make this change
6 in terms of state or federal regulations.

7 I also make a point that was discussed a little bit
8 before, but I want to make that clear, that one of the big issues
9 is keeping this landfill out of the groundwater, and the key
10 thing that everybody is relying on right now is this five-foot
11 requirement that was put in the DNR regulations -- sorry, the DNR
12 permit. But I wanted to distinguish that between the permit and
13 the regulations.

14 Regulations are more solid. There's a whole process
15 you have to go through to change regulations. DNR's regulations
16 do not require any specific separation between groundwater and a
17 landfill. Your regulations that require a two-foot separation
18 went beyond DNR regulations when you required that.

19 The DNR permit reflecting the current EPA
20 regulations requires a five-foot separation. A DNR permit can be
21 amended in no time. It's much less firm, and so that's why
22 people have been saying keep at least your two-foot requirement
23 if not, make it five foot to give the County assurance that the
24 landfill will not be in connection with the groundwater, and it
25 was pointed out before, even though you had this two-foot

1 separation requirement, Ameren's application submitted to DNR and
2 the County provided for the landfill to be built in the
3 groundwater and said it would be in intermittent contact with
4 groundwater.

5 Another reason that's been given is litigation.
6 There are currently two lawsuits pending. One of them was filed
7 by the County and Ameren against its residents. That could be
8 dropped by the County and Ameren at any minute. So you don't
9 need these changes in order to do that.

10 I also want to make one point that's somewhat ironic
11 that the argument that the County is making in that lawsuit is
12 that the County doesn't have any zoning authority over the
13 landfill. And these proposed changes reflect an exercise of the
14 authority that you're claiming one block away in the court down
15 the street that you don't have.

16 The second point that I'd like to make is the
17 question of lack of transparency. Reading through these
18 regulations, some of the things are clear, some of the things are
19 not clear at all. One of the big issues is whether ash can be
20 brought in from other plants.

21 Mr. Griesheimer, you pointed out a provision that
22 seems to make it clear that "utility waste" can't be brought in
23 from other plants. But if you look at the definitions in Article
24 2, there is currently a definition for utility waste, and the
25 proposal would eliminate that definition.

1 CHAIRMAN GRIESHEIMER: We'll take a look
2 at that, but time has expired.

3 LEO ATTORNEY LIPELES: Thank you. Please
4 also look at the definition for waste materials because they're
5 adding in an exemption for fly ash that's used --

6 CHAIRMAN GRIESHEIMER: [Interposing] Okay.

7 LEO ATTORNEY LIPELES: -- as ballast or in
8 berm construction.

9 CHAIRMAN GRIESHEIMER: Thank you.

10 LEO ATTORNEY LIPELES: Thank you.

11 CHAIRMAN GRIESHEIMER: Trudy Graves. And
12 by the way, if you're an attorney out there, let us know ahead of
13 time. That way you don't have to be sworn in. We'll treat
14 everybody the same. Sorry, Maxine.

15 [Thereupon, the witness was sworn.]

16 MS. REPORTER: And Trudy Graves?

17 MS. TRUDY GRAVES: Trudy, T-R-U-D-Y. And
18 Graves is G-R-A-V as in Victor-E-S.

19 MS. REPORTER: Thank you.

20 MS. GRAVES: Gentlemen, good afternoon.
21 Thank you. I've been with you all day. It's been quite the
22 marathon. I just have some brief comments. I don't have a horse
23 in this race. I don't live in Labadie, don't work for Ameren.
24 I'm just a citizen from the community who is concerned about
25 making sure that we maintain safe water, safe communities, and

1 that we take all the precautions necessary.

2 And I am perfectly good with having our regulations
3 more stringent than the state or the federal because we're
4 invested in this community. Somebody from down south in the
5 state is not as vested in this community. Somebody from
6 Washington, DC is not as vested in this community.

7 So you've heard a lot of information, and I just
8 have five points I want to make.

9 Number one, never assume; number two, trust but
10 verify; number three, stop, look, listen carefully because you
11 guys got some conflicting information from both sides; number
12 four, if you break it, you buy it; and number five, speak softly
13 but carry a big stick.

14 Gentlemen, thank you so much.

15 COMMISSIONER BRINKER: Thank you.

16 CHAIRMAN GRIESHEIMER: Thank you very
17 much. Ann's up next. After her, Karen Rangel from Webster
18 Groves. R-E or R-E-N-Z-E-L or G-E-L.

19 [Thereupon, the witness was sworn.]

20 MS. ANN SCHROEDER: My name is Ann
21 Schroeder, and I was very proud to be part of the Commission of
22 20 probably '11 through '13 when we did this, we took action
23 concerning -- when we took action concerning our regulations.
24 Not that it was really fun. It was not. There were heated words
25 many times within the chambers by citizens and harsh words

1 between us as commissioners and staff. But our goal was the
2 same, to do what we had to do and do the best we could.

3 And we persued to try to get to do what we had to do
4 in Franklin County, and at the time, the EPA had not adopted
5 their regulations. And basically still haven't. We wanted the
6 highest standard to use in the construction, be that of the
7 County, the state or the federal.

8 If during the construction we took the higher
9 standard that got in and rules got in and were adopted. The idea
10 of hiring an independent engineer, which was the idea of Mark,
11 was actually music to my ears. It was well proposed and I felt
12 really safe with doing that. And I don't know if the
13 environmental is even in place now.

14 And I'm proud that we all saw too that we are
15 abnormal, or Abby Normal for those of you who know that joke, of
16 cities and counties who did not impose their own land
17 regulations. We did consider the safety of our citizens and
18 acted on our change as needed to pledge the highest regulations,
19 and we did listen. We did take that stand, and I wish other
20 counties and cities and states would do the same as what we did.

21 Now is not the time to go back from our County
22 regulations. As a Commissioner, we needed to stand strong and
23 stay strong, even through the threats of lawsuits against us
24 because of our regulations. Lawsuits are not new to us. We've
25 been through quite a few of them in the years, and we know how to

1 stand tall.

2 And the people of Franklin County will stand tall
3 with you. I trust that the Commission isn't the only one that is
4 looking into -- I really do trust the Commission more than I
5 trust anybody else of our safety.

6 Why would I trust anyone else with -- to protect us
7 when there is gain to be fair. We had no gain. All we had to do
8 is protect us. We have known about the ponds leaking for years,
9 and yet, nobody ever did anything. They are still leaking. Why
10 would I want to trust the EPA for that reason. I don't.

11 A couple of other things, and this is simple. It
12 came out a news article in 2013. There were quotes from the
13 "Missourian."

14 "We defended the County's
15 decision to move forward in allowing
16 the proposal with stricter regulations.

17 "We had only one idea presented
18 here and no alternatives. We need
19 to make this as safe as we can. The
20 people have to be protected.

21 "Not to sound flippant, but I
22 really don't care how much it costs.
23 We've got one chance to do it right,
24 and we're going to do it right."

25 This is probably the most scrutinizing thing we've

1 had in Franklin County. We know it's going to be part of our
2 legacy, and it is. It already has become our legacy, and we want
3 to get it right. I don't know if the County has ever put this
4 much focus on one single issue.

5 John, thanks for the quotes because you stood tall
6 for all of us when we did that in October of '13 because we all
7 came to the conclusion that we needed to take care of us. Nobody
8 is going to take care of us except us, and I was proud to be part
9 of that decision with you.

10 And, Tim, you missed a lot of the fun part of that.
11 But there's plenty of material to read. Okay. Thank you.

12 CHAIRMAN GRIESHEIMER: Thank you. Okay.
13 Let me try it again. Karen -- there you go. Okay. How do you
14 pronounce your name?

15 MS. KAREN RANGEL: Rangel.

16 CHAIRMAN GRIESHEIMER: Rangel, okay.
17 Sorry about that.

18 [Thereupon, the witness was sworn.]

19 MS. RANGEL: My name is Karen Rangel. I
20 live in Webster Groves, St. Louis County. I have a very
21 interesting and long-standing relationship with both Ameren and
22 Franklin County. My family members, there's over 135 years worth
23 of service with Ameren. I'm a stockholder, and my family has
24 owned businesses and property in Franklin County at various
25 points throughout our lives.

1 There's been a lot of things said in all the various
2 venues and various media. Mr. Griesheimer, I think you take your
3 job seriously by when you say you want to protect and not
4 jeopardize the health and welfare of over a hundred thousand
5 people.

6 I also suggest that you are probably serious about
7 the regional area as well. And I think that -- I'm sorry. I
8 lost my place on my page. There's some very important things in
9 the Master Plan that's on the Franklin County website that one of
10 the objectives is -- it says it's a new idea redevelopment in
11 floodplains and on wetlands, and that the coordination of the
12 East/West Gateway Council is appropriate with such developments.

13 So I just want you to consider those things. And
14 Mr. Tryniecki this morning kept emphasizing time. And one of the
15 times that was mentioned was 1966, but back then we thought Red
16 No. 7 was fine for our food, and we thought that adding lead and
17 asbestos to our homes was a fabulous idea. We now know better.

18 He also made a reference to odorless and colorless.
19 Carbon monoxide has no color and it has no odor. Neither does
20 natural gas. So you guys are faced with some very tough
21 decisions. I'd like you to take -- be compassionate and full of
22 care and understanding and fully understand the issues because
23 the consequences are far-reaching beyond these couple of years.

24 As to the questions I want you to consider, has
25 Ameren proved that this location and these changes are essential

1 to the operation of the plant and that it is beneficial to
2 Franklin County in the long haul?

3 What guarantees and protections are you giving the
4 population at large now and in the future?

5 What protections are there, because I've not seen
6 those changes, in the future that outtake sources might be
7 considered to be brought here for stuff to be brought in?

8 What happens when there's a breach?

9 What happens when things go awry, and how is it
10 enforceable?

11 And what happens when we wind up with a nother Taum
12 Sauk, we wind up with another Oak Glenn, we wind up with another
13 riverfront super site -- or Super Fund site?

14 Just think very carefully and clearly, are these
15 changes clearly and absolutely enforceable for the future?

16 Thank you very much.

17 CHAIRMAN GRIESHEIMER: Thank you. Sorry
18 again about mispronouncing your name.

19 MS. RANGEL: You're not the only one.

20 CHAIRMAN GRIESHEIMER: Next up is Jerry
21 Friedman and Mrs. Gerry Friedman. And then after that, we have
22 Kathleen Logan Smith, Teresa Echlecamp, and Timothy Diendrimann.

23 [Thereupon, the witness was sworn.]

24 MS. GERRY FRIEDMAN: My name is Gerry
25 Friedman. G-E-R-R-Y F-R-I-E-D-M-A-N. I'm a resident of Labadie

1 for 22 years, and I am a supporter of LEO.

2 I have to apologize. My remarks probably are
3 redundant because so many others have covered this territory, and
4 I want to offer them because they represent a larger public than
5 just the single speakers that were up here before. And before I
6 launch into them, I need to say to our friends from Ameren that
7 are here today. From the get-go, none of us have remotely
8 considered saying goodbye to the plant, to Ameren.

9 It's part of the community. We recognize that, and
10 expect it to remain in place. Please leave here believing that,
11 if nothing else.

12 Now for what I'm prepared to say. In the beginning,
13 in 2010 when I first heard about the plans for the landfill, I
14 thought it was not a good idea, and we joined with our neighbors
15 and friends to voice our concerns and to provide data, scientific
16 data that supported them with the result that even though the
17 Franklin County Zoning Regulations were changed in order to
18 permit the utility landfill, they did at least include conditions
19 that would serve as safeguards for the public.

20 This morning Ameren spent two hours, brought in
21 experts from across the country to assure us that the landfill
22 they plan to build will be fail proof. And I have to admit,
23 their presentation was very persuasive. It's also true that EPA
24 and MDNR had recently issued protective guidelines for utility
25 landfills.

1 But none of that excuses the County from its
2 regulatory responsibility because that's exactly what would
3 result if these key conditions are removed. If these changes are
4 adopted, the County would relinquish oversight of construction
5 and operation of the landfill by an independent engineer would no
6 control over construction of new cells, would erase rules to
7 prevent fly ash from being transported, and would pass all
8 monitoring duties to a state agency that has never demonstrated
9 the will or the ability to do so.

10 These conditions should remain part of the Franklin
11 County Zoning Regulations for utility waste landfills. To remove
12 them is short-sighted and could potentially leave the public at
13 risk.

14 Thank you for your time, your work, and the
15 opportunity to speak here.

16 CHAIRMAN GRIESHEIMER: Thank you.
17 Kathleen Smith, number 24.

18 MALE AUDIENCE MEMBER: She's not here.

19 CHAIRMAN GRIESHEIMER: Not here. Thank
20 you. Theresa Ecklekamp, number 25. Come on down.

21 [Thereupon, the witness was sworn.]

22 MS. REPORTER: And I need you to speak
23 into the mic and state your name.

24 MS. THERESA ECKLEKAMP: Teresa Ecklekamp.

25 Thank you for allowing this to happen today.

1 CHAIRMAN GRIESHEIMER: Hold on. Do you
2 need the spell?

3 MS. REPORTER: That's okay. I've got it.

4 CHAIRMAN GRIESHEIMER: Could you spell
5 your name. I'm sorry.

6 MS. ECKLEKAMP: T-H-E-R-E-S-A
7 E-C-K-L-E-K-A-M-P.

8 CHAIRMAN GRIESHEIMER: There you go.
9 Sorry about that.

10 MS. ECKLEKAMP: That's okay.

11 Thank you for having us here. I've been told this
12 is not just a Missouri problem. It's happening all over the
13 country, but we're from the Show Me state, and we have the
14 opportunity to set the right example, set the best example for
15 what a utility company with a problem can do working with the
16 government and the people who don't want to create an even bigger
17 public health issue. We can be the example that the rest of the
18 country looks at and is proud of, and may follow themselves.

19 Perhaps we could start by removing the possibility
20 for grandfathering to be allowed at all. If they build cell one,
21 that should be under cell one's timeline. No grandfathering
22 should be allowed for the other cells. They should be carried on
23 from the time the cell is started, one cell at a time, till the
24 time when the next cell is started.

25 We don't have to just follow the state regulations.

1 We have the opportunity and the privilege of setting our own
2 rules. These Ameren employees, they do live in our county.
3 There are people that are respected around here, and the LEO
4 people are respected around here. This doesn't have to be and/or
5 situation. There is a compromise going to have to be made, but
6 it doesn't have to be at our public health.

7 We don't have to compromise our clean air and
8 compromise our clean water to have a utility company not stomp
9 off and leave.

10 There never sounds like there was ever a Plan B. It
11 sounds to me like this was the only choice and if we don't get
12 our way, we're going to close up shop. Well, if that was true,
13 well, that probably explains why we're here now. But most times
14 when a decision this big happens, there's a Plan B. I've never
15 once heard of a Plan B. I don't think there was one. I don't
16 like anything being shoved down my throat, and I feel like it is
17 being shoved down my throat.

18 So if it is, and it was agreed upon, why are we now
19 here trying to change it? If there was an agreement made between
20 Ameren and the County, why are we here trying to amend anything?
21 Why is this even an opportunity?

22 I don't see why we can change it now. The
23 Department of Natural Resources assured me that your permit does
24 not allow you to bring any fly ash in from anywhere to be stored
25 in Labadie.

1 My point is, if you have fly ash coming in or
2 leaving Labadie plant in contained trucks, how are we going to
3 know if those trucks are being brought into Labadie plant full,
4 or are they just leaving full. Who's going to regulate them?
5 Who's going to be the Big Brother in that situation?

6 I haven't heard. I haven't heard who's going to be
7 the policing of that all. And I would also like to know if
8 they're going to still continue to sell the fly ash to the Ready
9 Mix plant. Who's going to regulate that?

10 Okay. The last issue I have --

11 CHAIRMAN GRIESHEIMER: Okay, ma'am, we're
12 at four minutes.

13 MS. ECKLEKAMP: What?

14 CHAIRMAN GRIESHEIMER: We're at four
15 minutes. There's a four-minute time limit.

16 MS. ECKLEKAMP: I can't say one more
17 thing?

18 CHAIRMAN GRIESHEIMER: I've said we cut it
19 off at four minutes.

20 MS. ECKLEKAMP: Okay.

21 CHAIRMAN GRIESHEIMER: Sorry. I made that
22 announcement earlier to everybody.

23 MS. ECKLEKAMP: Okay.

24 CHAIRMAN GRIESHEIMER: So everybody knows.

25 COMMISSIONER BRINKER: You can, for

1 everybody that doesn't get a chance to speak until their comments
2 are full, you can also submit it via writing until the timeline
3 has expired.

4 CHAIRMAN GRIESHEIMER: That's correct.

5 MS. ECKLEKAMP: In writing?

6 CHAIRMAN GRIESHEIMER: Yes. Thanks.

7 Sorry about that.

8 Timothy Diendieremann. Sorry. Need my reading
9 glasses on.

10 [Thereupon, the witness was sworn.]

11 MS. REPORTER: State and spell your name,
12 please.

13 MR. TIMOTHY DIERMANN: Timothy D as in
14 dog-M -- D-I-E-R-M-A-N-N.

15 MS. REPORTER: Okay. Thank you.

16 MR. DIERMANN: Good afternoon,
17 Commissioners. I just have a few statements to make.

18 I've been a 26-year employee of Ameren. I work
19 outside on the lines, and pardon me if I smell a little bit
20 today. I was doing that before I was here.

21 I have family that has lived in the area of
22 Marthasville and the surrounding bottoms for probably 150 years.
23 So we kind of know how the alluvial water well works there a
24 little bit, especially there's seep water coming up. And I just
25 had a couple of comments to make there.

1 I noticed that nothing was mentioned about the
2 background contamination of heavy metals or anything, of the
3 arsenic when that was brought up with the ash. And I didn't know
4 what those levels were in the background of the soils and water
5 that we have here already, and I didn't notice that brought up by
6 anybody. So I don't know if it's ever been tested, or it's just
7 being overlooked conveniently. I don't really know.

8 So that and I notice it was brought up earlier that
9 the retirement date of Labadie would be coming up in the 2020s,
10 and as far as I know, I don't think there's ever been a power
11 plant that has actually retired when it was said it would.
12 They've all worked well beyond their retirement date, usually 20,
13 30, 40, 50 years or more.

14 And just thank you for the few comments I had. Have
15 a good day.

16 CHAIRMAN GRIESHEIMER: Thank you.

17 As far as I know, you don't spell bad at all.
18 Brian, let's try this again. Number 27, Brian Haynes. Did he
19 come back?

20 FEMALE AUDIENCE MEMBER: He had to leave.
21 He had an appointment.

22 CHAIRMAN GRIESHEIMER: He had to leave,
23 okay. We tried. Next up Sam -- number 28 Sam Berotti. Number
24 29 after him, Ken Schmidt, and then number 30, Ed Smith.

25 [Thereupon, the witness was sworn.]

1 MS. REPORTER: And state your name and
2 spell it.

3 MR. SAM BEROTTI: My name is Sam Berotti.
4 Berotti is B-E-R-O-T-T-I.

5 MS. REPORTER: Thank you.

6 MR. BEROTTI: Hello, Sam Berotti, like I
7 said. I live in -- across the river in Martinsville. I've
8 worked at Labadie Energy Center for seven years. I'm a union
9 member in the operations department, and most importantly I'm a
10 husband and a father to two beautiful daughters.

11 The energy center provides a great way of life for
12 me and my family. We spend a lot of money in Franklin County, in
13 Washington, groceries and the such. We try to save for our
14 children's education and things of that nature.

15 I believe we need the landfill so Labadie can
16 continue to operate in a safe and environmentally friendly
17 manner. And I'm very glad that people are here voicing their
18 concerns because they're helping to make this landfill as safe as
19 it can be, and I'm thankful for that.

20 So I'd like to encourage the Commission to support
21 the landfill and support us.

22 Thank you.

23 CHAIRMAN GRIESHEIMER: Thank you. Sorry
24 if I pronounced your name incorrectly. Next up Ken Schmidt.

25 [Thereupon, the witness was sworn.]

1 MS. REPORTER: State your name and spell
2 it for me, please.

3 MR. KEN SCHMIDT: Ken Schmidt. K-E-N
4 S-C-H-M-I-D-T.

5 Thank you, Commissioners, for the opportunity to
6 speak to you today. As you probably know, I grew up in this
7 area, grew up in Franklin County. I've raised my family in
8 Franklin County, attended Union High School, East Central
9 College, and am very proud to be a part of Franklin County.

10 I'm equally as proud to say that I've worked for
11 Ameren-Missouri for 30 years. It is a great corporation. We do
12 the right thing, and we do that because this is the corporation.
13 It's the employees. We live here. We want to make sure it's a
14 good place to live.

15 So I encourage you to adopt the ordinances that are
16 in front of you, and I think this is the correct thing to do as
17 we move forward.

18 Thank you for your time.

19 CHAIRMAN GRIESHEIMER: Thank you. Next up
20 Ed Smith. Then after him, Dale Bosche, Boshier, Boshier, and then
21 Christine Alt.

22 [Thereupon, the witness was sworn.]

23 MS. REPORTER: Please state and spell your
24 name.

25 MR. ED SMITH: Edward Smith. Probably one

1 of the easier names you'll have today.

2 CHAIRMAN GRIESHEIMER: You ought to have
3 my last name.

4 MR. ED SMITH: Unless Joe Smith shows up.

5 CHAIRMAN GRIESHEIMER: Go ahead.

6 MR. SMITH: My name's Ed Smith. I work
7 for the Missouri Coalition for the Environment. We're a
8 statewide non-profit. We've been in existence for over 40 years.

9 Just here to go on the record to let you all know
10 that we support the Labadie Environmental Organization and their
11 efforts and concerns related to the landfill.

12 I did catch a good bit of Ameren's presentation
13 earlier. I must say that the hubris of Ameren and its
14 contractors that nothing will ever go wrong if a toxic ash
15 landfill is put in the Missouri River floodplain is absolutely
16 amazing.

17 They did go on the record earlier to say that if
18 every piece of their infrastructure there were to fail, that it'd
19 still be okay, that there would be no problem. And I find even
20 part of Ameren's track record to show that their engineering has
21 not always been up to the test.

22 Two key things that really stand out. People
23 mentioned that the coal ash ponds leaked, but those were unlined.
24 So that's pretty much a given you're going to have an
25 environmental problem there, but Taum Sauk was not an

1 environmental problem. It was a management and an engineering
2 problem. And Calloway nuclear reactor which was not supposed to
3 leak or release radioactivity into the groundwater directly below
4 the nuclear reactor was in fact found to have contaminated
5 tridium and cobalt 60 above the drinking water levels underneath
6 it. Not to say that the water there is being consumed by the
7 employees there.

8 I've nothing against a lot of the fine folks working
9 for Ameren here. Lifelong union supporter. I do have a fairly
10 large issue with the folks at the top, though.

11 I'll leave it at that. I think that there -- you
12 guys need to take into consideration the facts that there are
13 unforeseen circumstances that can compromise even the most
14 wonderfully engineered systems in our world. We've seen nuclear
15 reactors melt down. We've seen shuttles blow up. Bad things
16 happen, and we should take that into consideration when building
17 a landfill in the floodplain upstream from St. Louis.

18 Thank you.

19 CHAIRMAN GRIESHEIMER: Thank you very
20 much. Okay. Dale -- and I apologize. Is it Boschert, Boscher?

21 MR. DALE BOSCHERT: Depends on what side
22 of the river you're on.

23 [Thereupon, the witness was sworn.]

24 MS. REPORTER: State and spell your name,
25 please.

1 MR. BOSCHERT: Dale Boschert.

2 MS. REPORTER: Spell the last name for me.

3 MR. BOSCHERT: B-O-S-C-H-E-R-T.

4 MS. REPORTER: Thank you.

5 MR. BOSCHERT: I thank you for letting us
6 talk this morning or this afternoon or...

7 I live here in Franklin County. I work for Ameren,
8 and in August I'll have 46 years. And I love Franklin County. I
9 come out I was a -- I'm in the distribution. I've probably been
10 on every driveway probably in Labadie, and maybe some of you have
11 seen me. I come out as a meter reader. So you hit every
12 driveway.

13 And I was a lineman for 10 years, a trouble man for
14 another 10, and I've been supervisor probably for 17 years. And I
15 honestly think we need this landfill, and I appreciate the
16 Commissioners and I appreciate Ann Schroeder for, you know, we --
17 they did -- you all did help to make everything safer and you
18 guys mentioned -- somebody mentioned Taum Sauk. Yeah, it was
19 terrible. It was terrible, but luckily nobody got hurt.

20 Has anybody seen what -- how it was redone? I think
21 that this is going to be the way to go, and I hope that you
22 consider all the improvements. And I think it's going to be the
23 right thing to do. So that's all I got.

24 CHAIRMAN GRIESHEIMER: Thank you.

25 Christine Alt. After Christine is Craig Huellet,

1 Ross Hunt, and Eric Richert.

2 [Thereupon, the witness was sworn.]

3 MS. REPORTER: State your name, please.

4 MS. CHRISTINE ALT: My name is Christine
5 Alt. Do you need me to spell it?

6 MS. REPORTER: No.

7 MS. ALT: As I said, my name is Christine
8 Alt, and I live in Franklin County. Many people have gotten up
9 here before you and said how long they've been a resident. I'm
10 not real sure how to answer that because I'm a lifelong resident.

11 I was even born in the hospital in this county. And prior to
12 that, my family has lived here. So that we have the luxury, and
13 I'm very proud to say that, we have century farms in our family.

14 I grew up going to school in this county, went on to
15 college, became a teacher, and I taught school in this county.
16 That's all on the other side of the river. So while I live in
17 Labadie, I used to drive, go across the 47 bridge and make a big
18 circle and look at the back side of the Labadie Power Plant.

19 But then after teaching, my husband and I decided
20 one of us, namely me because a teacher doesn't make as good a
21 salary as a general contractor does, wanted to be at home with
22 our children.

23 So when we planned to have kids, I decided to stay
24 at home. We have two children, and when these meetings began, my
25 daughter was a toddler. In fact, she stole the show several

1 times at East Central because she didn't want to be away from me,
2 she came up on stage. Now my daughter's in third grade.

3 My son is a teenager. In fact, many people in this
4 audience have watched my kids kind of grow up in some of these
5 meetings, and they learned how to sit still and be quiet at
6 meetings that a lot of adults can't tolerate.

7 I've been to many of these meetings, and in fact, I
8 went to one of my first meetings in, I think it was, 2010 when we
9 all went to Coleman Elementary to get some information about what
10 was being proposed at the time. And my daughter was so small at
11 the time she got tired of walking around looking at big displays.
12 She was on my hip. And an Ameren employee suggested that this
13 was going to be so safe and the ponds were so safe that she could
14 swim in them.

15 And I said, well, I don't think I would ever want
16 her to swim in one. And I still don't. I'm still upset at the
17 fact that several decades have passed, and there are no answers
18 and nobody watching the fact that these have been leaking. So as
19 a teacher, I learned this lesson when I was in kindergarten, but
20 as a teacher, I taught kids. You make a mess, you clean it up.
21 You don't get to get something else new until you've cleaned up
22 the present mess. Yet, we don't even question the mess that's
23 been going on for decades.

24 And I understand they're saying that this is going
25 to be state of the art, but they need to clean up the mess they

1 have, or are they planning on using this to cover that up with.

2 None of us are really sure; yet, we're supposed to trust this.

3 One point that I'd like to bring out is that in
4 2011, as time went by and we went to all these meetings, we were
5 assured that we were going to be over-the-top protected. And
6 there have been ups and downs at some of these meetings, feeling
7 better about things.

8 But then in March of 2015, we realized through the
9 County Counselor that there may be extensive changes. And one of
10 the changes that I'd like to mention because a lot of them have
11 already been mentioned is the one that we delete the need for
12 newly built cells to comply with the DNR and the U. S.
13 Environmental Protection Agency.

14 CHAIRMAN GRIESHEIMER: I'm sorry. I hate
15 to interrupt you, but that's four minutes.

16 MS. ALT: Can I just make one sentence?

17 CHAIRMAN GRIESHEIMER: Ma'am.

18 MS. ALT: You have made that allowance for
19 other people. One sentence.

20 CHAIRMAN GRIESHEIMER: We --

21 COMMISSIONER BRINKER: [Unintelligible.]

22 CHAIRMAN GRIESHEIMER: We've said that --
23 we've announced that before, and we're trying to be fair with
24 everybody. We did that with the two -- the opponents and the
25 proponents during the thing, but I got to cut it off.

1 MS. ALT: Okay.

2 CHAIRMAN GRIESHEIMER: You can still
3 submit written comments.

4 MS. ALT: I will.

5 CHAIRMAN GRIESHEIMER: And we encourage
6 you to do that. Okay.

7 MS. ALT: I will.

8 CHAIRMAN GRIESHEIMER: If you would.
9 Thank you. Next up Craig Huitt. Hope I --

10 [Thereupon, the witness was sworn.]

11 MS. REPORTER: And please state and spell
12 your name.

13 MR. CRAIG HUITT: C-R-A-I-G H-U-I-T-T.

14 Hello. My name is Craig Huitt, and I thank you for
15 the opportunity to testify in favor of this utility waste
16 landfill ordinance.

17 So there I was in the Spring of 2010, my wife and
18 three kids, we as a family, we became residents of Franklin
19 County. We purchased a home with land, and moved to Labadie,
20 Missouri. We live up on a ridge off of Tea Bed Road
21 [phonetically]. We love where live. The people, the beautiful
22 land, and the multitude of opportunities available. And it is
23 our plan to make Franklin County our home for a lifetime.

24 I work at Ameren Power Operation Services. I am an
25 electrical engineer and a construction project lead. I have

1 spent the majority of the last five years working at the Labadie
2 Energy Center, and I look forward to when I get to work for such
3 a great company.

4 Ameren's vision is leading the way to a secure
5 energy future. Our mission is to power the quality of life. We
6 all know how huge the Labadie Energy Center is. It has enough
7 electricity to power more than a million Missouri homes. We
8 agree that we all want clean energy. We want to flip the switch,
9 and we expect the lights to turn on.

10 We all want the modern conveniences of electricity
11 that increase our quality of life. And yes, producing
12 electricity must be done responsibly. At Ameren, we are
13 committed to stewardship. We are dedicated to meeting our
14 social, community, and environmental responsibilities.

15 This state-of-the-art utility waste landfill for
16 storing dry ash is an example of our commitment to stewardship
17 and dedication to meet out environmental responsibilities. The
18 truth is that electricity is not free. It costs all of us
19 something. And at Ameren, I have confidence we are doing our
20 absolute best to do what is right for the people of Franklin
21 County and to reduce our environmental footprint.

22 At Ameren, our grand promise is focused energy for
23 life. So I encourage you to please support the utility waste
24 landfill ordinance, and you will benefit by taking an important
25 part in leading the way to secure a energy future for Franklin

1 County and for our great state of Missouri.

2 Thank you.

3 CHAIRMAN GRIESHEIMER: Next up Ross Hunt.

4 [Thereupon, the witness was sworn.]

5 MS. REPORTER: State your name for me.

6 MR. ROSS HUNT: My name is Ross Hunt. I
7 live in St. Louis County, and I'm concerned about the possibility
8 of toxic leakage into the water supply that serves a broad area
9 of the region now and into the future.

10 I'm also concerned about the possibility of fly ash
11 that gets loose and can cause health damage, and I know that even
12 very small amounts of fly ash, as small as 6/10 of a micron
13 getting into the lungs become part of our permanent life flow and
14 could cause heart and lung disease.

15 And there are just so many materials that are
16 potential problems with the -- with coal ash, and so all of these
17 are concerning to me. I'd like to see more rigorous monitoring
18 of coal ash and more transparency in distribution of information
19 about the levels of toxics that we're faced with in our
20 communities and not less.

21 The job DNR has been doing has not been adequate to
22 the task, and it's clear that we need to maintain the highest
23 level of regulation that we can, and we should do that here in
24 Franklin County.

25 Please do not change these regulations to allow any

1 decrease in the health and safety of the residents of this
2 region, and protect the water resources that serve natural
3 systems.

4 Thank you.

5 CHAIRMAN GRIESHEIMER: Thank you. Next up
6 Eric Reichert. After him, would be Celeste Smith and Andy

7 [Thereupon, the witness was sworn.]

8 MS. REPORTER: State and spell your name
9 for me, please.

10 MR. ERIC REICHERT: My name is Eric,
11 E-R-I-C, R-E-I-C-H-E-R-T. Can I begin?

12 CHAIRMAN GRIESHEIMER: Yes.

13 MR. REICHERT: Okay. Good afternoon.

14 I have empathy for the condition in this instance
15 that all this drama has been orchestrated by one individual,
16 namely the County Counselor. You, the Commission, did not
17 authorize him to take this action. He boldly stated that he did
18 it on his own volition.

19 Rather, you were placed into the position of ruling
20 on proposed amendments you did not authorize nor recommend, but
21 you have no choice but to have this hearing. The previous
22 Commission toiled ten whole months drafting the existing
23 regulations and the County Counselor said he personally
24 incorporated as many protections as possible.

25 The previous presiding commissioner wanted it to be

1 the safest landfill possible no matter the cost. So the original
2 landfill regulations attempted to protect the health, safety and
3 welfare of the citizens and protected the citizens by exceeding
4 the minimum requirements, which is totally legal for a county to
5 do and it's the product of at least a semi-responsible government
6 attempting to fulfill their promise of protection.

7 Now comes these proposed amendments. Do they
8 fulfill the requirements of Article 14, Section 321 of the
9 existing regulations?

10 The Counselor states the reason to attempt to change
11 the regulations is because the County is not an expert in utility
12 landfills and should defer to the regulations and guidelines of
13 DNR and others. This is a fallacy as the former Commission
14 labored vigorously to understand and digest all existing and
15 proposed regulations.

16 The Counselor even states that he wrote the original
17 regulations taking all these factors into account. Now he wants
18 them changed so that he would not be called to litigate matters
19 in court. These proposed amendments to change the regulations
20 the County instituted are not alleged to be deficient, but rather
21 that the existing regulations are somehow too stringent. How can
22 protecting the health, welfare and safety of the citizens by
23 enacting regulations which exceed the absolute minimum be bad
24 legislation.

25 The word armor has been used by the County Counsel.

1 I too am a veteran, and I understand armor. And anything other
2 than a suicide mission, you always up armor. That would mean
3 that any proposed amendments would further protect the citizens,
4 not reduce their protection at law, which these proposals do.

5 These proposed amendments lower the protections of
6 the citizenry by eliminating the provisions, language,
7 definitions, and et cetera which were enacted by the previous
8 Commission as being Franklin County standard, which is totally
9 allowed by law, and it's the law setting our minimum standards.

10 This only leaves the position that it will reduce
11 lawsuits. All amendments to the regulations come about under the
12 authority of Article 14, Section 321, and nowhere in the language
13 does it allow for regulations to be changed because of legal
14 matters. Nor does it allow for removing stipulations because the
15 counsel believes they exceed the absolute minimum required.

16 A county has the right, and I say the obligation, to
17 do everything it can to protect the health, safety and welfare of
18 the citizenry. It's not doing a disservice by exceeding the bare
19 minimum and by standing by those regulations still further
20 protections can be enacted.

21 And his reason for doing so was to stifle the
22 existing lawsuits and to eliminate future lawsuits by removing
23 the very stipulations the former Commission labored over and
24 placed into the existing regulations.

25 Perhaps the County Counselor is concerned that a

1 certain utility seeking the landfill might sue the County if we
2 keep our regulations at their present level of possible
3 intention. That would -- how would he litigate that lawsuit?

4 Lastly, there is no hurry here. This is not
5 fast-track legislation unless you submit to the Counselor.
6 Remember, it is only he who wishes to lower the standards. You
7 did not express your obligations to him, telling him that the
8 existing regulations were exceptionally burdensome. The
9 Commission should have waited to hold this hearing until the
10 third Commissioner was on board and up-to-speed. This is not a
11 minor matter.

12 Perhaps holding this hearing at this time was not a
13 good advice. Remember, there is no hurry. Or is there? You
14 cannot serve two masters. Where is your allegiance?

15 CHAIRMAN GRIESHEIMER: Next up Celeste
16 Smith.

17 [Thereupon, the witness was sworn.]

18 MS. CELESTE NOHL-SMITH: Celeste.

19 C-E-L-E-S-T-E. Nohl. N-O-H-L. Smith. S-M-I-T-H.

20 So you know that. I'm a Labadie resident for 34
21 years. I'm a mother of two wonderful children, and I've been a
22 nurse for 34 years. I've lived out in the Labadie area, and feel
23 that that is my community. I'm vested into it, and therefore,
24 I'm here today with a little background about why I am involved
25 regarding this landfill amendment in Franklin County.

1 So six years ago we learned that Ameren had
2 purchases some land, and then we learned that they were going to
3 use it for development, and then we learned it was going to be a
4 landfill. And that's what vested a lot of people's interest
5 right there. It was a group of people that started asking
6 questions, educating themselves and gaining knowledge about what
7 is the landfill, what is coal ash waste, how does it all relate
8 to our community and our environment.

9 And after educating myself with information along
10 with about coal-burning power plants, environmental impacts,
11 health effects and government processes, and after all these
12 years of being involved, I have the assessed the information
13 gained from our governmental officials, LEO, Washington
14 University, the Environmental Law Department, and that I can give
15 my absolute opinion that the 2011 protections that are in place
16 need to stay in place in the amendments.

17 There it is in black and white, not gray coal ash.
18 This is an adamant statement that is heartfelt along with six
19 years of knowledge gaining information. I am here today because
20 of my concern for my own health, my family's health, my
21 neighbor's health, my community and air and water quality because
22 I live in this environment, and also property value.

23 Been here a long time, worked very hard, and with
24 the potential coal ash landfill going in in my back yard, which
25 is just about six miles away from them, that's a potential 7 to

1 10 percent reduction in my property value.

2 I really appreciate everybody's opinion, and it's
3 none of us are experts, and I think sometimes we're called upon
4 to be an expert, and that's just not possible. But what is
5 possible is for us citizens to be able to stand here today and
6 give an honest, heartfelt, educated opinion about what these
7 amendments mean to us and what we want our public officials to do
8 for us.

9 Thank you.

10 CHAIRMAN GRIESHEIMER: That you very much.

11 Next up Andy Knott. After Andy, John Kissel, Tom
12 Smith and Barbara Jennings.

13 [Thereupon, the witness was sworn.]

14 MS. REPORTER: State and spell your name
15 for me, please.

16 MR. ANDY KNOTT: Last name is Knott,
17 K-N-O-T-T. Andy, A-N-D-Y.

18 Thank you. My name is Andy Knott. I'm representing
19 the Sierra Club. We have 106 members in Franklin County, and
20 more than 1,000 supporters. I'm also personally a downstream
21 resident of St. Louis County.

22 The Sierra Club opposes the amendments under
23 consideration today because they weaken safeguards that protect
24 drinking water. A significant portion of the St. Louis and St.
25 Louis City gets its drinking water from the Missouri River, and

1 placing a toxic coal ash landfill in the floodplain of the
2 Missouri River is an unnecessary risk to public health.

3 Even a dry ash landfill placed in a floodplain that
4 does flood, poses a risk to drinking water. You only have to
5 look at recent examples of coal ash disasters around the country
6 to learn this lesson.

7 In December of 2008, a coal ash pond owned by the
8 Tennessee Valley Authority collapsed, spilling 1.1 billion
9 gallons of ash slurry into the Emory and Clinch Rivers; 5.4
10 million cubic yards of slush covered 300 acres damaging 12 homes,
11 unaccountable numbers of fish and wildlife were killed, and water
12 samples showed significantly elevated levels of toxic metals,
13 arsenic, copper, barium, cadmium, chromium, lead, mercury, nickel
14 and thallium in samples of slurry and river water.

15 In February 2014, a stormwater pipe burst beneath a
16 coal ash pond owned by Duke Energy in North Carolina, sending
17 over 30,000 tons of coal ash and 27,000 gallons of contaminated
18 water to the Dan River. That pollution polluted 70 miles
19 downstream, threatening fish, wildlife and drinking water
20 supplies.

21 Last month Duke pleaded guilty to nine criminal
22 violations and agreed to pay \$100 million in fines. They also,
23 as part of that, they issued a public apology that included a
24 statement that should be a forewarning to Franklin County. That
25 public apology included this:

1 "We, Duke, are accountable for
2 the spill and its aftermath, and take
3 responsibility for all the violations
4 contained in the plea agreement. We
5 apologize to the communities that have
6 been affected by these actions. We
7 hope that others will learn from our
8 experience."

9 We would encourage Franklin County to learn from
10 that experience and others, and to keep the protections in place.

11 Thank you.

12 CHAIRMAN GRIESHEIMER: Thank you. John
13 Kissel.

14 [Thereupon, the witness was sworn.]

15 MS. REPORTER: State and spell your name
16 for me, please.

17 MR. JOHN KISSEL: John Kissel.
18 K-I-S-S-E-L.

19 Thank you for the opportunity to speak, and my name
20 is John Kissel. I am a retired physician. Lived all my life in
21 the St. Louis area. I'm a graduate of Harvard Medical School.
22 Did my residency training at Barnes Hospital Washington
23 University School of Medicine. I'm Board certified in internal
24 medicine and a Fellow of the American College of Physicians.

25 I'm a volunteer with the Sierra Club, and I have

1 children and grandchildren that live in this area and drink the
2 water.

3 I'm here -- I'm not a lawyer, I'm not an engineer,
4 not a politician. I am a physician and a scientist, and I'm here
5 because I'm concerned that part of Ameren's tack in trying to get
6 what they want when and where and how they want it is to try and
7 convince people that coal ash is a very benign and innocuous
8 substance.

9 So they -- a couple of years ago one of the vice
10 presidents who wrote an op ed article for the "Post Dispatch"
11 that indicated that coal ash is perfectly safe. We put it in the
12 coffee and walk around with it everyday.

13 Last year they hired a consultant who came to the
14 St. Louis and testified in public that coal ash is perfectly
15 safe, and your children could eat it for breakfast every morning.
16 That's not true. It's not even close.

17 My own experience I, last year, I bought a half
18 dozen bags of concrete mix to set some posts, and I was about to
19 mix the concrete, I read this concrete mix from Home Depot had
20 coal ash.

21 So I think there's -- and then of course we know
22 that coal ash is being hauled all over Franklin County and the
23 St. Louis area being dumped pretty indiscriminately as fill. So
24 I think we need to consider if we're talking about coal ash
25 exposure, we need to consider the fact that it is a very toxic

1 public health risk.

2 There's been some mention of some of the hazardous
3 substances. Well, basically the most concerning substances in
4 coal ash are heavy metals, and some are clearly carcinogenic,
5 arsenic, cadmium and actually chromium, and most of them can be
6 absorbed not only by drinking water or eating food that contains
7 them, but also from breathing particles and from absorption
8 through the skin in areas where surfaces have been contaminated
9 by the dust.

10 The other two that bear mention I think because
11 they're so important are lead and mercury. Over the years in my
12 experience as a physician, I've noticed that the toxic levels,
13 blood levels, for lead, especially in children, kept getting
14 lower and lower. Science has now included that there is no safe
15 level for lead in adults or children, and lead of course causes
16 brain damage in children, as does mercury, which can lead to a
17 lower IQ even mental retardation.

18 So these hazardous substances are present and easily
19 picked up in the tiny quantities that are necessary to cause
20 serious health problems.

21 I do think -- I haven't heard anyone point out to
22 you, but it's very interesting. It's sort of under the radar,
23 Ameren spent \$200 million in the past couple of years putting
24 pollution controls, electrostatic precipitators on the Labadie
25 plant and at the same time maintaining that they were in complete

1 compliance with all regulations and were not polluting.

2 So I guess they wasted \$200 million on those
3 pollution controls, and as a ratepayer, I resent that. But the
4 fact of the matter is that when you put on pollution controls
5 that clean mercury and particulates out of smokestack gases,
6 where do they go? They go into the coal ash, and the coal ash
7 becomes all that much more toxic. So it's sort of out of the
8 frying pan into the fire.

9 My suggestions to you are as follows.

10 CHAIRMAN GRIESHEIMER: We're at the
11 four-minute point. Sorry I got to cut you off. Thank you.

12 MR KISSELL: Thank you.

13 CHAIRMAN GRIESHEIMER: And again, you can
14 submit the rest of your comments in written form to us.

15 Next up Tom Smith. Come on down.

16 [Thereupon, the witness was sworn.]

17 MS. REPORTER: State your name for me,
18 please.

19 MR. TOM SMITH: Tom Smith. S-M-I-T-H.

20 Thank you for allowing me to speak before you. Good
21 afternoon. My name's Tom Smith, and I reside in Washington,
22 Missouri. There were many salient points in this in the past and
23 today presented to this Commission deserving consideration in
24 solving a future contamination of downstream water users.

25 That's in my opinion.

1 At risk of being repetative, I would like to remind
2 all of us present about the consequences of decisions made by
3 local governments at the behest of corporate interests. The
4 recent Duke Energy gas spill out East, of course, readily comes
5 to mind. However, we have in our own back yard past corporation
6 in New Haven, Missouri who left that community with a
7 contamination problem they are still addressing today. New Haven
8 was left with the cost of cleaning up that company's waste and
9 carelessness.

10 Ameren will eventually do the same to our county.
11 Yes, Ameren has state-of-the-art measures to avoid a Duke-like
12 experience. I don't doubt that. However, their commitment as I
13 have heard and read at previous commission presentations will be
14 for 50 years. After that, they're free to go and let the County,
15 our county, pick up the tab to maintain the operation.

16 So we add on another layer of county infrastructure
17 cost in the future for an aging system, I assume by then, that
18 will have to be replaced. It will not be a cheap endeavor.

19 Now we are exacerbating the problem by dropping what
20 little protections, however flawed, we as a county tried to
21 implement. Gentlemen, either way the Commission decides, our
22 children and grandchildren 50 years from now will be left with a
23 complex system of waste management and the continued cost of
24 maintaining that system.

25 The statements presented today and in the past are

1 not simply NIMBY, not-in-my-backyard hysterics. Floodplains are
2 what they are. The farmer is the only one who utilizes the
3 floodplain effectively. Common sense tells him placing obstacles
4 into the natural flow of Mother Nature's ongoing efforts will
5 only invite disaster.

6 Thank you.

7 CHAIRMAN GRIESHEIMER: Thank you.

8 Barb Jennings. Then after Barbara, Chuck Motycka.
9 I apologize.

10 MR. CHUCK MOTYCKA: Motycka.

11 M-O-T-Y-C-K-A.

12 CHAIRMAN GRIESHEIMER: Okay.

13 [Thereupon, the witness was sworn.]

14 MS. REPORTER: Thank you, and state your
15 name for the record, please.

16 SR. BARBARA JENNINGS: Sister Barbara
17 Jennings. B-A-R-B-A-R-A, J-E-N-N-I-N-G-S.

18 I represent Midwest Coalition for Responsible
19 Investment, a local faith-based organization in St. Louis City
20 which holds shares in Ameren and in many corporations throughout
21 the United States.

22 We have been following this issue with Ameren since
23 July of 2010. We are concerned that Ameren and Franklin County
24 are not doing all they can to preserve the quality of Missouri
25 water, which is already so polluted by a number of causes.

1 As shareholders, we wonder why the company has yet
2 to comply with all the safety suggestions which the County's own
3 Independent Registered Professional Engineer recommended in 2013.

4 Yes, Ameren has now agreed to groundwater monitoring
5 around the proposed landfill, but refuses to give the results to
6 DNR. Why does the County think that DNR will adequately oversee
7 Ameren's landfill in the future when DNR hasn't even forced
8 Ameren to submit groundwater results it has already obtained for
9 the proposed landfill? Disclosure is needed.

10 Why would the County think that DNR will oversee the
11 landfill when the Ameren ash ponds were leaking for years with
12 impunity?

13 Why has Franklin County weakened their original and
14 more stringent permits which were granted to Ameren in 2011?
15 Disclosure is needed.

16 We note that one of the items to be maintained in
17 the revised amendments is the 50,000 fee from Ameren every year,
18 but eliminated would be the requirement to "minimize the impact
19 of operations on the citizens and inhabitants of Franklin
20 County." Disclosure is needed.

21 For years, shareholders have watched our company
22 spend thousands of dollars on this landfill effort, including
23 150,000 in annual fees to Franklin County for an operation
24 permit, which is not even eligible to obtain at this time.

25 Due dilligence and transparency during the research

1 and planning phase would have saved resources for shareholders,
2 employees, and citizens in this area.

3 Instead of wasting time and money on a project that
4 in itself could be an improvement over an ash pond, Ameren and
5 the County should be complying with the most stringent
6 requirements applicable.

7 We hope tht both will plan to be transparent in the
8 groundwater monitoring, the truck safety, the berm safety, the
9 buffer zone above the groundwater.

10 If Ameren is really intending to rely on this plant
11 for another 20 to 30 years, Ameren and Franklin County should get
12 serious and transparent and disclose their legacy.

13 Thank you.

14 CHAIRMAN GRIESHEIMER: Thank you.

15 Mr. Motycka.

16 [Off-the-record comments.]

17 After Mr. Motycka, Sherry Edgar, Mike Smith, and
18 Steve Sader [phonetically].

19 [Thereupon, the witness was sworn.]

20 MS. REPORTER: State and spell your name
21 for me, please.

22 MR. CHUCK MOTYCKA: I have to tell you I
23 feel a little disappointed and disgusted. Because when you're
24 number 41, what more can I say. So everything I have down here,
25 you know, goes out the window.

1 I am a businessman, and I'm a Labadie resident.

2 CHAIRMAN GRIESHEIMER: One second. Can
3 you spell your last name, Chuck.

4 MR. MOTYCKA: M-O-T-Y-C-K-A.

5 MS. REPORTER: C-K-A?

6 MR. MOTYCKA: C-K-A, right. It's
7 pronounced Motycka.

8 MS. REPORTER: Okay. Thank you.

9 MR. MOTYCKA: Okay. I'm a resident of
10 Labadie. I'm a business owner, and most of the things I'm going
11 to talk about are out the window because everybody said them. I
12 don't want to waste your time.

13 I definitely support the employees at the Labadie
14 Power Plant, period. No question. I also support the people on
15 the other side of the aisle that have opposing views because I
16 think this is important. I think what we need to keep in mind is
17 that there's a lot of issues here that have to be considered,
18 have to be discussed. I'm hoping that the folks in the
19 government area are going to take their time and seriously
20 consider both of the arguments and come up with the right
21 decision.

22 I think that's very critical. I think a lot of
23 sole-searching should be done because whatever you decide is
24 going to have long-term ramifications for all of us. So I really
25 am not going to waste time to talk about anything else because

1 it's all been said.

2 So thanks for your time.

3 CHAIRMAN GRIESHEIMER: Thank you.

4 MR. MOTYCKA: Yeah.

5 CHAIRMAN GRIESHEIMER: Sarah --

6 MALE AUDIENCE MEMBER: She's gone.

7 CHAIRMAN GRIESHEIMER: Gone. Thank you.

8 Mike Smith.

9 [Thereupon, the witness was sworn.]

10 MS. REPORTER: I need you to state your
11 name for the record, please.

12 MR. MICHAEL SMITH: Mike Smith,
13 Washington, Missouri. Mr. Griesheimer, Tim.

14 Speaking as a parent of three and a grandfather of
15 three, I've always taken pride in being an informed voter. I do
16 my best to gain and understanding of issues that are important to
17 me. However, I find this issue very difficult to really
18 understand.

19 I've heard you talk about DNR regulations, EPA
20 regulations, the potential for lawsuits and the way these
21 different factors come into play until I don't even know what
22 questions to ask anymore, except for one. Except there is one
23 question, and that is why would the County give up an opportunity
24 to maintain the highest level of protection for our water?

25 I've heard that question brought up quite a bit this

1 afternoon. Seeing what is happening with water issues out West
2 and around the world, we should be that much more aware of how
3 important water is. It is crucial that Franklin County do
4 everything that is possible to protect our water from any kind of
5 contamination.

6 Please show me and help me to feel confident that
7 the protection of our water is among the first priorities of this
8 Commission. You can do this by maintaining the existing County
9 regulations. Of course, revenue is important, jobs are
10 important, and lawsuits are costly, but none of these are as
11 important as clean water. Water is life.

12 Thank you.

13 CHAIRMAN GRIESHEIMER: All right. thank
14 you.

15 COMMISSIONER BRINKER: I might add Mike
16 was recently on the "Conservationist" magazine cover. Well,
17 looking good. So congratulations on that.

18 CHAIRMAN GRIESHEIMER: Steve Seyer. Come
19 on down. Then after Paul, Diane.

20 [Thereupon, the witness was sworn.]

21 MR. STEVE SEYER: Steve Seyer, S-E-Y-E-R.

22 CHAIRMAN GREISHEIMER: Sorry about that
23 again.

24 MR. SEYER: I've been involved in a lot of
25 water contamination issues in the past. I nearly lost my dog in

1 the creek because contamination that they had there, and I can
2 tell you in areas where you have contamination that's causing
3 people to get sick. We bear the cost of that. It's almost
4 impossible to tie that to anybody that's upstream, and I'm sure
5 Ameren's well aware of that.

6 I heard three Ameren paid spokespersons here today
7 talk about their need for building a landfill. This is not about
8 building a landfill. These issues today have nothing to do with
9 that. I heard one talk about closing the plant. This is not
10 about closing the plant. The issues that we have today stem from
11 negotiations that I've witnessed over the last 12 months where
12 Ameren has made concessions to us as a community for the permit
13 to put the landfill in place.

14 Now they're wanting, at the 11th hour, to strip
15 those regulations that keep us safe out of here in the process.
16 The corruption with utility companies goes back as far as the
17 history of the industry. It stemming from the actions of Thomas
18 Edison, George Westinghouse and J. P. Morgan.

19 I've been listening to the bargaining done by Ameren
20 for the past year to get this landfill accepted in our beautiful
21 Franklin County. I've heard Ameren speak of the safety measures
22 they intended to put in place to keep us safe from the hazards of
23 groundwater and air pollution generated by the plant and its
24 waste.

25 I've watched as Ameren has skirted around Franklin

1 County legislation that prohibits landfills by calling this
2 proposed landfill a disposal site for yard waste. Now I'm
3 witnessing an 11th hour slight of hand in which Ameren is trying
4 to derail the proposed safety commitments they have made to us
5 citizens of Franklin County.

6 I need for the Planning and Zoning Commission to
7 understand something. We have to ask the question why is Ameren
8 trying to pull an 11th hour deception to change the County safety
9 measures to which they have committed to Franklin County
10 residents?

11 According to the National Association of Regulatory
12 Utility Commissioners the average life of a coal-burning plant
13 is 40 years. The Labadie Power Plant started 45 years ago in
14 1970, which begs the question: Why is Ameren building the mother
15 of all landfills on the site of a power plant that's in the
16 autumn of its useful life? It doesn't take a rocket scientist to
17 figure this out.

18 If you vote for the acceptance of Ameren's proposed
19 request and pull back the safety regulations that they have
20 committed to us verbally and in writing, you're opening the doors
21 for Ameren to lay waste to all of our beautiful Franklin County.

22 Our beautiful Franklin County will be used as a
23 dumping ground for both coal ash from across the national. In
24 some areas, Planning and Zoning Commissioners are not so easily
25 fooled, and Ameren and other power companies are at a loss for

1 where to put their illegal coal ash. Ameren hopes that you, the
2 Franklin County Planning and Zoning Commissioners, will go along
3 with their deception, and Franklin County could be the legal
4 destination of any coal ash they can't find a place to dump in
5 areas where County Planning and Zoning Commissions are not so
6 easily swayed.

7 There are terms that apply to the failed commitment
8 such as Ameren's commitment to the residents of Franklin County.
9 Some might say that Ameren might deceive the residents of
10 Franklin County. Some at Ameren might say that they just changed
11 their minds.

12 For over a century, our country and its citizens
13 have fought the corruption of energy companies. Sometimes we
14 lose the battle, and sometimes the people win.

15 You and we must live off this county's land. You
16 and we depend on the health of the land to support the health of
17 our existence.

18 CHAIRMAN GRIESHEIMER: I hate to interrupt
19 you, but your four minutes is up.

20 MR. SEYER: Okay.

21 CHAIRMAN GRIESHEIMER: Thank you. And
22 again, you can submit your written comments to us.

23 Next up John Haverberger, Larry Strom, and George
24 Mosley.

25 [Thereupon, the witness was sworn.]

1 MS. REPORTER: State your name and spell
2 it for me.

3 MR. JOHN HAVERBERGER: My name is John
4 Haverberger. Spelled H-A-V-E-R-B-E-R-G-E-R.

5 Well, I'm a lifelong resident. In fact, only live
6 about 300 yards from the house I was born in. I look at this in
7 a little bit -- in a different state, direction because the first
8 thing is like with the water problems like in California and
9 stuff, there's a lot of farm ground that can't be irrigated there
10 anymore. Now here we've got some of the finest farm ground in
11 the state of Missouri, and we're going to put an ash pit on top
12 of it. And that's where we easily could irrigate that ground
13 because you got the river right there.

14 You know, some people say that I -- you know, that
15 there's farm ground everywhere. Well, every day we're losing
16 farm ground with housing, with shopping centers, with -- and with
17 the inlets they can't get the water anymore, you know, and it's
18 something that we need to look to that, one of the things in the
19 future.

20 And I am not sure if I'm right or not, but if I'm
21 not mistaken, most of that ash is a potash type of material,
22 which is if you wet it down and let it dry, it turns into like --
23 almost like a rock. In fact, it does turn back to stone because
24 they've had to repair the main pipes out because I've worked down
25 there as outside contractor. And they have to replace the pipes.

1 Well, we're getting the coal out of Illinois and
2 we're sending the cars back empty. Is there any possible way
3 that we could send it back full it with the coal -- with covered
4 coal ash and then liquefy it and pump it down into the -- into
5 those holes which would turn to rock down there, which would keep
6 them sinkholes in Illinois from happening, I would believe,
7 because basically you got hollow voids.

8 And I'm just, you know, looking at different items,
9 and I think we need to look at more than just one different item
10 like me, I'm a -- fortunately we're hill farmers, but we've
11 always been and we always will be. Now, when we got rocks and
12 our ground don't grow near as much as this bottom ground does.
13 You know, you're looking 300 feet of deep topsoil that goes down
14 because it's all silted in. And it's something that we need to
15 think about.

16 And I thank you for listening to me, and I
17 appreciate you all having us here.

18 CHAIRMAN GRIESHEIMER: Thank you very
19 much.

20 Larry Shroth.

21 [Thereupon, the witness was sworn.]

22 MS. REPORTER: Please state and spell your
23 name.

24 MR. LARRY SHROTH: My name is Larry. Last
25 name is Shroth. S-H-R-O-T-H.

1 CHAIRMAN GRIESHEIMER: I'm sorry.

2 MR. SHROTH: That's all right,

3 Commissioner.

4 CHAIRMAN GRIESHEIER: I'm sorry.

5 MR. SHROTH: Commissioner Griesheimer,

6 Commissioner Brinker, thank you for giving me an opportunity to

7 talk. I work with Ameren. I work in Franklin County. I've been

8 here about three and a half years. I can understand the issues

9 on both sides being with Ameren employees as well as working with

10 the people that live in this county.

11 I think that one of the things that takes place when

12 you two gentlemen are elected, is the responsibility to make sure

13 that you can come up with a project or plan that will get

14 everybody to work together. All I've heard so far this afternoon

15 is one side or the other saying this or that, and I think that

16 the issue that you two will have to face is one how can we work

17 together to help the people of Franklin County to provide not

18 only clean water and farm land, but also electricity which has

19 become more and more important to people in this country every

20 day and common to their lives.

21 Thank you very much.

22 CHAIRMAN GRIESHEIMER: Thank you. Again,

23 I apologize. George Mosley. And then after George, Joe Bernaci

24 and Tom Schoonover.

25 [Thereupon, the witness was sworn.]

1 MS. REPORTER: And state and spell your
2 name for me, please.

3 MR. GEORGE MOSLEY: George Mosley.
4 M-O-S-L-E-Y.

5 As I've already said, my name is George Mosley.
6 I've lived in this county for 30 plus years. Before that, I was
7 just over the line in Jefferson a little bit. So I've lived in
8 this area since before there was a Labadie plant. I'm a retired
9 employee from the Labadie plant. We talk about the dangerous fly
10 ash. I think this is a piece of it. You people know.

11 I've worked around it. One gentleman just said when
12 you filled up the pipes with this, they're trash. You have to
13 throw them away. It's economically unfeasible to get this ash
14 out. That's how hard it is. You know, I realize there can be
15 some pollution from it, but not as bad as some of the scare
16 tactics, I say, are mentioning.

17 I worked at the plant. It was if we made errors,
18 the error was on the side of caution. It's always been that way.
19 You can't be too safe. You can't have too clean air. You can't
20 have a certain amount of emissions. We had a pump that pumped
21 groundwater out of the pump, and we uses it in the plant. It
22 looked drinkable, way better water than the river. We could not
23 let that water run back into the river. That was just our rules
24 as well as DNR, I suppose. So we were very clean, very
25 conscious, I think, a very good corporate citizen of the county.

1 They pay a lot of taxes that go to help you people
2 get the amenities that we like, go to the police service, go to
3 our schools, go to whatever. We don't want to lose that. I
4 don't -- and I'm not saying we're going to lose it, but we want
5 to be careful how we treat these people, my people, the people
6 I've been with for a number of years. I believe them to be good
7 corporate citizens.

8 Out at the river where we could suck the water into
9 the plant, we was working out there and we needed to wash our
10 hands. So we got some water out there, some soap. Couldn't let
11 that soapy water run back in the river. We had to contain it. We
12 did contain it. We had hand water, we had drinking water like
13 the coolers you see out on the linemen, but we didn't let that
14 water run back into the river. Very, very conscious of what they
15 did.

16 So it's not willy-nilly, we're polluting to the high
17 hills for no reason. So think long and hard. Do the right thing
18 for me, taxpayer, voter, and do the right thing for your
19 citizens.

20 Thank you.

21 CHAIRMAN GRIESHEIMER: Thank you.

22 Next up Joe Bernaci.

23 [Thereupon, the witness was sworn.]

24 MS. REPORTER: And state and spell your
25 name for me.

1 MR. JOE BERNACI: My name is Joe Bernaci.

2 I am a -- want me to spell it for you?

3 MS. REPORTRR: Yes, plesae.

4 MR. BERNACI: Bernasi, B-E-R-N-A-C-I.

5 First name, J-O-E.

6 MS. REPORTER: Well, that was the hard

7 one.

8 MR. BERNACI: I've been a lifelong

9 resident of Franklin County. More specifically, I've been a

10 resident of the Labadie area for the past 44 years. I can see

11 the Labadie plant from my house.

12 I've been a local business owner for 40 years for

13 Bernaci Construction, Incorporated since 1975. This is a union

14 contracting company that specializes in site development, roads

15 and underground utilities. During the past four years, our

16 company has performed a number of projects in Missouri and

17 Illinois for Union Electric Company, and now Ameren.

18 Several of these projects have been at the Labadie

19 Power Plant, including the handling and/or use of both bottom ash

20 and fly ash. We've used Class C fly ash on a large number of

21 projects in Missouri, Kansas, Arkansas, Mississippi, Texas,

22 Oklahoma, and West Virginia. This material is an excellent

23 product for soil stabilization and the coal-based recycling of

24 asphalt.

25 The utility waste landfill project is extremely to

1 myself, my family, our employees, suppliers and subcontractors.
2 This project directly impacts our livelihoods. It is very
3 beneficial to the local economy. Bernaci Construction is
4 currently the prime contractor on the first phase of the utility
5 waste landfill project, with this work on the project having
6 started in February of this year.

7 This project is currently providing approximately
8 \$300,000 each month in payroll to the area economy. This will
9 continue for the next couple of years and then occur again with
10 the construction of any future phases. These are real facts, no
11 theory, no guesswork.

12 In closing, I'd like to ask the Commission to
13 approve this ordinance for the overall benefit and the needs of
14 this entire community. Since I live here, work here, drink the
15 same water and breath the same air, I hope my voice in support of
16 this project is heard just as loudly as the small number of
17 people who are opposed to the passage of the ordinance.

18 Of that small number of people, in my opinion, a
19 couple seem to be professional protestors, and they don't even
20 live here.

21 Thank you.

22 CHAIRMAN GRIESHEIMER: Next up Tom
23 Schoonover.

24 COMMISSIONER BRINKER: What number is
25 that?

1 CHAIRMAN GRIESHEIMER: Number 50.

2 [Thereupon, the witness was sworn.]

3 MS. REPORTER: State and spell your name
4 for me, please.

5 MR. TOM SCHOONOVER: Okay. My last name
6 is Schoonover. S-C-H-O-O-N-O-V-E-R.

7 Hi, my name's Tom Schoonover. I live here in
8 Franklin County. I live in Washington and have for the last 43
9 years. I've raised my family there. We raised three children,
10 and there we spent a lot of -- all of our time there doing that.
11 My -- two of my three children also live in Franklin County now,
12 and they're raising their own families. So we intend to stay
13 here. We intend to retire here, hopefully very soon, and I've
14 been with Ameren for that same 43 years. I came here for a job
15 at Ameren.

16 I've been a supervisor for the last number of years.
17 I'm the training supervisor at Labadie plant, and so I'm the guy
18 that does a lot of the teaching of those folks who operate those
19 -- the equipment that these folks are all talking about with
20 their precipitators and all that. We spend months and months
21 making sure that those folks know how to operate those things
22 properly, safely, and do it in a responsible manner.

23 I am a multi-generational employee. My uncle lives
24 here. He worked at that plant, and actually was one of the
25 reasons I came here. He was very positive about it, and thought

1 it was a wonderful job at that time. So he was there several
2 years before I was, and he's retired from there, and lives here
3 in the County still in his retirement.

4 Without the power plant, I don't have the
5 retirement, I don't have the job anymore. We've got to have that
6 for these jobs in the community. There's so much that happens in
7 this community that's supported by that plant, including the fact
8 that all of these employees that you see here -- not all of them,
9 but I guess most of the employees that's here do some kind of a
10 work in the community also besides just the power plant.

11 I supported Little League for about 15 years. I was
12 part of the Little League in Washington and not only coaching and
13 doing the other parts of it, but literally on the board and
14 worked with those -- the community there.

15 I do encourage the Franklin County Commission's
16 support of the ordinance, and thank you for your time.

17 CHAIRMAN GRIESHEIMER: Thank you very
18 much. Thank you very much. Next up James Lacky. Then after
19 James, Alice -- it looks like Alice Baeurmeister and Franz Mayer.
20 Franz Mayer, something.

21 [Thereupon, the witness was sworn.]

22 MS. REPORTER: State your name, please.

23 MR. JAMES LACKY: My name is James Lacky.
24 I've a resident of the St. Clair area for 59 years. I've been an
25 Ameren employee for 34 years. I've been at Labadie my whole

1 career. I have traveled all through our system, though, at
2 different times working at our other fire plants, including
3 Callaway.

4 One of the things I've always impressed with our
5 company was we -- they always looked ahead. We didn't make
6 decisions at the last minute. We were always working towards the
7 future. I saw that in the very beginning as a young man, just
8 hired on. I was carrying a model of the first additional
9 precipitators, the C precipitators we call them at the power
10 plant, took them up to a meeting of a bunch of engineers and
11 guys. I brought it back down, and I was like wow, what's this.
12 And then over the next few years, I got to see it go into place.

13 The same way we were one of the first utilities to
14 switch to Western coal because it was lower in sulfur, to lower
15 our sulfur dioxide emissions. We have won national awards for
16 having the lowest NOx in the country, and also we've won business
17 awards for being the best financially run power plants in the
18 system. These are all facts.

19 I would ask you to please look at the facts. Look
20 at the engineering. I hear a lot of fear, and I think the fear
21 is from the hearing untruths and believing them. If you look at
22 the facts, it's actually safer what we're proposing than what we
23 even have now.

24 We work hard at the plant because, I tell you right
25 now, everybody in that plant lives around there. We have kids

1 around there. Every one of our management people, they're
2 basically all from the St. Louis area, and that's downstream from
3 our plant. It's extremely -- I'm telling you. It's extremely
4 important to every one of us. And our plant manager knows that
5 he's legally responsible for the correct operation of that plant,
6 and he takes that very seriously. And so we take this job
7 seriously.

8 So I would ask you to do your job seriously, and
9 look at all the facts and the engineering, not just the hoopla.
10 Look at the facts, please. Thank you.

11 CHAIRMAN GRIESHEIMER: Thank you.

12 And I apologize for the first name, but the last
13 name is Baeurmeister from Augusta? And I apologize. What's your
14 first name?

15 MR. MICHAEL BAEURMEISTER: I'm Mike
16 Bauermeister.

17 CHAIRMAN GRIESHEIMER: I'm sorry.

18 MR. BAEURMEISTER: Nobody else has ever
19 called me Alice before.

20 CHAIRMAN GRIESHEIMER: I just -- it was
21 hard to see the last name. I'm sorry.

22 [Laughter - inaudible]

23 MR. BAEURMEISTER: Boy, that'll be a great
24 headline.

25 CHAIRMAN GRIESHEIMER: Leave it to me to

1 do this.

2 [Thereupon, the witness was sworn.]

3 MS. REPORTER: State and spell your name
4 for me, please.

5 MR. BAEURMEISTER: Mike, M-I-K-E,
6 Baeurmesiter. B-A-E-U-R-M-E-I-S-T-E-R.

7 MS. REPORTER: Thank you.

8 MR. BAEURMEISTER: I'm a resident of St.
9 Charles County. Live right across the river from the plant, and
10 I'm just here today to urge the Franklin County officials to do
11 the right thing in this weighty matter. The right thing is not
12 always the easiest thing. It's not always the cheapest thing,
13 but considering the importance and the significance of this to
14 the people of all the people of the area, I just want to stress I
15 think the right thing is what needs to be done with this case.

16 Thank you very much.

17 CHAIRMAN GRIESHEIMER: Thank you. And
18 again, my apologies. Okay. I'm sorry.

19 COMMISSIONER BRINKER: Mr. Griesheimer?

20 CHAIRMAN GRIESHEIMER: Yes.

21 COMMISSIONER BRINKER: I hate to do this,
22 but I have to head to the aquifer real quick. Can we take a
23 couple minute break?

24 CHAIRMAN GRIESHEIMER: Yes.

25 COMMISSIONER BRINKER: Thank you.

1 CHAIRMAN GRIESHEIMER: We need a technical
2 timeout for Tim.

3 [Thereupon, a break was taken at
4 4:48 p.m.; after which, continued at 4:53 p.m.
5 as follows:]

6 CHAIRMAN GRIESHEIMER: We thank you all
7 for your indulgence. Okay. We'll get started again. Franz
8 Mayer.

9 [Thereupon, the witness was sworn.]

10 MS. REPORTER: Please state and spell your
11 name for me.

12 MR. FRANZ MAYER: My name is Franz Mayer.
13 F-R-A-N-Z, M-A-Y-E-R.

14 I live on the Augusta Bottom Road, and my dad lives
15 upstream from the landfill, but I believe this issue is so
16 important it affects all of us with consequences that are going
17 to be more far reaching than a lot of us realize.

18 I understand it's costly to provide for waste
19 disposal, but I'm willing to bear my share of those costs even if
20 it involves increased rates because I think my health and all of
21 our health and that of our children is more important than money.
22 I think it goes beyond the value of money.

23 If this landfill has to be constructed in the area
24 discussed, it only makes sense to incorporate maximum safety
25 standards, not minimum standards. Even if -- even it ends up

1 being a higher rate increase for all of us, I think that's a wise
2 investment. The important thing is don't cut back on safety
3 standards.

4 Thank you.

5 CHAIRMAN GRIESHEIMER: Thank you very
6 much. Next up Russell McCreary.

7 [Thereupon, the witness was sworn.]

8 MS. REPORTER: Please state your name for
9 the record.

10 MR. RUSSELL McCREARY: Russell McCreary,
11 1649 Hansberry Drive, Union, Missouri.

12 CHAIRMAN GRIESHEIMER: You may want to
13 spell your last name too.

14 MS. REPORTER: I know him.

15 CHAIRMAN GRIESHEIMER: Okay.

16 MR. McCREARY: Just to let everybody know,
17 I am a Planning and Zoning Commissioner here in Franklin County,
18 Ameren employee for 27 years. I've lived in Franklin County,
19 moved from St. Charles 20 years ago.

20 I got involved, you know, thanks to you two. I
21 mean, you're kind of like bosses. You appointed me to the
22 Planning and Zoning Commission. I hope I'm doing a good job.

23 But there is some toxic in Franklin County, and I
24 recused myself, you know, on this, and I'm not going to make a
25 recommendation. I just want to point out some things that

1 happened over the past six years.

2 First off, you know, the landfill has changed.
3 Regulations have been written. It's been redesigned. The
4 resource officer has been added. Resident engineer, independents
5 have been added, monitoring. It's changed from the first layout.
6 I think it's changed for the better.

7 Whether it's the best it can be, the regulations and
8 the landfill itself, that's for you to decide here tonight. This
9 rests on your shoulders to make the decision to -- you know, this
10 is the best it's going to get or maybe send these guys back into
11 that room over there, take one more crack at it to see if it's
12 going to be better, if they can in any way find out they can do
13 something to make it better because all the adjustments have been
14 made, all the toxic waste and all this and everything has already
15 been decided.

16 The toxic thing that's happening in Franklin County
17 is the way this has gone around -- gone about, name calling,
18 people's property has been vandalized. Severed pig's head have
19 been delivered to people's doors, and I shared that with some
20 folks that I know, and some of the attitude was that's good.
21 They want to close the plant down.

22 Well, you can't paint everybody that way. There are
23 some people who want that plant closed down. They want all the
24 coal plants closed down, and there's some people in LEO over
25 there that just don't want it in their back yard. You can't

1 paint everybody like that. You can't say Ameren is just a
2 money-grubbing entity that's just out there to make the most
3 money they possibly can. Yeah, there probably is somebody on
4 that side, but the way I see it we've got a group of concerned
5 citizens here to try to make our community better.

6 We got an entity here that supplies millions of
7 households with power as cheap as possible, and that makes a big
8 difference. I told Patricia Schuba one time we can do anything
9 you want, but when it's 103 degrees and you come home at the end
10 of the day and you see that grandma died because she was afraid
11 to turn on her air conditioning, just remember that you added to
12 that cost.

13 Another thing LEO has never told me is how many tons
14 of pollution is going to be put in the air if they truck this
15 stuff someplace else. Labadie has been a big taxpayer, a big job
16 creator here in this county since the '70s. Maybe it was
17 predetermined it was supposed to go there. Some day that plant
18 will close down. It will be decommissioned. It'll be obsolete,
19 but that landfill will stay there.

20 And I usually sit right here and make decisions,
21 sometimes popular, sometimes not, and I appreciate you allowing
22 everybody to take the testimony today.

23 Thanks.

24 COMMISSIONER BRINKER: Thank you.

25 CHAIRMAN GRIESHEIMER: Thank you very

1 much.

2 The last card I had. Tori, you got any more cards
3 out there? Okay. Senora Cressman. Hope I got that right. Did
4 I get that right?

5 MS. SENORA CRESSMAN: Yes.

6 CHAIRMAN GRIESHEIMER: All right. Thanks.

7 [Thereupon, the witness was sworn.]

8 MS. REPORTER: And please spell your name,
9 please.

10 MS. CRESSMAN: Senora Cressman.

11 S-E-N-O-R-A, C-R-E-S-S-M-A-N.

12 MS. REPORTER: Thank you.

13 MS. CRESSMAN: I testified here after the
14 comments for the Zoning Commission meeting. I did everything
15 that I could to bring it to the attention of the people at FEMA,
16 and the reply that I received was that as long as an engineer can
17 find a no-rise situation, that was all they really looked at.

18 So if you're assuming that there's this great
19 agreement on what should be done with this because they're not
20 objecting, that doesn't necessarily hold true. If you choose to
21 shoot yourself in the foot, that's your choice. You have the
22 regulation authority to do that.

23 However, I wanted to come today and say for the
24 record and out loud that I very much disapprove of this program,
25 this project that is going into place. It comes down to money

1 basically. They want to do it cheaper, and by changing the
2 regulations to accommodate them so that they can do it cheaper,
3 you're basically subsidizing the plant. If they can't compete
4 for electricity production the way that they should, then they
5 shouldn't be in a capitalist society. It shouldn't be subsidize
6 by the local people changing all the rules to accommodate them so
7 it's cheaper for them.

8 I want the best product, and if that product doesn't
9 happen to be Ameren, then that's fine. I'm willing to pay for
10 it. You have to figure in all the costs, even ones that aren't
11 up front. When this thing fails and they have to do the
12 remediation afterwards, I at least want to see that our county
13 has ahead of time predetermined some substantial payback that
14 they have to do because it's only a matter of time.

15 I was there in '93 when it flooded with my brother
16 on his boat. You could look at all the irrigation equipment with
17 a fish finder. It's going to flood. It's only a matter of time.

18 When I went back to school, it was late in life, and
19 I read my chemistry textbook and, lo and behold, there was a
20 local example of the worst toxic disaster that they had had with
21 the Times Beach spill, and I was shocked because I knew people
22 who lived there. And I thought they couldn't have known this was
23 happening at the time, but you know this is happening now. You
24 can change it, and your children and grandchildren don't have to
25 open up their chemistry textbook and see the worst disaster that

1 they've ever seen or even just a mild disaster. It doesn't have
2 to be that way.

3 You have that power and you have that authority to
4 change it, or at least mitigate it so this is safe as possible.

5 CHAIRMAN GRIESHEIMER: Tori, any more
6 cards? No.

7 We will take a, I guess, timeout until we get some
8 more people that want to testify. we will go to dinner at 5:30,
9 5:30 to 6:00. So I guess talk and do whatever. And when we get
10 somebody that comes in, I'll call you all back to order again.

11 [Off the record. Thereupon, a dinner
12 break at 5:30 p.m. till 6:30 p.m.; after which,
13 the proceedings continued as follows:]

14 It is 6:30, and we do have three people who
15 have submitted cards.

16 First up Bob Borgmann.

17 [Thereupon, the witness was sworn.]

18 MS. REPORTER: State your name and spell
19 it, please.

20 MR. ROBERT BORGMANN: Robert Borgmann.

21 B-O-R-G-M-A-N-N.

22 Okay. I'm here on behalf of two things. Number
23 one, I am a real estate broker in Franklin County, and have been
24 since actually '74, and I've owned Dolan Realtors since 1986, and
25 we have offices in Washington, Union, Pacific, St. Clair, and

1 Gerald. So we pretty much cover the whole county as far as the
2 real estate market goes.

3 Prior to that and several years before that I was in
4 Clayton with the same company before I purchased it.

5 From the real estate standpoint, I have been --
6 served on the National Association of Realtors political action
7 committees, et cetera and various, various offices at the state
8 level and of course most of them through Franklin County.

9 I also served for the City of Union, which is where
10 our corporate headquarters are, as president of the Union
11 Development Corporation, which is tasked with helping the City of
12 Union grow and from the industrial development standpoint. And I
13 have done that for at least 15 to 20 years. Okay. And I was
14 pretty instrumental, I think, as far as developing the North Wind
15 Industrial Park and the current one out at Progress Parkway out
16 by the college. And we've had some good successes. We've had
17 some good years and bad years as that business always has.

18 I'd like to -- I guess I would like to discuss
19 tonight we're from the standpoint the facility that's in question
20 here would be totally in favor -- in tune with it, and we see no
21 negative impact on if it is built to any of those communities
22 that we personally service of homeowners and some commercial.
23 We're probably a 90 percent residential operation. Okay.

24 And so I think not -- the impact of higher utility
25 rates affects the real estate market very, very directly. Any

1 commercial industrial user coming into any of the communities in
2 your county and in St. Charles and any other county that we do
3 business in because we do business all over Eastern Missouri
4 quite frankly. The very first question that they ask in their
5 article request for information is the utility rates. And I can
6 attest -- I can't give you the name, but we've got a very major
7 one that's moving strictly to this area, to the Union area,
8 because of the rates of the utilities. And they're a high user
9 of all utilities. It's a \$55 million plant, so it's a pretty
10 substantial. They should break ground later this year.

11 I'm not at liberty to announce the name yet, but
12 that is why I believe from the real estate standpoint, from the
13 commercial building standpoint and from the quality of life and
14 living in this area, I will tell you that I would hope that we
15 can continue forward with this so that we can move on.

16 I did some numbers over the last four years coming
17 from MLS, and rather than -- I mean, you can skew these numbers
18 from time to time, but Franklin County over a four-year period
19 has a plus 8 percent appreciation rate average.

20 CHAIRMAN GRIESHEIMER: Got to cut you off.

21 MR. BORGMANN: Sure.

22 CHAIRMAN GRIESHEIMER: That's four
23 minutes. I should have announced that.

24 MR. BORGMANN: Oh, I thought I had 24.

25 CHAIRMAN GRIESHEIMER: Sorry.

1 MR. BORGMANN: Thank you.

2 CHAIRMAN GRIESHEIMER: I do apologize. But
3 you can submit -- as we've been telling everybody else, you can
4 submit the written comments to the Planning and Zoning Department
5 and they'll be part of the record.

6 MR. BORGMANN: Okay. Thank you.

7 CHAIRMAN GRIESHEIMER: Next up Jeff Berk.
8 [Thereupon, the witness was sworn.]

9 MS. REPORTER: State your name for me,
10 please.

11 MR. JEFF KIRK: My name is Jeff Kirk. I
12 live here in Franklin County. I've been an Ameren employee for
13 about 31 years. Travel to different power plants. Right now I'm
14 stationed at Labadie Power Plant.

15 I'm also an environmentalist. I love clean water.
16 I love clean air. And ever since I've been at Ameren's Labadie
17 Power Plant, Ameren in general, technology changes, and they
18 always try to stay ahead of the technology and do the next best
19 thing to make it more environmentally friendly.

20 To state it very simple, we make ash now. We're
21 going to continue to make ash. Technology has changed in the
22 last 40 or 50 years. The plant we've got now is the most
23 environmentally safe option there is for everybody involved to
24 benefit all members of Franklin County and the surrounding
25 counties.

1 Thank you.

2 CHAIRMAN GRIESHEIMER: Thank you. Okay.

3 Douglas Mertens.

4 [Thereupon, the witness was sworn.]

5 MS. REPORTER: State your --

6 MR. DOUGLAS MERTENS: Yes, my name is Doug
7 Mertens. I am actually a resident of Callaway County, own
8 Mertens Construction Company, which owns Mid Missouri Limestone
9 and operates a quarry in New Haven here in Franklin County. I
10 also really am here to testify on behalf of Ameren in the aspect
11 of my experience working with them.

12 We've been involved with Ameren since the
13 construction of the nuclear power plant in Callaway County, and I
14 kind of want to go on the record go on the record that I've never
15 seen anything but first class, very concerned, very
16 environmentally conscious. If you don't want to work and do
17 quality work, you don't work for Ameren. And that's truly -- I
18 actually left my wife and three kids -- maybe my wife when I get
19 back to Six Flags here shortly -- to come up here and say that.

20 But it is important to me that it is brought the
21 attention from our experience from -- and it's working for subs
22 under Ameren, not even directly for them, the attention to that
23 detail, the concern is there, and that's what I'm here to
24 testify.

25 CHAIRMAN GRIESHEIMER: Thank you. Juli

1 Viel.

2 [Thereupon, the witness was sworn.]

3 MS. REPORTER: State your name and spell
4 it, please.

5 MS. JULI VIEL: Juli Viel. J-U-L-I,
6 V-I-E-L. Okay. I live in O'Fallon, Missouri, and lived there
7 for 25 years, and I'm originally from Cole County, and my great,
8 great grandma, she came from Germany down to Berger, Missouri and
9 headed down to Osage County.

10 And I think this is what got me here in the first
11 place, is I love family history, my mom's stories, my aunt's
12 stories, and then in 2012 -- I'll also say I'm an auditor for the
13 State of Missouri, and not here on that behalf at all. I have a
14 Bachelor's of Public Administration degree at the University of
15 Missouri, a Business Administration degree in accounting. I've
16 worked for the Missouri State Auditor's office and I have passed
17 the PTA test and have for years. Don't have it now, but...

18 And -- but I'm here today to talk about coal, and
19 the other part of this, the coal, is the carbon dioxide that goes
20 up into the atmosphere or the carbon molecule goes up into the
21 air as carbon dioxide.

22 We have a big blanket of carbon dioxide and other,
23 you know, the greenhouse gases up there right now. It's more
24 than it's ever been in millions of years, and that creates a
25 blanket insulation of warming, you know, around us. We are

1 already up 1 degree Celsius from like 1950, and it's shown on U.
2 S. Global -- or globalchange.gov is a report that's in a group
3 put together by the U. S. government.

4 This here graph shows the temperature increase.
5 We're going to go up another degree Celsius. That's just because
6 we got a big blanket of warming up there, and it takes a while
7 for the heat to kind of get in there, just like you turn on the
8 heat in the morning. We're going to go up another degree
9 Celsius. That's dangerous.

10 If we reduce carbon emissions, we can go down.
11 We'll maybe go to three degrees Celsius up. That's dangerous
12 right there. If we go up to 6, 8 degrees Celsius by the end of
13 the century when my granddaughter who's four years old, I don't
14 -- you know, there -- that's a lot of floods and droughts. The
15 reason temperature affects water, and it does, because higher
16 temperature holds more moisture, especially over Mexico, which we
17 get that moisture coming in. It's more moisture coming in as
18 deluges, and we're expecting more deluges. And that heat, as it
19 makes heat, it makes a big chimney of high pressure systems. So
20 that's what you see in 2012. It's a drought. It's food. It's
21 our future. And it's our water, and deluges make water and rain
22 and floods, which is down in the river bottoms. So it does
23 relate.

24 I just urge you -- I don't know where I'm at on
25 this, but -- or how much time I have. I urge you to look at

1 globalchange.gov, the National Climate Assessment Report. I have
2 copies here. I'll give it to you and my own pamphlets, different
3 things, give it to you after the...

4 We're facing a rough patch, and it's not just -- and
5 there's a whole world war almost going on. Us thousandaires like
6 myself are waking up to this. There's millionaires and
7 billionaires that are waking up to this. I wrote letters to the
8 editors at the "Post Dispatch". I got a call from a billionaire,
9 and we talked about it. Okay. Got a call -- I got to meetings
10 with millionaires. There's a whole -- they're concerned about
11 their kids too, and people in Franklin County are actually
12 concerned too. And we're not going anywhere without you guys,
13 without the people who work for Ameren. I can't take care of
14 this.

15 CHAIRMAN GRIESHEIMER: Okay. Don't want
16 to get in trouble with the Auditor's office, but we're out of
17 time.

18 MS. DIEL: Okay. And I did want to give
19 you just -- I got in what I needed to. So read what I got.
20 Thank you. And read what's out there.

21 CHAIRMAN GRIESHEIMER: Next up Elizabeth
22 Glenn. Tori, you got any more cards out there? No.

23 [Thereupon, the witness was sworn.]

24 MS. REPORTER: State your name and spell
25 it, please.

1 MS. ELIZABETH GLENN: My name is Elizabeth
2 Glenn. E-L-I-Z-A-B-E-T-H, G-L-E-N-N.

3 I live in Labadie in Franklin County. I've owned my
4 home there for 16 1/2 years. I raised my daughter there, and
5 that is where I've settled in to stay. And I've been watching
6 the progress of the landfill regulation as it swayed from being
7 an imaginary thing we were all upset about to becoming a real
8 thing. And now we are getting our landfill. I understand that.

9 But all along we've been promised by our County
10 government that you're going to write the regulations to protect
11 us and to make sure that this landfill is built properly and
12 regulated properly and maintained and administered to protect the
13 citizens of Franklin County, not to protect the interest of
14 Ameren UE.

15 And the regulation that we got was pretty
16 reasonable, I felt, and there were some really excellent
17 safeguards, but now I see three years later they're just being
18 stripped away, and that's what I'm here to protest and to put on
19 the official record that I feel like this is -- it doesn't make
20 any sense to me why these regulations are being modified to take
21 away really important safeguards to keep our water and our air
22 and our ground safe. And that's what I protest.

23 Obviously Ameren needs to have a place to put the
24 coal ash that's a byproduct of the electricity. Obviously we all
25 want to have cheap electricity, but not at the cost of our safety

1 and our lives and our health. And the regulation as it was
2 written was reasonably good at providing those protections and
3 keeping Ameren in line and keeping the water testing and making
4 sure that this stuff didn't leach into our water, and I do not
5 want those regulations amended to remove those protections.

6 That's it. Thank you.

7 CHAIRMAN GRIESHEIMER: Thank you. We
8 don't have any more cards, so I guess right now go ahead and
9 converse with each other, hug each and all that, and as soon as
10 somebody comes in with a card, we'll call you all back in.

11 [Off the record.]

12 We have a speaker, Carol Nohl come on down.

13 [Thereupon, the witness was sworn.]

14 MS. REPORTER: Please state your name and
15 spell it for me.

16 MS. CAROL NOHL: Carol Nohl. C-A-R-O-L,
17 N-O-H-L.

18 I love the idea about hugging, and I'm extending a
19 great big hug to all you. We're all people on the same planet,
20 and that's the part of this equation I've been confused about for
21 so long, because we all drink the same water. We breathe the
22 same air. We know there's toxins out there. Unfortunately, I've
23 had to watch more than one friend pass away from various forms of
24 cancer, some of them attributed to nuclear waste. And when this
25 whole issue started, things were really different.

1 Now in the press, there's more and more coverage
2 about coal ash. People have become aware of all the toxins that
3 are in it. There's new chemicals coming to light in a lot of
4 different cities. Something called molybdenum that happens to be
5 a radioactive waste. I grew up in Bridgeton. Unfortunately,
6 please I know that live there are suffering because of the
7 radioactive material in the landfill over there in Bridgeton.

8 Unfortunately, I think when human beings power
9 together as a group -- I'll just use Ameren as an example -- they
10 got a lot of employees. That's a big group of people, you know,
11 they're gung-ho Ameren, but they get a false sense of security.
12 People think they can out-engineer Mother Nature, God, whatever.
13 We can't. It's been proven time and time again. You can't
14 change hydrostatic pressure. You can't change the fact that
15 there are bioaccumulation. Bioaccumulation of small traces of
16 toxic chemicals which has been brought up time and time again,
17 there's always going to be small traces of chemicals. Well, over
18 time those toxins build up in people. They build up in water.
19 They build up in food. The kinds of bioaccumulation is what is
20 used to treat cancer. Chemotherapy, in effect, is a form of
21 bioaccumulation, accumulating a toxin at a level a person can
22 stand a little at a time enough to kill cells.

23 Well, there's also proof and people that I have
24 spoken to that has watched Ameren dump toxic waste in parts of
25 the floodplain that weren't designated for that, old-timers that

1 saw it happen. And in the beginning one of the concepts was
2 clean up the messes currently out there before you build a
3 bigger, better mess. And you all don't even take that into
4 consideration.

5 I thought this was the Zoning and Planning
6 Department. I'm saying do long-range planning. I did work at
7 one point for Waste Management. They constructed all landfills,
8 but eventually all lands failed and a lot of things fail. And
9 they're not -- that's waste that doesn't even have to deal with
10 hydrostatic pressure.

11 So eventually this is going to fail, and there's no
12 plan for who's going to clean up that mess. Am I going to leave
13 this for my nieces and all the children that come after me? No.
14 That's why I'm so adamant that this is a bad idea, and at this
15 point, Ameren is already planning to close down all of their
16 coal-fired power plants that are outdated, including the Labadie
17 plant. So you're not going to have an income-generating power
18 plant. You're just going to have a great big dump that easily
19 could end up floating down the river in pieces.

20 I say reconsider everything. Thank you.

21 CHAIRMAN GRIESHEIMER: Next up Jean Ponzi.

22 MS. JEAN PONZI: Good evening, ladies and
23 gentlemen. Thank you for this opportunity.

24 [Thereupon, the witness was sworn.]

25 MS. REPORTER: Please state your name and

1 spell it.

2 MS. PONZI: My name is Jean Ponzi.

3 J-E-A-N, P-O-N-Z-I. I live in the City of St. Louis downstream
4 from the proposed landfill next to the Labadie Power Plant.

5 I am an environmental educator, by profession I work
6 in environmental communications, and what I'd like to speak to
7 you today about is the importance of citizen engagement and the
8 level of citizen engagement that I have observed about this
9 process from the very beginning.

10 There are often citizen engagement opposition to
11 developments of many kinds. And typically that's no, don't do
12 it, no, don't do it. In this case, it's don't do it in the
13 floodway of the Missouri River. Do not locate a landfill for
14 coal ash -- it doesn't make a landfill of any kind -- in that
15 kind of a situation that is environmentally sensitive, that can
16 affect the drinking water of my community downstream from
17 Labadie. It may not be the cheapest alternative to move -- to
18 site a landfill in another location.

19 My understanding from early in this process, from
20 following this process, tracking this as a concerned citizen and
21 as an environmental advocate is that six years ago or longer than
22 that, there were other locations that were proposed. I
23 understand, because I work with recycling as a professional, I
24 work with those kind of transportation things, that it is more
25 expensive to transport material from a location immediately next

1 door to where it's generated to another location. But it does
2 not make sense in any way, shape or form in 21st century
3 understanding about ecology, about floodways, about the ways in
4 rivers behave, about the long-term planning for maintaining a
5 facility like this to locate this landfill in the floodway of the
6 Missouri River. Just downstream from you there are two other
7 landfills that are in the news a lot more than this one, the
8 famous flaming landfill and the one that is containing
9 radioactive material that people put there before we knew what
10 radioactive material was all about.

11 Please do not let Franklin County have that kind of
12 a legacy from short-sighted planning to locate this facility,
13 this operation, this use of material in that kind of location.

14 Thank you.

15 CHAIRMAN GRIESHEIMER: Thank you. Next
16 Dale Dufer. Did I get that right?

17 MR. DALE DUFER: Close.

18 CHAIRMAN GRIESHEIMER: I've been wrong all
19 afternoon. So my apologies to you.

20 [Thereupon, the witness was sworn.]

21 MS. REPORTER: Please state your name and
22 spell it.

23 MR. DUFER: Dale Dufer.

24 MS. REPORTER: Could you spell that for
25 me. I'm sorry. Spell it for me.

1 MR. DUFER: Oh, D-U-F-E-R.

2 MS. REPORTER: Thank you.

3 MR. DUFER: I've lived in St. Louis all my
4 life, and got to come out to various parts of Missouri,
5 especially along the rivers. And I have often thought that, you
6 know, it would be quite amazing if there was, you know, in my --
7 if somebody in the past had put a toxic waste landfill on the
8 river and the '93 flood came along and it all went out. And I no
9 longer go along the river, and even though years ago somebody
10 thought it was safe, but all of a sudden, I'm no longer able to
11 go there.

12 So I think of that level of history, and I think
13 back of Mark Twain days and the riverboats and all the stuff that
14 happened on the river and all the engineering that we thought we
15 were so brilliant at, and we screwed up along the way. I just
16 hope we don't screw up because, you know, there's history behind
17 us. There's will be history ahead of us, and what we leave
18 behind is not going to be something that's going to be brilliant.
19 We did this.

20 Now, if there's a pig farm up the river and it
21 flooded, and I would sure be unhappy. Or you know, I was
22 thinking the other day, you know, I'd give somebody a thousand
23 dollars if they would go spend the weekend swimming in the river
24 just downstream from that waste center. Would anyone here in
25 this room do that? If you would go swimming in the Missouri

1 River for a week --

2 COMMISSIONER BRINKER: You have to present
3 to the Commissioners.

4 MR. DUFER: Oh, well, I'm sorry. I
5 wouldn't want to be your doctor afterwards, or maybe I would
6 but...

7 Thank you.

8 CHAIRMAN GRIESHEIMER: Thank you. Tori,
9 any more cards? No, okay. Time to hug again. And we'll take
10 another time out till another speaker card for me comes. And
11 then we'll call you all to order again.

12 [Off the record.]

13 I'm going to screw it up again. Jane von -- I'm
14 sorry, but I can't pronounce it. Jane von Kaenel.

15 [Thereupon, the witness was sworn.]

16 MS. REPORTER: And please state your name
17 and spell it for me.

18 CHAIRMAN GRIESHEIMER: People. Okay.

19 MS. JANE von KAENEL: Okay. It's Jane --
20 J-A-N-E. Then von, V-O-N, space Kaenel. Capital K-A-E-N-E-L.

21 I live in Kirkwood, Missouri, and I was thinking
22 when I was driving out here tonight after work that it's been
23 nearly six years that I've been following the development of this
24 landfill and putting it in the Missouri River Bottoms, and I have
25 been studying the regulations on utility landfills.

1 It's not my field. It's not really in my
2 wheelhouse, but the -- I've learned an awful lot over the last
3 six years about coal ash, and then there have been some coal ash
4 spills nationally, and we've seen what that's done to communities
5 that didn't have drinking water. And they are still cleaning up
6 from those. So the -- I would like to address the regulations
7 for this utility landfill and talk about how you all can
8 strengthen and protect them to make sure that each acre of that
9 coal ash put in down there in the Missouri River Bottoms is as
10 secure as possible.

11 And I think we've heard almost -- I think I've
12 heard, and I'm sure you've heard, just about everything that
13 could be said on the subject of coal ash and heavy metals and
14 leaching and leaking and berms and groundwater, et cetera, et
15 cetera. But I would really like it if I and my family could feel
16 safe because these regulations would be strong enough to monitor
17 each glass of water, and basically that's what it comes down to.
18 From there to my tap on Big Bend and Geyer Road in Kirkwood, I
19 want to make sure that this...

20 It's like a three-legged stool for these utility
21 landfill regulations. We have the Environmental Protection
22 Agency, we have the Missouri Department of the DNR, and then we
23 have Franklin County government. And I know it's your job to
24 protect us and keep us safe, and to that I would implore you to
25 please maintain the existing regulations, to not delete any of

1 the conditions.

2 I wish we would be in the state of upgrading these
3 regulations, not in weakening them or limiting them or lowering
4 them. Of particular interest is a proposal to delete the need
5 for newly built cells to comply with the Missouri Department of
6 DNR and the EPA rules that are in effect when cell construction
7 begins.

8 I ask you to please leave the safeguards in to
9 ensure that each glass of our drinking water remains safe.
10 Please don't eliminate them, gut them, or weaken them.

11 The groundwater around this Ameren landfill should
12 have myriad and redundant safeguards. I hope you maintain the
13 regulations on these so when each of us turns on their tap, they
14 can drink and be refreshed with water that has not been touched
15 by any potentially dangerous heavy metals or chemicals. We
16 cannot and will not without your help have clear, clean drinking
17 water. We can't take it for granted, and another big worry is
18 that I hope you stay sensitive to and pay particular attention to
19 is the requirement that the landfill be at least two feet above
20 groundwater.

21 So if I had to keep coming out for another six years
22 in order to keep it safe, I would.

23 CHAIRMAN GRIESHEIMER: Okay. Ma'am, we're
24 at the four-minute time limit.

25 MS. von KAENEL: All right. Well, --

1 CHAIRMAN GRIESHEIMER: [Interposing]

2 Thank you.

3 MS. von KAENEL: -- I thank you and I hope
4 you will strengthen, not weaken, the regulations for this
5 landfill.

6 CHAIRMAN GRIESHEIMER: Any additional
7 comments you can submit them to -- you know, we've got till June
8 22nd to do that. Okay.

9 MS. von KAENEL: Thank you.

10 CHAIRMAN GRIESHEIMER: Next up Derek
11 Eckelkamp. Tori, any more cards? No. Come on up.

12 [Thereupon, the witness was sworn.]

13 MS. REPORTER: Please state your name and
14 spell it.

15 MR. DEREK ECKELKAMP: Derek Eckelkamp.
16 D-E-R-E-K, E-C-K-E-L-K-A-M-P.

17 You know, I don't have a lot of -- I don't have any
18 papers in front of me. I just from a common-sense standpoint, I
19 don't understand why you'd want the landfill in the floodplain.

20 I live less than a mile from where this landfill is
21 going to be, right across from Davis Road. So if anybody's
22 groundwater gets contaminated, more than likely it's going to be
23 mine. And I have four children and a wife. It just doesn't make
24 sense to me. I don't have any stats or information in front of
25 me, but just from a common-sense standpoint, it doesn't make any

1 common sense.

2 And changing regulations that you passed, you know,
3 years ago now changing them, that doesn't make sense to me
4 either. So I just want to state my claim and say I don't agree
5 with you changing the regulations if that's the case.

6 CHAIRMAN GRIESHEIMER: Thank you. I'm
7 going to try to pronounce this. It's Neal McCluggage. Okay.

8 MR. NEAL McCLUGGAGE: Go, pro.

9 CHAIRMAN GRIESHEIMER: Okay. Tell me what
10 it is. I apologize.

11 MR. McCLUGGAGE: No, you did. So that's
12 why I said, go, pro.

13 CHAIRMAN GRIESHEIMER: Thank you. I'm
14 shocked.

15 [Thereupon, the witness was sworn.]

16 MS. REPORTER: State your name and spell
17 it for me, please.

18 MR. McCLUGGAGE: Neal McCluggage.

19 N-E-A-L, M-c-C-LUGGAGE, like a suitcase.

20 I came here. I wasn't intending to speak, so I'm
21 just going to wing it so I don't think I'm going to be that long.

22 But I live in Labadie. I've lived there for five
23 years and I grew up in St. Louis. So Ameren has always been my
24 power company. On those rare occasions when the lights -- when I
25 flipped the switch and the light didn't go on, even a day or a

1 day at the most it came back on. Except for that one time where
2 it took several weeks. I'll get back to that in a moment.

3 What we have here is a situation where we don't want
4 to close the plant. And we're -- so we're using coal, and then
5 we have fly ash, and then we have -- I understand we have to have
6 the landfill and this is the one that we're going to get.

7 What we're talking about here is whether or not that
8 should be regulated and to what degree. Now the regulations have
9 been approved and agreed to, and now Ameren would like to ask you
10 to do it a favor. And I just wonder what do we get out of it. If
11 we give them this favor, pull back on the regulations, what do we
12 get out of it.

13 More potential hazard, that's for certain,
14 potential. Now they assure us that it's all under control, it's
15 all perfectly safe. Well, I'm not sure about that. When I was
16 looking through some of the specific regulations, when you
17 transport this stuff -- oh, it shouldn't have to be in a sealed
18 container. Why not? These aren't breadcrumbs we're talking
19 about. Why do they want that exemption? Why do they want that
20 removed?

21 If they're building these cells one at a time and
22 have to fill them up before they build the next one, why do they
23 want to do away with that regulation? Why do they want to build
24 them all at the same time? Well, because then it would be
25 grandfathered in. The whole site will be grandfathered in, and

1 any regulations that come down the pike later won't apply to that
2 cell.

3 Again, what do we get out of it? Well, if they're
4 asking this favor, you have to, in your position, look at them
5 and say, do I trust you. After all, we are trusting you with the
6 health of the public.

7 Looking at their recent track record, I'm not sure I
8 can actually trust Ameren. I've never had a problem with the
9 power company or the power it supplies, but they were told that
10 dam had been compromised and did nothing until it breached.

11 Two years later when the storms hit, it knocked down
12 all the power lines, and millions of people were without power.
13 Why? They said because we didn't trim the trees because we were
14 cutting costs. So cutting cost was more important to you than
15 public safety. I mean, those power lines up there are high, but
16 when they're on the ground, they are dangerous.

17 And they were willing to make that sacrifice when
18 they wanted to cut costs. So now they're asking you for a favor.
19 They don't want these regulations in place. In some cases,
20 they're asking well, let's drop this definition of the term here.
21 My dad was a downtown attorney for 50 years. He'll be the first
22 one to tell you that if you drop the definition of a term, a
23 competent attorney can make that term mean anything.

24 Is that the favor that you want to give Ameren,
25 because I'm not really sure I am.

1 Thank you.

2 CHAIRMAN GRIESHEIMER: Folks, we've been
3 really good up to now. Tori, any more card. Okay. Go ahead and
4 hug some more, and we'll -- we have about 20 minutes.

5 [Off the record .]

6 Looks like I'm getting the wind down here. Before
7 everybody goes, I just want to thank everybody for attending
8 today, but also for the way that everybody conducted themselves.
9 Give yourself a hand. How about it.

10 [Applause.]

11 Thank you to all of you for everything. We got
12 through it. It's been a long day. Now we can go home to our
13 families and relax. Have a bourbon and Coke or whatever your
14 favorite drink is.

15 We'll stay here till eight o'clock for sure and it's
16 all over. You're free to get out of here. Thank you very, very
17 much. By the way, the timeline is the 22nd to get the public
18 comments in, and then after that we got to get the transcript in,
19 and then we'll have the vote and have a working session again. I
20 don't know when that will be, but we got to go through the
21 evidence and the transcript. So let's see how that goes.

22 But again, thanks to all of you. Have a safe trip
23 home. Okay. It's 8:00 o'clock. It's over.

24 [Thereupon, the proceedings were
25 concluded at 8:00 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 (Volume II of II) 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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