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BEFORE THE
ILLINOIS POLLUTION CONTROL BOARD

AMEREN ENERGY RESOURCES,)	
Petitioner,)	
)	
- vs -)	DOCKET NO.
)	PCB 12-126
ILLINOIS ENVIRONMENTAL)	(Variance-Air)
PROTECTION AGENCY,)	
Respondent.)	

Hearing held, pursuant to notice, on Wednesday,
August 1, 2012, at the hour of 10:00 a.m., at 1021
N. Grand Ave. East, Illinois, before CAROL WEBB,
duly appointed Hearing Officer.

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BOARD MEMBERS:

TOM HOLBROOK, Board Chairman
JENNIFER BURKE
TOM JOHNSON
CARRIE ZALEWSKI
DEANNA GLOSSER

LISA LIU
Technical Unit

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PROCEEDINGS

1
2 HEARING OFFICER WEBB: Good
3 morning. Can everyone hear okay?

4 My name is Carol Webb. This
5 is the variance hearing for Ameren Energy Resources,
6 Docket No. PCB 12-126. It is August 1st. We are
7 beginning at 10 a.m.

8 With me today is Board
9 Chairman Tom Holbrook and Board members Jennifer
10 Burke, Tom Johnson, Carrie Zalewski, Deanna Glosser
11 and Lisa Liu from the Board's technical unit.

12 Here's how today's hearing
13 will work. We will hear opening statements from
14 Ameren and the IEPA, and Ameren's two witnesses will
15 testify and be questioned by the Board and the IEPA.

16 The public will be allowed to
17 ask Ameren questions at a later time as part of
18 their public comment. If Ameren can readily answer
19 the question, it will, and if Ameren needs time to
20 consider the answer, Ameren will address the issue
21 in its post-hearing brief.

22 After Ameren's witnesses
23 testify, I will take comments from elected
24 officials.

1 After the elected officials, I
2 will take an oral statement from Mr. Rob Kelter with
3 the Environmental Law & Policy Center which I will
4 refer to as ELPC. I will then allow the Board and
5 parties to cross-examine that individual.

6 After that individual, I
7 understand there may be two or three people here
8 with some significant health issues that need to
9 leave. I will give them priority, and then I will
10 begin calling on people in the order listed on the
11 sign-up sheet.

12 Time limits may be set later
13 this afternoon. It is my hope that everyone will
14 get to give their full comments.

15 If time requires me to limit
16 your comments, you will still be able to submit
17 written comment to the Board by August 8th. Written
18 comments should be sent to the clerk of the Board in
19 our Chicago office.

20 We will be taking five to ten
21 minute breaks every hour and a half to two hours as
22 well as a lunch break.

23 If you have questions or
24 comments about this hearing, please address them to

1 me and not to the board members. Only comments made
2 on the record will be considered by the board, so
3 please do not offer comments to board members during
4 the breaks and please do not approach board members
5 to ask questions regarding the substance or outcome
6 of this hearing.

7 I understand that many
8 commenters will be arriving after lunch so I will
9 repeat these announcements later.

10 At issue in this case is
11 Ameren's petition for a variance from the sulfur
12 dioxide emission rate provisions of the
13 Multi-Pollutant Standard, or MPS, applicable to the
14 Ameren MPS group.

15 The decision deadline in this
16 case is September 20th. The Pollution Control Board
17 members will make the final decision in this case.
18 My purpose is to conduct the hearing in a neutral
19 and orderly manner so that we have a clear record of
20 the proceedings.

21 This hearing was noticed
22 pursuant to the Act and the Board's rules and will
23 be conducted pursuant to Section 101 Subpart F and
24 104 Subpart B of the Board's procedural rules.

1 As I mentioned, I have Renee
2 Cipriano and Amy Antonioli here as well on behalf
3 of AER.

4 We are here on AER's petition
5 for variance from both the 2015 and 2017 SO₂
6 emission rate provisions of the Illinois
7 Multi-Pollutant Standard, or, as it's commonly
8 referred to, the MPS. AER filed its petition for
9 variance in supporting papers on May 3, 2012. It
10 filed responses to two sets of questions from the
11 Board's staff on July 30, 2012.

12 It has also met with the
13 Illinois EPA to discuss the petition as filed and
14 has modified the relief it seeks as a result of
15 those discussions. The responses to the Board's
16 questions that were filed on July 30 incorporate
17 those modifications.

18 This matter was set for
19 hearing by order of the Board.

20 We have today two witnesses
21 available to answer questions from the Board or the
22 Illinois EPA. Michael Menne (M-e-n-n-e) is Vice
23 President of Environmental Services with Ameren
24 Services Corp. Gary Rygh (R-y-g-h) is a managing

1 director and investment banker with Barclays Bank
2 covering the power industry.

3 While both gentlemen have
4 prepared affidavits that are already part of the
5 record, we would propose that the witnesses give
6 brief statements this morning summarizing their
7 testimony.

8 After both have completed
9 their statements, we would then make them available
10 to answer questions as a panel.

11 Mr. Menne has some exhibits
12 he'll be using to help him with his testimony, and
13 we would ask that those be included in the record
14 when he concludes his testimony.

15 HEARING OFFICER WEBB: Thank you.

16 MR. RODRIGUEZ: Thank you.

17 HEARING OFFICER WEBB: The Agency
18 may make an opening statement.

19 MS. ROCCAFORTE: Good morning.

20 My name is Gina Roccaforte,
21 Assistant Counsel on behalf of the Illinois
22 Environmental Protection Agency.

23 The Agency neither supports
24 nor objects to the Board granting the petition

1 subject to the terms and conditions contained in the
2 Agency's recommendation that was filed on July 23rd.

3 Thank you.

4 HEARING OFFICER WEBB: Thank you.

5 Ameren may call its first
6 witness.

7 MR. RODRIGUEZ: And we'll call
8 Michael Menne.

9 HEARING OFFICER WEBB: Okay.

10 Would the court reporter
11 please swear the witness when he takes the stand.

12 (Whereupon the witness was sworn
13 by the reporter.)

14

15 NARRATIVE TESTIMONY

16 BY MIKE MENNE:

17 Good morning, Hearing Officer
18 Webb, Chairman Holbrook, honorable members of the
19 Pollution Control Board.

20 I thank you for the
21 opportunity to speak with you this morning. My name
22 is Mike Menne. I'm Vice President of Environmental
23 Services for Ameren Services Company.

24 Ameren Services provides

1 business and administrative services for Ameren
2 Corporation and its subsidiaries including Ameren
3 Energy Resources. In my capacity, I'm responsible
4 for developing and overseeing the policies and
5 procedures related to environmental compliance and
6 environmental stewardship. I've worked for Ameren
7 Services since its formation in 1998 and worked on
8 environmental issues since 1976.

9 In 2006, I worked directly
10 with Steve Whitworth, an employee of Ameren Services
11 and representative the Illinois Environmental
12 Protection Agency on the development of the
13 Multi-Pollutant Standard that is the subject of the
14 variance before you today

15 As Gabe has mentioned this
16 morning, I'll present testimony outlining the
17 variance request and then try my best to respond to
18 any questions you may have.

19 To put in context where we
20 find ourselves today, I think I'd be remiss not to
21 talk about the overall commitment Ameren Energy
22 Resources has made to reduce emissions from its
23 coal-fired power plants in Illinois, and just to get
24 a frame of reference to make sure everybody

1 understands where these plants are, we do have a map
2 here.

3 These are our coal-fired
4 plants in Illinois. That includes the Edwards plant
5 which is in Peoria County. There are three units
6 there. The Duck Creek plant in Fulton County,
7 there's one unit there, and that unit has a scrubber
8 and an SCR on it, fully controlled.

9 The Meredosia unit is listed
10 here. That's one of the plants that was closed down
11 right at the end of last year.

12 The Coffeen plant has two
13 coal-fired units, rather large units. They both
14 have two scrubbers and selective catalytic reduction
15 equipment on it.

16 Our Newton power plant in
17 Jasper County has two large units. The scrubbers
18 that we are building on those units are the main
19 subject of the variance that we're going to talk
20 about today.

21 Our Hudsonville plant in
22 nearby Crawford County was one of the two plants
23 that was closed at the end of last year.

24 And then down in Massac

1 County, we have our Joppa plant, six 180 megawatt
2 units.

3 This represents our coal
4 fleet.

5 We also have at Grand Tower,
6 which is a combined cycle gas-fired unit, we also
7 have a number of gas-fired turbines on our system.

8 These plants are an integral
9 part of the communities in which they're located,
10 and, in fact, several of these plants have cooling
11 lakes which are used for recreational purposes.

12 I also think another good way
13 to show some of the progress we've made with
14 reducing emissions is to give you a visual on that,
15 and these charts starting with the top chart shows
16 our historical SO₂ emissions. I'll turn these
17 towards the audience in just a minute.

18 As you can see, the SO₂
19 emissions is in the blue line. This starts with
20 1990 and goes through 2011 although there's a big
21 jump here. The second data point is 2005, and you
22 can see how drastically our SO₂ emissions across the
23 AER fleet has come down over this time period, in
24 fact, 79 percent since 1990, and it's come down 23

1 percent just over the last four years.

2 One of the remarkable things
3 about that is at the same time our coal consumption
4 in these units has risen dramatically.

5 The same thing can be said
6 for our historical NO_x emissions. As you can see
7 over the course of this period, the NO_x emissions
8 have reduced at a similar level while the coal
9 consumption has gone up.

10 Indeed, Ameren Energy
11 Resources has spent over one billion dollars on
12 pollution control equipment across the fleet. In
13 reading some of the public comments that have been
14 submitted so far, there seems to be an implication
15 that AER is somehow ignoring both its duties to meet
16 regulatory requirements and commitment to
17 environmental stewardship, and that cannot be
18 further from the truth.

19 In order to meet the MPS, AER
20 has already installed scrubbers on three of its
21 generating units at a cost of over \$813 million, and
22 we've constructed a fourth, as I mentioned at the,
23 two of them at the Newton facility, and have already
24 spent over \$230 million.

1 For the scrubbers that have
2 been installed, we have been voluntarily operating
3 in a SO₂ removal efficiency much greater than is
4 necessary to meet our MPS compliance requirements.

5 In addition, selective
6 catalytic reduction equipment to reduce NO_x
7 emissions has been installed at three of our plants
8 at a costs of over \$177 million. Operating cost
9 totals over 7 million annually to run this
10 equipment.

11 AER also has advanced mercury
12 emission reduction program under way. We've
13 installed activated carbon injection on 12 units at
14 four plants at a capital cost of over \$20 million,
15 and the operating cost to keep injecting this
16 substance is \$17 million per day.

17 AER continues to test and
18 evaluate a number of methods to enhance mercury
19 removal. Most of the AER fleet is already very
20 close to meeting the federal standard that was
21 established in the maximum achievable control
22 technology or the Mercury and Air Toxics rule that
23 was published finally by the EPA last year.

24 And then the Newton Unit 2

1 currently meets the MPS mercury requirements, and,
2 by the way, the mercury requirements for the MPS are
3 actually more stringent than the federal
4 requirements under the MATS program, and we already
5 have one unit that's already meeting those control
6 requirements.

7 My point is that we're not
8 just sitting back we're not being lax about this.
9 We've been very aggressive on our pollution control
10 program, and we continue to be a steward for the
11 environment in the progressive way that we've
12 attacked both our mercury and NO_x and SO₂ program,
13 and I do want to make it clear today that we're only
14 talking about the SO₂ portion of the variance.

15 The NO_x and the mercury
16 portions of the MPS, we will continue to exceed
17 those retirements as we are doing today. In fact,
18 we were doing environmental stewardship when we
19 began the construction of the new scrubber at our
20 new energy centers.

21 Even though AER knew the
22 forecast looked grim, we committed capital dollars
23 to begin the cost of the installation of the
24 scrubbers on this unit in order to be prepared to

1 As construction of the Newton
2 scrubber continued, the economic climate became more
3 troublesome from a financing perspective. I note
4 Gary Rygh is with us today, and he'll be talking
5 about the market condition and the financing issues,
6 but as described more completely in our petition,
7 completion of the scrubber on the time schedule
8 needed to meet the 2015 SO₂ emission rate was
9 increasingly becoming not possible, but instead of
10 abandoning those plans altogether, AER made a
11 commitment to continue but only decelerate the
12 construction scale.

13 I know the Board has some
14 questions with regard to the schedule of the
15 scrubber as it continues between now and 2020. We
16 answered that question in writing. I'll be happy to
17 try and answer any follow-up questions you might
18 have on that this morning.

19 Without the financial ability
20 to complete the scrubber, AER was left with very few
21 options to meet this 2015 and 2017 SO₂ emission
22 rates in the MPS.

23 As presented more completely
24 in our petition and the answer to the Board's

1 questions, we did evaluate a number of compliance
2 options including curtailment of plant operations
3 and lesser expense of pollution control equipment to
4 be installed at our other plants.

5 And I'll just make a point
6 here because a lot of people have made an issue that
7 we haven't really looked at other options of what we
8 can do.

9 We're here today. Our
10 petition said that what we are going to end up
11 probably doing if we don't get this variance, it's
12 very likely that we will have to shut down the Joppa
13 plant, the Edwards plant, the Newton plant, or one
14 or two of the above by 2015 because that's when the
15 new rate kicks in.

16 And there's been a lot of
17 suggestions that we haven't looked at other options
18 and that that's not the only option that we have,
19 but I can assure you that we have a lot of air
20 pollution experts in the engineering staff at AER as
21 well as our corporate headquarters, and we spent a
22 lot of time looking at every option on what we could
23 do on each unit in the AER system, and throughout
24 that process, we looked at whether we could cut back

1 operations, whether we could use sorbent injections
2 which is various chemicals you can inject into the
3 system to reduce emissions of SO₂, mercury, or
4 compounds.

5 One of the things that's been
6 discussed and that has been asked of us, why can't
7 you just curtail operations at some of the other
8 plants.

9 Although curtailing
10 operations does reduce emission, the financial
11 impact of such actions is actually more severe than
12 shuttering the units. When operations are
13 curtailed, the costs associated with operating the
14 plant are still incurred. Less power produced is
15 less power sold.

16 Couple this with having to
17 still fund all the fixed operating costs which do
18 not change and the combination puts AER in a worse
19 position financially than it would if it had to
20 close down plants.

21 As we explained, curtailment
22 of operations jeopardizes the viability of the
23 entire system. It puts a greater number of jobs at
24 risk. It also certainly does not allow AER to

1 recover financially so that the funding of the
2 scrubber can be continued.

3 AER considered, as I
4 mentioned, other technology for SO₂ reduction that
5 would require lower capital investment including
6 scrubbers and the sorbent injection. AER's
7 evaluation of sorbent injection reflects, for
8 example, removal levels anywhere from 10 to 90
9 percent of SO₂, and that's based on a variety of
10 plant conditions, coal use, operating factors and
11 things of that nature. Such variability and removal
12 efficiencies reduces the effectiveness of these
13 alternative compliance technologies.

14 AER's analysis also reflected
15 the installation of such equipment could impair a
16 unit's electrostatic precipitator performance,
17 thereby contributing additional controls such as a
18 baghouse. Accordingly, the total cost of these
19 systems ends up exceeding what's necessary to
20 install a scrubber.

21 Basically what you're doing,
22 we're already injecting materials into these units
23 for control of the mercury, the activated carbon
24 injection. This increases the particulate load upon

1 all of our plants which puts a lot of pressure on
2 the precipitators to collect more of the
3 particulates.

4 Now, if you start injecting
5 other materials to try and collect SO₂ as well or
6 increase the efficiency of SO₂ collection, you're
7 putting more particulates in that system, it puts
8 much more pressure on those precipitators which
9 means we have to build bigger precipitators. We
10 have to put baghouses on. It's a very expensive
11 proposition, and it ends up turning out being more
12 expensive than continuing with our scrubber project.

13 When crafting its request for
14 relief, AER was mindful of coming to this Board
15 without looking at what the company could do to
16 address any environmental impacts that might result
17 in whatever they've requested. As a first step, AER
18 thought it was important to provide the Board with a
19 mitigation emission rate that would take effect
20 during the pendency of the relief. This rate would
21 effectively require AER to do more in terms of SO₂
22 emission reductions earlier than what is required by
23 the MPS.

24 As the Board is aware, since

1 we've filed the petition, we have met with the
2 Illinois EPA and agreed to an even lower rate over
3 the course of the MPS period. This new mitigation
4 emission rate of .35 pounds of SO₂ per million Btu
5 will be in effect from calendar year 2013 through
6 calendar year 2019 if the relief is granted.

7 It is important to note that
8 by agreeing to this emission rate, AER will need to
9 commit additional operating resources to enhance
10 operation at its other energy centers on the system.

11 Specifically, the operation
12 of the scrubbers at our Duck Creek and Coffeen
13 Energy Centers will have to be fully maximized in
14 order to maintain compliance on a systemwide basis
15 with this SO₂ emission requirement. The removal
16 efficiencies for the scrubber system will range
17 between 98 and 99 percent.

18 Even at those high efficiency
19 removal levels...and frankly, we don't normally
20 continue to operate scrubbers at those high
21 efficiency removal levels because over the course of
22 time, plant systems degrade, the pollution control
23 system degrades, and it's very difficult to maintain
24 efficiency, removal efficiency levels at that high a

1 percentage. Even at those levels, compliance
2 margins remain very low, and AER will need to employ
3 operational strategies such as low sulfur coal
4 procurement and generation utilization in order to
5 comply with the proposed emission rate.

6 Importantly, AER is also
7 committing to not operate Hudsonville or Meredosia
8 Energy Centers during the pendency of the variance
9 except, of course, for the zero emission FutureGen
10 project which is to be located at Meredosia, and
11 FutureGen is, as you know, part of the government
12 funded program, and that's currently making its way
13 through the permitting process.

14 This commitment by AER to not
15 operate Meredosia and Hudsonville does not exist
16 today and it's the only way to meet the mitigation
17 rate proposed. Both energy centers are fully
18 permitted and under certain conditions or a transfer
19 of the plants occur, there's no reason why these
20 plants cannot be operated. Illinois EPA however has
21 asked for a specific commitment from AER that these
22 plants would not operate during the pendency of the
23 variance, and AER is willing to give the Board that
24 commitment.

1 AER's commitment to this is
2 important when looking at the overall SO₂ reductions
3 that are considered when determining if there's a
4 net benefit to the environment over the period of a
5 variance.

6 AER's commitment to keep
7 these plants shut down during the pendency of the
8 variance is a real and meaningful commitment with
9 consequences.

10 As the Agency noted in its
11 July 23rd recommendations, offsets for plant
12 shutdowns and other commitments are fully credible,
13 allowable and establish regulatory practice under
14 the New Source Review and PSD permitting programs.

15 As for the suggestion that
16 you've seen in some comments that the emission
17 reductions from these plant shutdowns were
18 unintended, let me assure you that if the Federal
19 Cross State Air Pollution Rule program had not gone
20 final last year with the first year of compliance
21 being 2012, these two plants would still be
22 operating today. Thus, any suggestion that these
23 plants were not shuttered due to air pollution
24 reduction required to meet environmental mandates

1 including MPS is simply not true.

2 Furthermore, allowing
3 emission credits for plant shutdowns is a primary
4 underpinning of the Federal Administration's goal of
5 reducing all forms of emissions nationally from
6 coal-fired power plants including greenhouse gas
7 emissions.

8 Now, there has been some
9 comments made that SO₂ emissions are higher for five
10 of the variance years under the variance than
11 otherwise if we stayed on the program if you don't
12 grant the variance. Now, I would suggest to you
13 that that is the point of the variance. If we can
14 meet the emission rates that are established for
15 2015 and 2017, we wouldn't be before you today.

16 The net environmental benefit
17 from a variance that we're requesting I think is
18 really twofold. One is we get considerable
19 reductions in SO₂ emissions over the next two and a
20 half years -- and we will commit to those -- that
21 you would not get if this variance was not passed.
22 It's roughly about 25,000 tons a year beginning this
23 year because we're operating well below where we can
24 operate according to the current MPS, and we will

1 commit to doing that for the next two years, so you
2 get a lot more SO₂ reductions, and you get them
3 sooner if you grant us the variance.

4 In addition, over the course
5 of the entire variance process between now and 2020,
6 the total tons reduced in the atmosphere is greater
7 if you grant us the variance than if you do not.
8 That is what the benefit to the environment ends up
9 really meaning.

10 Also, in discussion with
11 Illinois EPA, AER recognized Illinois EPA's concern
12 with the length of the variation period, the
13 variance relief period I should say. After careful
14 review, AER was to provide Illinois EPA with a
15 commitment to return to the compliance with a 2017
16 rate almost one full year earlier than proposed.
17 AER has shared this information with the Board and
18 through its response to questions.

19 In short, AER is willing to
20 meet the 2017 SO₂ rate of .23 lb/MMBtu by
21 January 15, 2020 instead of December 31, 2020. The
22 emission charts provided to the Board recognizes the
23 earlier timeframe as well as the lower mitigation
24 rate of .35 pounds of SO₂ per million Btu as

1 requested by the Agency.

2 Overall, the goal of this MPS
3 approach was to provide a steady reduction of
4 emissions over time. We are still moving forward
5 with that program and in full concert with that goal
6 even with the proposed relief that we are asking.

7 The movement clearly results
8 in net environmental benefits over the next several
9 years and over the entire course of the program.

10 This concludes my prepared
11 testimony. I'd be happy to answer any questions.

12 HEARING OFFICER WEBB: Did you want
13 to --

14 MR. RODRIGUEZ: I think we'll have
15 the other witness go and then maybe present them
16 both together.

17 HEARING OFFICER WEBB: Well, I know
18 we discussed that ahead of time but since this is an
19 adjudicatory proceeding instead of regulatory, I
20 think I would like to ask the board members if they
21 have any questions of this witness before he steps
22 down.

23 Chairman Holbrook, do you have
24 any questions of this witness?

1 CHAIRMAN HOLBROOK: No.

2 HEARING OFFICER WEBB: Member
3 Burke?

4 MEMBER BURKE: Alisa and I have a
5 few.

6 HEARING OFFICER WEBB: Do you want
7 to go now?

8 MEMBER ZALEWSKI: Let them go.

9 MS. LIU: Good morning, Mr. Menne.

10 MR. MENNE: Good morning.

11

12 QUESTIONS BY

13 MS. LIU:

14 Q. My first question, in Ameren's
15 responses to the Hearing Officer order dated July 6,
16 2012, question No. 2, it provided a more detailed
17 compliance plan on page 6. However, there is no
18 estimated timeframe for the phases of the compliance
19 plan. AER states, quote, "Engineering design will
20 continue through 2014."

21 AER then refers to other
22 activities that, quote, "will occur throughout this
23 period as well."

24 Did AER intend for the

1 reference to this period to indicate the variance
2 period or just between now and 2014?

3 A. As I understand the question, it's
4 the entire length of the variance period. It's
5 between now and 2020.

6 We are committed to spending
7 roughly \$16 million a year on continued activities
8 at the Newton scrubber between now and 2020.

9 Q. Can AER be any more specific
10 regarding the time frames or the cost for the phases
11 of the compliance plan?

12 A. Well, the cost, basically what we
13 have in our budget is roughly about \$16 million
14 annually between now and 2020. Of course, in the
15 last couple of years, those costs ramp up again to
16 complete the scrubber project.

17 The actual activities that
18 we're going to be doing would be continuing to put
19 in duct work and much of the engineering that has to
20 go in. Engineering I believe is only about 65
21 percent complete on the system. We have to do quite
22 a bit more than that. There is absorber units that
23 have to be put in that will take a considerable
24 amount of time. We're going to be putting them in

1 over the course of the period.

2 One of the things that we are
3 committed to do is providing the Board annual
4 updates as to what we spend and the activities, and
5 as they become better defined as we go on, we will
6 provide those to the Board on a regular basis.

7 MS. LIU: Thank you.

8

9

QUESTIONS BY

10 MEMBER BURKE:

11 Q. In response to our question 3(b) of
12 the July 6, 2012 Hearing Officer order, Ameren
13 provided updated tables 2, 3 and 4?

14 A. Yes.

15 Q. Actually, I think it's 2 and 3 for
16 the first set of questions and table 4 on the second
17 set of questions.

18 A. Right.

19 Q. On tables 2 and 3, the first two
20 values in the column, variance SO₂ tons are 85,112,
21 and I'm wondering whether or not those two values,
22 whether you meant to have the actual emissions
23 there.

24

In your original petition, the

1 emissions were maybe for those two years 70,560 and
2 72,539.

3 A. To be comparable to that first
4 table, that's correct, it should be those numbers
5 instead of this. This is what we would be allowed
6 under the variance. But in the original table that
7 we submitted, we didn't put the allowed numbers on
8 that column. We put what we actually were thinking
9 was more relevant.

10 So it just depends on what
11 question we're trying to answer so we do have some
12 variation in these numbers, but that is the allowed
13 number as opposed to the actual. So if you want to
14 compare, it should be those two numbers.

15 Q. Okay. Because it seems like in
16 order to follow it through then to the last column
17 to get the cumulative SO₂ variance reduced times,
18 those might be the numbers that were used?

19 A. Yes, you're right. The cumulative
20 is the same on both tables, so you're absolutely
21 correct. To come up with that number, the tons in
22 the last column, you would put the actual numbers in
23 that variance column.

24 I apologize for that

1 confusion.

2 Q. And then in table 3, we're
3 wondering whether or not you could double check the
4 numbers in this table. In particular, I wasn't able
5 to follow the calculation for the last column,
6 cumulative SO₂ variance reduced tons.

7 I realize you can't answer
8 that on the spot but if you would consider that.

9 A. Well, the cumulative SO₂ variance,
10 the first two numbers are the ones we've been
11 talking about which is the actual tons reduced, the
12 difference between the actual tons and the allowable
13 under the MPS.

14 From then on, the difference
15 is between what we are allowed under the MPS as it
16 currently exists and what we would be allowed to
17 emit under the variance.

18 So as you can see, that number
19 grows through 2014 and then it starts to go down
20 from there as we talked about before. That's the
21 reason for the variance. We can't make that a rate,
22 so the overall tons on an annual basis just for the
23 MPS, that goes down this year.

24 Q. Yeah, because I understand the

1 theory, and I just would ask if you would take a
2 look at the numbers. That would be great.

3 A. We will do that.

4 Q. And then footnote 12 of the answers
5 to the first set of questions...let me get there.
6 It says, Note, however, that the calculations for
7 the mass SO₂ emissions under the variance in both
8 table 1 in the petition and the revised table in
9 Exhibit XX factor in two times the projected
10 emissions from the FutureGen project at the
11 Meredosia Energy Center.

12 I have two questions.

13 I'm wondering if you meant to
14 refer to a table here where there's a placeholder
15 for the exhibit and which table that would be, and
16 then I'm just wondering if you could explain in more
17 detail what you mean by factoring in two times the
18 reduction emissions from the Future Gen project for
19 the Meredosia Energy Center, and I'm on page 9 of
20 the first set of questions.

21 MR. RODRIGUEZ: I believe that
22 should be table 2.

23 MEMBER BURKE: Okay. That helps.

24 Thanks.

1 MR. MENNES: Off the top of my
2 head, I cannot answer that. We'll have to get back
3 to you.

4 MEMBER BURKE: Okay. That's fine.
5 Thank you.

6
7 QUESTIONS BY

8 MS. LIU:

9 Q. In Ameren's response to the July 6,
10 2012 hearing, question No. 4 regarding conditions
11 for the variance, Ameren indicated, "In the event
12 completion of the FGD system becomes infeasible, AER
13 agrees to advise the Board and the Agency of
14 alternative plans for compliance during the
15 remaining term of the variance."

16 Is there a last possible date
17 at which point AER will know if it will not be able
18 to complete the FGD before the proposed January 15,
19 2020 compliance date?

20 A. Well, if I understand what your
21 question is, as far as knowing when we cannot
22 complete the scrubber -- are you talking about
23 ultimately and then for the '20 timeframe?

24 Q. Yes.

1 A. No. I can't give you a date
2 because things are just changing so much every year
3 that we don't know what position we will be in going
4 forward.

5 I mean, our assumption is that
6 markets will recover. We'll be in shape to
7 construct that unit at that time, but beyond that,
8 we really just don't know at this point in time.

9

10 QUESTIONS BY

11 MEMBER BURKE:

12 Q. In the July 25, 2012 Hearing
13 Officer order, question 3(b) asked Ameren to comment
14 on the assertion by the Illinois Attorney General's
15 Office in Public Comment 249 that the MPS was not
16 intended to be a 12-year averaging period of
17 pollution reduction.

18 Ameren responded in part by
19 saying, the MPS is structured as a rate based
20 regulation and not as a framework to achieve a
21 specific milestone of mass emission reductions.

22 Could Ameren please comment on
23 the human health and environmental impact of SO₂
24 emissions in general?

1 A. Well, although I've studied it for
2 many years, I'm not a health expert, and I'm not
3 going to go into health consequences.

4 The only thing I would say is
5 that under the proposed variance that we are
6 requesting, if you look at what we will commit to
7 for this year, the next two years, you will get a
8 lot more SO₂ tons out of the air than if we do not
9 get the variance request, and that is because of the
10 fact that we are over-controlling on our scrubber
11 units.

12 We have done that over the
13 last year. We've done it this year in hopes that we
14 could obtain the variance request and show that we
15 are being very committed to reducing as much
16 emissions as possible, but that does take resources,
17 and it does take dollars, and so if we do not get
18 the variance request, we'll be seeking out ways to
19 save money in alternative ways, so in addition to
20 possibly closing those plants in 2015, prior to that
21 time to save money, we could back off the operation
22 of our scrubbed units.

23 The other point to consider,
24 all of this really got started when the CSAPR rule

1 was stayed by a federal court. That's what ended up
2 or resulted in shutting down two of our coal-fired
3 units is when we thought we were going to have to
4 comply with that, and then at the 11th hour on
5 December 30th, the court stayed it. By that time,
6 it was a little late. Everybody was gone and things
7 were closed down.

8 But if you believe that CSAPR
9 is going to come back, which most people do, that it
10 will come back into effect in '14 or '15, it's going
11 to require us to come up with ways to reduce SO₂
12 emissions even further.

13 So if you put that in context
14 with what we have presented here, you get much
15 greater SO₂ reductions over the course of the first
16 three years.

17 If you then add the CSAPR
18 requirement on top of what we'll have to do to meet
19 our variance request from the years between 2015 to
20 2020, even on an annual basis, you're probably going
21 to get more tons resulting than you would just out
22 of the MPS continuing on today.

23 So if there's any kind of
24 impact, whether it be health or the environment,

1 whatever conditions you want to say, you're going to
2 have less impact both on an annual basis for certain
3 in the next three years and over the course of the
4 program if we're granted the variance.

5 I don't know if that fully
6 answers your question.

7 MS. LIU: Thank you.

8 HEARING OFFICER WEBB: Do any of
9 the other board members have questions for this
10 witness?

11 MEMBER ZALEWSKI: I have one.

12

13 QUESTIONS BY

14 MEMBER ZALEWSKI:

15 Q. If CSAPR does go in effect, does
16 Ameren have a compliance plan?

17 A. Very good question.

18 Q. Thank you.

19 A. Obviously, since we have been
20 struggling to figure out how we would come up with a
21 best way to present to you as an alternative to the
22 MPS, we've also been looking at what else we could
23 possibly do when CSAPR gets reinstated.

24 One of the things that we

1 would have going for us is that we would already be
2 committed to operating at the .35 level, so we're
3 well on our way to meeting our requirements.

4 I would say on the NO_x side,
5 we would not have any difficulty here. We will be
6 able to meet that.

7 On the SO₂ side, we will still
8 have to be able to take some additional measures,
9 and we're looking at possibly reducing, bringing in
10 more low sulfur coal or lower sulfur coal. If we
11 have to do some sort of additional sorbent
12 injection, it wouldn't be enough to get us to these
13 MPS rates but we might have to enhance it some.

14 The other thing about CSAPR
15 that is different from the MPS is that it's a
16 tonnage base, and so rather than meeting a strict
17 rate, we would have the ability to possibly purchase
18 allowances particularly in state. CSAPR restricts
19 the amount of allowances you can buy on a full
20 market, but it does allow us to buy SO₂ allowances
21 that might be available in state as another option.

22 But one of the reasons I don't
23 have a clearly defined answer for you is because we
24 don't know what CSAPR is going to end up being. If

1 a court remands it, it could cause them to go back
2 and look at all the state budgets again. We're not
3 sure how that would come out, but we are
4 anticipating that we are going to have to take some
5 additional measures.

6 MEMBER ZALEWSKI: Thank you.

7 HEARING OFFICER WEBB: Ms.
8 Roccaforte, do you have any questions?

9 MS. ROCCAFORTE: I do not.

10 HEARING OFFICER WEBB: Thank you
11 very much.

12 MR. MENNE: Thank you.

13 HEARING OFFICER WEBB: Ameren may
14 call its next witness.

15 MR. RODRIGUEZ: We do have his
16 prepared remarks and his exhibits that we'd like to
17 move into evidence if we could.

18 HEARING OFFICER WEBB: Okay.

19 I assume you don't have any
20 objection?

21 MS. ROCCAFORTE: No, I do not.

22 MR. RODRIGUEZ: I'm going to mark
23 it Exhibit 1.

24 HEARING OFFICER WEBB: Please.

1 (Whereupon Exhibit 1 was marked
2 for identification.)

3 HEARING OFFICER WEBB: Exhibit 1 is
4 admitted into evidence.

5 (Whereupon Exhibit 1 was admitted
6 into evidence at this time.)

7 MR. RODRIGUEZ: Our next witness is
8 Gary Rygh.

9 HEARING OFFICER WEBB: Will the
10 court reporter please swear in the witness?

11 (Whereupon the witness was sworn
12 by the reporter.)

13

14 NARRATIVE TESTIMONY

15 BY GARY RYGH:

16 Good morning, Hearing Officer
17 Webb, Chairman Holbrook, the honorable members of
18 the Pollution Control Board. My name is Gary Rygh.
19 I'm employed by Barclays Capital, the investment
20 banking division. I'm currently a managing director
21 in the Global Power and Utility Group. Our group is
22 responsible for the corporate finance analysis of
23 the strategic and capital markets transactions
24 related to the utility and power sectors.

1 I have been in the utility
2 power and energy investment banking business for
3 approximately 17 years. I've worked extensively on
4 the strategic merger and acquisition assignments,
5 debt and equity capital markets transactions, and
6 other corporate finance related assignments in the
7 electric, water and gas utility sectors. I have a
8 Bachelor's degree in commerce with a concentration
9 in finance from the University of Virginia.

10 I am here today to answer
11 questions about how the investment community and
12 shareholders view the challenges facing unregulated
13 merchant generation companies in Illinois utility
14 and specifically the subsidiaries of Ameren
15 Corporation.

16 First let me briefly review
17 the challenges facing the industry. Then I will
18 address the Board's questions about why borrowing
19 from a third party or Ameren Corporation are not
20 viable financing alternatives for AEG.

21 My affidavit is attached to
22 AER's petition for variance as Exhibit 5. As I
23 explain in detail in that affidavit, a number of
24 factors have worked in concert to severely degrade

1 federally mandated environmental control equipment,
2 and AER no longer has access to the capital
3 necessary to complete the Newton FGD project on
4 time.

5 As it now stands, AEG's
6 credit quality is poor. Credit rating agencies
7 assume that the financial health and value of AEG
8 has been so greatly weakened that Ameren Corporation
9 has little or no incentive to invest additional
10 capital into AER. As a result, the credit ratings
11 of the unregulated, regulated and parent entities
12 are allowed to diverge significantly.

13 If that were to change and
14 Ameren Corporation decided to invest in unregulated
15 merchant generation subsidiaries, the severe
16 negative investor reaction would adversely impact
17 Ameren Corporation's own credit quality and access
18 to capital.

19 There has been some
20 discussion in the public comments payments and
21 questions from the Board about whether a Put Option
22 Agreement mentioned by an Ameren representative in a
23 Q & A session during a February earnings call could
24 be exercised to provide financing for the Newton FGD

1 project. The Put Option Agreement is essentially an
2 agreement between two unregulated subsidiaries for
3 the sale of assets.

4 AEG is facing the reality
5 that its credit facilities will soon expire and it
6 will no longer be able to access the necessary
7 financing on its own. If and when that happens, the
8 Put Option Agreement provides some backstop for
9 liquidity.

10 While the Put Option may
11 temporarily stabilize the subsidiary's liquidity
12 profile, it does not provide capital financing for
13 AEG or for the Newton scrubber project.

14 As to the assertion and
15 comments that granting AER's relief would be
16 propping up a failed business model, the statement
17 is the furthest from the truth. Coal-fired
18 electricity generation remains an integral and
19 necessary part of the nation's energy portfolio.

20 Some factors that contributed
21 to current market conditions are a permanent part of
22 the long-term plan such as stringent environmental
23 regulations and Illinois' deregulated power market.
24 However, others will definitely change during the

1 term of this variance.

2 For example, once CSAPR or
3 equivalent federal legislation becomes law, AER's
4 peers in other states will finally be on more equal
5 footing with those in Illinois that are currently
6 subject to the stringent emission reduction
7 requirements of the MPS.

8 As a result, we will likely
9 see market prices for electricity rise. The impacts
10 of these changes will not be felt overnight. This
11 means AER needs time to realize the effects of
12 returning to a more sustainable market economy
13 before it will once again have access to the capital
14 necessary to complete the Newton FGD project.

15 From an investor's
16 perspective, it appears no one wants to complete the
17 Newton FGD system project more than AEG itself. AEG
18 has already started construction on the Newton
19 project at a cost of over \$237 million. This
20 demonstrates AEG's commitment to meeting the MPS
21 requirements and reducing emissions from its energy
22 centers.

23 That concludes my prepared
24 testimony but I'm available to answer any questions

1 you have.

2 Thank you for the opportunity
3 to testify on behalf of AER today.

4 HEARING OFFICER WEBB: Thank you.

5 Chairman Holbrook, do you have
6 any questions for this witness?

7 CHAIRMAN HOLBROOK: No.

8 HEARING OFFICER WEBB: Ms. Burke?

9 MEMBER BURKE: No.

10

11

QUESTIONS BY

12

MS. LIU:

13

Q. Good morning, Mr. Rygh. You
14 referred to the Put Option?

15

A. Sure.

16

Q. Could you spell that?

17

A. I'm trying not to make this overly
18 complicated.

19

Q. How do you spell it first?

20

A. Put (P-u-t) Option.

21

When you think about how the
22 merchant generation currently finances itself as
23 long-term debt, which is done before, currently
24 outstanding, trading far below par which is

1 obviously an indication of investors' views on when
2 and if they'll get paid back for that, the other
3 piece which is important because, you know, the
4 long-term financing is done for things like capital
5 projects and investing in the business, but as a
6 merchant generation company, fuel, collateral, all
7 sorts of things, you need liquidity, and right now,
8 the generation company, GENCO in particular, has a
9 \$500 million revolving credit facility that it
10 shares with the parent, Ameren Corporation. That
11 revolving credit facility expires in the middle of
12 2013.

13 The Put Option effectively is
14 a replacement for some form of liquidity when that
15 current facility expires because the ability to
16 actually renew that facility, well, it doesn't exist
17 at this point.

18 So the Put Option is
19 basically, think about it as a, it's just an
20 emergency rainy day fund such that at least as they
21 transition and the current revolving bank commitment
22 goes away, there's some semblance of liquidity
23 there. You can't wait till the last minute when you
24 have no liquidity to try to find liquidity, so

1 that's why I think it was done in advance.

2 But the Put Option essentially
3 does not replicate, you know, it doesn't provide
4 anywhere near the same security as what they
5 currently have which was, by the way, done two and a
6 half years ago, so a different time and obviously
7 the fact that they can't renew it when it expires.

8 So the Put Option is an
9 agreement between one subsidiary, Ameren Energy
10 Generating, and another one which is Ameren Energy
11 Resources Generating to effectively sell three power
12 plants from one subsidiary, one unregulated
13 subsidiary that has all the long-term debt, thereby,
14 put mortgages on all the assets, to one that has no
15 long-term debt effectively, so it's sort of
16 lien-free at this point.

17 And really what it is is it's
18 taking three plants which, under some exception, are
19 underneath the current collateral agreements with
20 AEG and selling them to another subsidiary which
21 effectively then would lend Ameren some amount of
22 emergency capital with holding those plants as
23 collateral.

24 I mean, in reality, it's kind

1 of like pawning those plants. They transfer them
2 over to another facility which has no other liens.
3 They get lent some capital up front. If they don't
4 pay it back within a certain amount of time, the
5 subsidiary, AERG, is then allowed to sell those
6 plants and keep the proceeds.

7 So it's, you know, a very
8 complicated way of saying you're pawning the plants
9 from one subsidiary to the next; a lender of last
10 resorts effectively.

11 Q. You referred to the facility as
12 expiring facility.

13 Were you referring to like the
14 revolving line of credit?

15 A. Yeah, the revolving line is the
16 line of credit they currently have.

17 MS. LIU: Thank you for that
18 explanation.

19 HEARING OFFICER WEBB: Thank you
20 very much.

21 Does Ameren have anything else
22 they'd like to present here today?

23 I understand we have -- oh,
24 wait. I will ask the Agency...it's my understanding

1 the Agency is not calling any witnesses today, is
2 that correct?

3 MS. ROCCAFORTE: Correct.

4 HEARING OFFICER WEBB: Because
5 you're not calling any witnesses here today, we will
6 have the Board ask questions to the record which you
7 may address in your post-hearing brief.

8 Does anybody have questions
9 for the Agency?

10 MS. LIU: Good morning,
11 Ms. Roccaforte.

12 MS. ROCCAFORTE: Good morning.

13 MS. LIU: As one of the proposed
14 variance conditions on page 11 of AER's response to
15 the July 6, 2012 Hearing Officer order, AER
16 indicated it would be willing to provide progress
17 reports on construction activities related to the
18 Newton scrubber by the end of each calendar year
19 during the term of the variance to both the Board
20 and the Agency.

21 Would Illinois EPA please
22 indicate which address and which contact person such
23 reports should be submitted?

24 MS. ROCCAFORTE: Yes. I will have

1 to look into that but we will respond.

2 MEMBER BURKE: Question 3(b) in the
3 July 25, 2012 Hearing Officer order asked Ameren to
4 comment on the assertion by the Illinois Attorney
5 General's Office that the MPS was not intended to be
6 a 12-year averaging period of pollution reduction.

7 Does the Agency have anything
8 to add to Ameren's response and testimony on this
9 issue?

10 MS. ROCCAFORTE: The Agency will
11 respond accordingly.

12 HEARING OFFICER WEBB: Okay. It
13 appears the Board does not have any more questions
14 for the Agency.

15 Do you want to pose any
16 questions for the Agency to answer in their
17 post-hearing brief? They did not call a witness to
18 testify so there's no need to question.

19 MS. CIPRIANO: Give us a moment.

20 (Pause)

21 MS. CIPRIANO: Madame Hearing
22 Officer, I think the only question that perhaps the
23 Agency may wish to comment on was the questions
24 relating to BART. I can refer specifically to one

1 of the questions I think regarding heat rate, so
2 there was a question that seemed more appropriate...

3 MS. ROCCAFORTE: Heat input?

4 MS. CIPRIANO: Yeah, the heat
5 input.

6 MS. ROCCAFORTE: Okay.

7 MS. CIPRIANO: It's 2(c) in the
8 second set of questions presented by the Hearing
9 Officer.

10 MS. ROCCAFORTE: The July 25th?

11 MS. CIPRIANO: Yes.

12 HEARING OFFICER WEBB: Can you hear
13 in the back?

14 AUDIENCE: No.

15 HEARING OFFICER WEBB: I'm going to
16 turn up the volume on the microphones. Everybody is
17 just going to have to bring the microphone closer to
18 their mouths.

19 Okay. I think we're ready to
20 beginning taking some comments.

21 I'd first like to call Senator
22 Gary Forby.

23 And you are just making a
24 public comment here today, is that correct, Senator?

1 SENATOR FORBY: That's right.

2 I just want to thank the
3 Illinois Pollution Board today for what they're
4 doing having the people here listening to our issues
5 in southern Illinois.

6 We're here today about Joppa
7 Power Plant. You know, it's a plant that we
8 understand that needs some work done on it. I think
9 the business people that run the plant realize that.
10 They're here today to let you know that they are
11 planning on updating. They do need the updating.

12 I think the main thing what
13 we're here today is to just listen to the comments
14 about southern Illinois and the power plants for the
15 State of Illinois. You know, it's all about jobs,
16 and that's the main thing the State of Illinois
17 needs is jobs.

18 You know, we worked hard in
19 southern Illinois to try to find jobs but it seemed
20 like here lately the issues have been something that
21 it's just not working in our favor. You know, we've
22 had facilities close. We've had prisons close. Now
23 today we've got 160 some odd people that work in
24 this power plant down here, so what we need to do is

1 to keep the jobs and not get rid of them.

2 And the main thing here today
3 we're asking is, you know, just give them some time.
4 They're planning on doing this, they need to do it,
5 and we need the jobs, and anyplace you live in the
6 State of Illinois no matter if it's in Joppa or in
7 Chicago, jobs is the number one issue, so we need to
8 think seriously what are we doing here today.

9 Everybody wants clean air.
10 There's no doubt about that. We all appreciate
11 that. We don't want to do anything wrong. We want
12 to make it right, but we're in a bind right now.
13 The State of Illinois is in a bind, and I hope the
14 Pollution Board sees that and helps Joppa and the
15 people in southern Illinois to keep their jobs.

16 If it keeps on going like it's
17 been going and we don't sit down and think what
18 we're doing, we won't have a southern Illinois.
19 It's going to be gone. There won't be no jobs.
20 What are we going to do.

21 We're still part of the State
22 of Illinois. We want to be part of the State of
23 Illinois, so that's why we're here today and asking
24 that, and we just want to make sure we have it done

1 and keep our economic development going, and as long
2 as we can keep jobs, we don't ask for much in
3 southern Illinois. Just give us our fair share, and
4 today, that's what we're asking here today. Just
5 give us our fair share. Let us straighten this out.
6 Let us work with the State of Illinois. Let's put
7 people back to work and let's get our state where it
8 needs to be.

9 Thank you.

10 HEARING OFFICER WEBB: Thank you,
11 Senator.

12 May I call Representative
13 Brandon Phelps?

14 REPRESENTATIVE PHELPS: Good
15 morning, members of the Illinois Pollution Control
16 Board, Chairman.

17 Thank you for this opportunity
18 to speak in support of AER's petition for a variance
19 from the Illinois Multi-Pollutant Standard known as
20 MPS as you all know.

21 I am Brandon Phelps, state
22 representative for the 118th district; also newly
23 appointed by the speaker, chairman of the House
24 Public Utilities Committee. My district includes

1 Massac County, home to AER's Joppa Energy Center.

2 As a southern Illinois
3 legislator, I cannot stress enough the seriousness
4 of AER's request and potential adverse impacts that
5 closing this facility could have on my district,
6 especially in Massac County.

7 I support job growth as we all
8 do and in my position as a legislator do everything
9 I can to secure a stronger economic future for my
10 constituents.

11 It is no secret that all
12 sectors from government to private are facing a huge
13 financial crisis these days, especially in Illinois.

14 I know that AER has shared
15 with the Board the economic impacts that Edwards and
16 Joppa have on the local and state economy but I want
17 to underscore the vital role that Joppa Energy
18 Center plays in our local community.

19 Joppa supports 164 well paying
20 jobs-for southern Illinois. You put that in
21 perspective in Chicago, that's like 10,000 some odd
22 jobs in southern Illinois.

23 I truly admire the steps
24 Illinois has taken to place stringent limits on

1 emissions from power plants. However, as much as I
2 support Illinois' effort to be a leader in
3 environmental regulation and pollution control, I
4 know that these decisions cannot be made in
5 isolation without also factoring in the economic
6 impact to the state.

7 At the time Illinois adopted
8 the MPS, there was an understanding that similar
9 federal regulations would follow suit. As of today,
10 those regulations are still not in place, and there
11 is still uncertainty about whose regulations will be
12 or when they will become effective.

13 I understand that AER is
14 asking to defer the costs of complying with one
15 provision of the MPS, a provision that requires
16 stringent sulfur dioxide emission limits. Note I
17 said defer. AER is not trying to avoid installing
18 the pollution control equipment necessary to meet
19 the requirements, only defer installation until
20 financial conditions improve and federal regulations
21 are in place.

22 As I also understand it, AER
23 remains committed to its obligation to reduce its
24 impact to the environment and has agreed to meet a

1 lower sulfur dioxide emission limit.

2 I support AER's request for
3 variance, and I ask the Board to consider the
4 devastating impact economically that it will have on
5 our area.

6 Denying AER's request could
7 put 164 southern Illinoisans on the unemployment
8 line, and if you know what's going on right now in
9 southern Illinois, we're all under attack, and I
10 always say, especially in southern Illinois, if we
11 lose one job, that's one too many.

12 Given AER's commitment to
13 reduce emissions, I believe AER's request is a
14 responsible and sustainable path to take in the
15 economically trying times.

16 I ask the Board to please
17 recognize my support for AER's request and thank you
18 so much for allowing me to be here.

19 HEARING OFFICER WEBB: Thank you
20 Representative Phelps, and if you have a copy of
21 your statement, our court reporter would sure
22 appreciate it.

23 REPRESENTATIVE PHELPS: I will.

24 HEARING OFFICER WEBB: Okay.

1 Representative David Reis,
2 please?

3 REPRESENTATIVE REIS: Thank you
4 very much, and to the Board and Chairman Holbrook,
5 it's a pleasure to be here.

6 My name is State
7 Representative David Reis, and I have the honor of
8 serving the 108th district in southeastern Illinois
9 where the Jasper County Newton Plant is located.

10 I'm here to testify today in
11 support of the petition from Ameren asking for a
12 variance with the Board granting them extra time to
13 fully construct and implement the updated scrubber
14 equipment at their power plant.

15 The Newton facility as you
16 know has already invested millions of dollars
17 towards their necessary improvements to become
18 compliant, and they are not, and I repeat, are not
19 asking the Board to relieve them of meeting these
20 obligations. They're just asking for additional
21 time and resources in order so that they can
22 complete the project.

23 First, I cannot underscore the
24 serious economic impact of shutting down the largest

1 private employer in Jasper County. It would be
2 devastating. Jasper County is one of the few
3 counties that have less than 10,000 people in it.

4 Our economic development
5 people and area elected officials are constantly
6 working to recruit and attract new businesses to the
7 county but it's been tough, and needless to say,
8 losing these 155 high paying jobs would crush Jasper
9 County's economy and their school system, and I have
10 a couple other people here from the county that will
11 put more information on that.

12 To put this in perspective for
13 the people who filed these objections that live in
14 Chicago, 155 jobs in a county of less than 10,000
15 people is the same as losing 41,800 jobs in Chicago
16 with a population of 2.7 million, and we all saw
17 what happened last fall when CME, Sears was thinking
18 about leaving the state. Just think if 42,000 jobs
19 were at risk in Chicago. I can assure you there
20 would have been congressional hearings and special
21 sessions and press conferences every day if that
22 were to happen.

23 Secondly and on a much broader
24 standpoint, United States represents four percent of

1 the world population, and we're here to discuss an
2 extension of three plants. I would submit that's a
3 thimble of water in the pond.

4 You know, the ever growing and
5 unmitigated emissions by developing countries will
6 overwhelm even the most aggressive reductions here
7 in the United States. In fact, over 70 percent of
8 China's electrical power comes from coal-fired
9 plants, and this demand is surely to grow
10 exponentially over the next few decades.

11 So do we really think that
12 denying an extension of a few years for compliance
13 on three plants here in the United States is really
14 going to have an impact on our worldwide pollution?

15 As Senator Forby said, we all
16 believe in clean air, protecting our natural
17 resources, but even the USEPA admits that unilateral
18 American reductions and greenhouse gasses will have
19 a negligible impact on atmospheric conditions
20 worldwide, and their conclusion was based on the
21 entire country meeting stricter pollution standards
22 not just three plants.

23 So when you put this all in
24 perspective, with the potential loss of the county's

1 largest private employer in Jasper County in Newton,
2 minimal atmospheric benefits and with the current
3 electric demand and prices well below normal, it
4 doesn't seem unreasonable to ask for a little
5 additional time to fully implement these new
6 standards.

7 The people at Jasper County
8 that I represent, you know, they don't have big
9 organizations representing them, no lobbyists, no
10 lawyers, no database of activists to send in
11 comments, but for common sense folks, we have a deep
12 concern for our community and our schools and our
13 jobs, and I would be willing to bet in fact that not
14 one person from Jasper County put their name on this
15 denial request. I bet not one of them sent in a
16 comment saying we want you to reject it.

17 So with that being said, I
18 respectfully ask the Board to give through
19 consideration to this variance request and give
20 careful thought to the devastating impact that this
21 would have on a small county in southeastern
22 Illinois.

23 Thank you for your time.

24 HEARING OFFICER WEBB: Thank you,

1 Representative Rice.

2 Okay. I would like to call --
3 we do have some people here from the Environmental
4 Law & Policy Center, which I may refer to as ELPC.
5 They have a person here who who'd like to make an
6 oral statement under oath and be cross-examined by
7 the parties.

8 I would like to call Mr. Rob
9 Kelter, and the court reporter will swear you in.

10 (Whereupon the witness was sworn
11 by the reporter.)

12

13 NARRATIVE TESTIMONY

14 BY MR. KELTER:

15 Good morning. My name is
16 Robert Kelter, and I'm senior attorney for the
17 Environmental Law & Policy Center.

18 I've been at ELPC for five
19 years and prior to that was director of litigation
20 at the Citizens Utility Board.

21 While working at CUB, I was
22 part of a small group of people who negotiated and
23 drafted the Electric Service Customer Choice and
24 Rate Relief Law of 1997. I'm testifying today to

1 give background on the law as it relates to Ameren's
2 current position and its petition for variance.

3 As indicated by the title of
4 the law, the 1997 law gave customers significant
5 rate relief after they spent many years paying for
6 expensive nuclear plants built by ComEd and Illinois
7 Power.

8 In return for the rate
9 relief, the utilities wanted flexibility to sell
10 their power plants to independent third parties or
11 simply spin them off to unregulated affiliates.

12 The rate relief was
13 significant: 20 percent for ComEd and Illinois
14 Power customers and less relief for Central Illinois
15 Public Service and Central Illinois Light Company
16 customers who already had low rates. Thus, the
17 flexibility to merge companies and sell off power
18 plants had great value to the utilities

19 Review of Ameren's variance
20 petition indicates that a criminal element of the
21 petition relates to the 1997 law. Ameren asserts
22 that because the regulated utility does not own the
23 power plants, Ameren cannot recover its investment
24 from its customers. For example, at page 16, Ameren

1 states that "emission reduction mandates in an
2 unregulated state like Illinois places power
3 generators in an unintended position of financial
4 inequity since merchant generators have to absorb
5 internally the cost of compliance with those
6 state-specific rules." This argument needs to be
7 examined in proper context.

8 Under the traditional
9 regulatory framework, utilities built power plants
10 and recovered the cost of the plants and earned a
11 return on the investment. If the plants needed
12 updating or repairs, customers paid those costs.
13 However, the traditional structure also meant that
14 customers received all the benefits from those
15 plants. For example, if a power plant had extra
16 capacity that was not needed to serve the utility
17 customers, then the proceeds of the sale of that
18 power flowed back to the regulated customers, not
19 utility shareholders.

20 Section 16-111(g) of the new
21 law allowed but certainly did not require Ameren to
22 change its structure and spin off plants to its
23 unregulated affiliates, and the law specifically
24 states, "During the mandatory transition period, an

1 electric utility may, without obtaining any approval
2 of the Commission, sell, assign, lease or otherwise
3 transfer assets to an affiliated or an unaffiliated
4 entity."

5 The operative word here is
6 "may." In fact, Ameren carefully weighed its
7 options and decided to take a calculated risk that
8 shareholders would benefit more from moving the
9 plants to an unregulated affiliate than it would
10 from keeping the plants with the regulated utility.
11 Otherwise, the move never would have been made

12 At the time of the
13 restructuring, Central Illinois Public Service
14 Company, Central Illinois Light Company and Illinois
15 Power, the companies that are part of Ameren today,
16 all owned coal-fired power plants. Several of those
17 plants have been grandfathered under the Clean Air
18 Act, and they produce very cheap electricity that
19 translated to low rates for their captive customers.

20 At the time that the Ameren
21 companies transferred the plants to their
22 affiliates, they knew that it was a matter of time
23 before Congress or the states passed tougher air
24 quality standards that would apply to those plants.

1 By transferring those plants
2 to unregulated affiliates, Ameren was able to reap
3 benefits from the plants that it would never have
4 earned under the traditional regulation and
5 customers were subject to market prices when the
6 freeze ended.

7 For many years, Ameren's
8 decision paid off for the company. As the rate
9 freeze was coming to an end in 2006, the Citizens
10 Utility Board did a study attached to my testimony
11 that lays out just how well Ameren performed.
12 Despite paying premiums on the purchase of Illinois
13 Power and CILCO as well as to other investors such
14 as AES and Dynegy, Ameren's stock significantly
15 outperformed the S&P 500 and other utility stocks.

16 Today, the risk that clean
17 air laws would affect the plants has become a
18 reality. While Ameren's arguments that other
19 utilities in the region are not burdened by state
20 law or that ratepayers have to pay these costs in
21 other states are accurate, these risks were
22 foreseeable when the company transferred the plants.

23 Review of Ameren's petition
24 indicates that the company wants the Board to take a

1 snapshot in time approach that does not reflect the
2 intent of the restructuring legislation. The point
3 was to allow utilities to earn unlimited returns in
4 exchange for removing the risks from ratepayers.

5 The company argues in its
6 petition at page 10, "In addition, as previously
7 noted, Illinois' deregulated energy markets remain
8 surrounded by states that allow generators rate
9 recovery of capital projects including those
10 relating to environmental mandates from a captive
11 customer base putting deregulated generation at a
12 competitive disadvantage."

13 Two sentences later Ameren
14 states, "Illinois merchant generators are entirely
15 dependent on the market price of power for their
16 revenue stream."

17 These statements are true,
18 and they reflect the realities of a competitive
19 market. Market prices go up and they go down.
20 Nowhere in the petition does Ameren give any kind of
21 a balanced view of the profits and losses that the
22 plants have generated over the last decade.

23 Ameren's companies chose to
24 transfer their plants to the unregulated side of

1 parties if they have any questions.

2 Okay. Thank you very much.

3 MS. BUGEL: I do have hard copies
4 if anyone wants them.

5 HEARING OFFICER WEBB: Do you have
6 documents that refer to your testimony?

7 MR. KELTER: Yes. It's a written
8 copy of my remarks and the exhibit that I referred
9 to.

10 MR. RODRIGUEZ: Just for clarity,
11 the exhibit, has this already been submitted?

12 HEARING OFFICER WEBB: No, I don't
13 think so.

14 MR. KELTER: It's referred to in my
15 remarks.

16 HEARING OFFICER WEBB: This is what
17 you read from, correct?

18 MR. KELTER: Yes.

19 HEARING OFFICER WEBB: Okay.

20 MS. CIPRIANO: What's on the disk?

21 THE KELTER: The study that I
22 referred to.

23 MR. RODRIGUEZ: You don't have a
24 paper copy of this, do you?

1 MR. KELTER: Actually, I think I do
2 have one paper copy that I can give you.

3 MR. RODRIGUEZ: Okay. That would
4 be great.

5 HEARING OFFICER WEBB: I'll accept
6 this as part of his public comment.

7 MR. RODRIGUEZ: Okay. Very good.

8 HEARING OFFICER WEBB: Excuse me,
9 as parts of his oral statement. Sorry. Yes, his
10 oral statement.

11 Do you want me to record any
12 objections for the record?

13 MR. RODRIGUEZ: Well, I think I
14 will withhold. He said he had a paper copy.

15 MS. CIPRIANO: We just would like
16 to see what it is. That's all.

17 HEARING OFFICER WEBB: If you'd
18 like, we can reserve action on this, and you can
19 look at it during a break.

20 MR. RODRIGUEZ: Yeah, that would be
21 great.

22 HEARING OFFICER WEBB: Okay. Let's
23 do that. Let's just move on to a couple more
24 comments here before we take our first break.

1 Let's go on. I'd like to call
2 Tim Drea.

3 MR. DREA: Good morning,
4 Mr. Chairman, members of the Illinois Pollution
5 Control Board.

6 My name is Tim Drea (D-r-e-a),
7 secretary-treasurer of the Illinois AFL-CIO.

8 I'd like to start out by
9 welcoming and thanking all these union members in
10 the vests that came up today to save their jobs.

11 22 years ago I was working in
12 a coal mine down in Pawnee, very, very happy,
13 raising a family, and Clean Air, because
14 Commonwealth Edison didn't put scrubbers on a plant,
15 put me out of work, so I know exactly what's going
16 on here and what these people are thinking, and it's
17 very, very hard to go home and look at your family
18 and say I might be out of work because of a decision
19 of a governmental board, the people that protect us.

20 So I am here to follow up on
21 our written comments that we submitted to the board
22 for AER's petition for the variance on the
23 Multi-Pollutant Standard of the Illinois Pollution
24 Control Board to grant Ameren's request.

1 In my capacity at AFL-CIO, I
2 am committed to organizing campaigns and funding for
3 workers rights. As you know, AER is a key employer
4 of unionized workers in the State of Illinois and
5 the economic benefits they provide the State of
6 Illinois local communities is critical during this
7 current economic down time.

8 Last Friday, I received a
9 layoff notice for workers getting laid off down at
10 Honeywell in Joppa, 230 jobs being lost in Joppa
11 from Honeywell Industries, so that's why it makes
12 this more important that we save these jobs at Joppa
13 and in Massac County.

14 This is an example of how
15 critical it is to keep hard working families and
16 local economies afloat during these tough times.
17 But local economies and individual families are not
18 alone in their struggle. Corporations, who we don't
19 usually advocate for, like AER are also feeling the
20 effects of operating in today's economic
21 environment. The stakes are especially high for a
22 company such as AER due to the immense capital
23 expenditures necessary to comply with state
24 environmental laws.

1 We have reviewed AER's request
2 and believe it is both economically responsible and
3 at the same time protective of the environment. We
4 can have good jobs in a clean environment. It's
5 essential that the Illinois Pollution Control Board
6 remember that the AER family of companies has
7 provided good jobs and stable employment to
8 thousands of Illinois citizens for well over a
9 century. These companies pay taxes critical
10 supporting the schools, emergency response systems
11 and city governments in dozens of communities across
12 the state. We've heard from local legislators
13 exactly their contributions to our communities.

14 We understand how essential it
15 is to meet the pollution control standards. We
16 understand that the variance process exists to
17 address the situation AER now faces, a truly
18 unexpected and unreasonable hardship.

19 Illinois has lost enough jobs
20 in recent years. We are here today to stop that and
21 urge the Pollution Control Board to grant this
22 variance to keep good paying jobs in our community.

23 That's all I have.

24 HEARING OFFICER WEBB: Thank you.

1 I'm going to call the mayor of
2 Newton, Illinois, Mark Bolander.

3 MAYOR BOLANDER: Thank you for
4 allowing me to be here today.

5 As mayor of the City of
6 Newton, I'm asking the Illinois Pollution Control
7 Board to grant the extension to ensure reduced
8 emissions and higher environmental standards while
9 protecting the economic livelihoods of Illinois
10 families.

11 Now, I've got quite a few
12 statistics but I'll be brief and just point out a
13 few.

14 Annual economic impact of
15 AER's Newton Energy Center operations on the State
16 of Illinois, direct spending, 71.5 million; total
17 economic activity, over 213 million; direct jobs at
18 the Newton Center, 158; total direct and indirect
19 jobs, 978.

20 The 71.5 direct spending by
21 AER there at the Newton Center triggered an
22 additional 141.6 million in value added activity in
23 Illinois of which 40.5 million was household
24 earnings that supported 820 jobs.

1 including 12.4 million in direct compensation for
2 employees and 22.7 million in added earnings from
3 the multiplier effects. So big numbers; huge
4 impact.

5 Just like AER's commitment to
6 lowering emissions, I've made a commitment to the
7 City of Newton to ensure the availability of public
8 services and always serve the well-being of this
9 community.

10 In doing so, I must ask the
11 Board to please support AER's petition for temporary
12 relief. The welfare of our town depends on it.

13 Thank you.

14 HEARING OFFICER WEBB: Thank you.

15 I'd like to call Jasper County
16 Board Member Bill Weber.

17 MR. WEBER: Thank you very much for
18 the opportunity to speak. On May 15th we received a
19 letter, the board did, the county board, indicating
20 that the energy plant was asking for a variance, and
21 on the 24th of May, we submitted a letter from
22 Mr. Brad Mitchell who I'm speaking for saying that
23 we urge that this take place and that it happen and
24 that it be done. We wanted it done. We haven't

1 changed our mind since May 24th.

2 I wanted to add a couple
3 things to that letter that may be of interest.

4 This last year, the Ameren
5 plant wrote a check for \$7 million and deposited it
6 in the treasurer's office in Jasper County. This
7 went to support the schools, the county board, the
8 library board, the fire department district, the
9 junior college district, the extension service and
10 various other things that were involved. This
11 represents a little over 51 percent of the total tax
12 revenue for the county.

13 When we got the word that the
14 Ameren plant could go dark, we were devastated, and
15 we could see one thing in the future and that was
16 bankruptcy for our county, not based just upon
17 Ameren but upon the status of the whole economic
18 concerns of the United States, of our state and of
19 our county.

20 Ameren has been a basic part
21 of the economic development of Jasper County. The
22 150 to 170 jobs that are there are the best paying
23 jobs in the county and we don't want to lose those
24 for the same reason that the mayor mentioned.

1 We're not just concerned about
2 the Ameren plant in Newton. We're also concerned
3 about the one in Joppa. We're concerned about the
4 rest of them because we can see what's happening to
5 the south end of the State of Illinois in terms of
6 ability to budget and to carry out meaningful
7 activities at the county level.

8 In the year 2010, the Jasper
9 County Board faced a problem in budgeting, and we
10 reduced our corporate fund by 30 percent which meant
11 that we laid off 24 people and in a county of
12 10,000, 24 jobs is pretty important.

13 Now, we've hired back some of
14 those because of some savings that we have been able
15 to do but we've not got all the employees back.

16 So we beg and we ask that the
17 Pollution Control Board, the EPA, anybody that's
18 involved in this variance, consider the full
19 ramifications of the Ameren plant going dark, and we
20 beg that you go ahead and grant the variance.

21 My name is Bill Weber, and I'm
22 vice chairman of the board, and I speak for the
23 board and for the chairman of that board as well as
24 the economic development group that is in Jasper

1 County so that's why I'm here.

2 Thank you very much.

3 HEARING OFFICER WEBB: Thank you,
4 sir.

5 MR. WEBER: I do not have a
6 prepared statement but our letter of June 24th still
7 stands.

8 HEARING OFFICER WEBB: Thank you.

9 I'd like to call James Gignac
10 from the Illinois Attorney General's Office.

11 Mr. GIGNAC: Hi. My name is James
12 Gignac. I am an Assistant Attorney General with the
13 Illinois Attorney General's Office. I also serve as
14 the environmental and energy counsel with the
15 office.

16 Chairman, members of the
17 board, thank you for holding this hearing today.
18 Our office has submitted an initial set of written
19 comments in this docket, and we look forward to
20 submitting post-hearing written comments as well.

21 In my remarks today, I would
22 just like to focus on a couple of key points.

23 The first is that we urge the
24 board to ensure that Ameren has taken all the steps

1 that it should to minimize the deviation from the
2 Multi-Pollutant Standard before it grants any sort
3 of variance, and I think the questions from Hearing
4 Officer Webb and some of your questions today are on
5 the right track.

6 The second point is that we
7 would suggest the board strongly consider granting
8 Ameren a shorter variance of perhaps two years as
9 opposed to the four or five year variance that the
10 company is currently requesting.

11 Before diving into these
12 points, I would just like to pause and note a couple
13 of important items.

14 The first is that the Attorney
15 General and many others are proud of the work that
16 Illinois did to establish the Multi-Pollutant
17 Standard, and it really put Illinois in a nationally
18 leading role in terms of pollution reduction.

19 Coal plant owners, including
20 Ameren, in the state have taken several steps to
21 reduce pollution, and we greatly appreciate that,
22 but it's important to remember that we are only part
23 of the way through the process.

24 We agree with the sentiment

1 that it is important to view this variance request
2 through the lens of the work that was done to
3 achieve the MPS and the commitments that were made
4 at that time.

5 It's also important to
6 remember the legal standard for receiving a variance
7 in Illinois. There is a heavy burden on the
8 petitioner to demonstrate that the hardship it would
9 endure by complying with the law outweighs the harm
10 to the environment and public health, and it is the
11 often times difficult job of the board to discern
12 where exactly that line lies between hardship and
13 harm when deciding to grant a variance and what
14 conditions to attach to it.

15 Here we submit that there is
16 indeed a harm that would occur despite the company's
17 calculations regarding overall tonnage of SO₂
18 emissions over the 12-year period, and that is
19 because of the significant increase in the amount of
20 allowable pollution between the years 2015 and 2019
21 under the proposed variance as opposed to what will
22 be allowed under the Multi-Pollutant Standard as it
23 exists today.

24 So with that, let me turn to

1 my first point which is ensuring that Ameren takes
2 the steps that it should to minimize deviation from
3 the MPS.

4 Our office's initial concern
5 with the petition was a lack of explanation or
6 documentation in the petition and supporting
7 documents regarding alternative compliance options.
8 The petition appeared to present a black and white
9 scenario of either receiving the variance or closing
10 two entire plants.

11 The affidavits supporting the
12 petition were a little more vague and ambiguous
13 about exactly what other measures could or might be
14 able to be taken, and I think this point is
15 reflected by the company's proposed reduction of the
16 interim pollution rate from .38 to .35 pounds per
17 million Btu indicating that there is or was room to
18 ratchet down the pollution rate and minimize the
19 deviation from the MPS.

20 We are still reviewing the
21 information submitted in response to the Hearing
22 Officer's questions that came in a couple days ago,
23 and, of course, we need to digest the information
24 that was provided today, but we do appreciate the

1 additional insights and information provided by
2 Ameren.

3 We would continue to urge the
4 board to require a complete analysis from Ameren on
5 the costs and feasibility of other options that
6 might be taken to provide you with the information
7 you need to discern the appropriate balance between
8 environmental harm and hardship to the petitioner.

9 Some of the options could be
10 included in a package or a suite of pollution
11 reduction strategies; for example, procurement of
12 low sulfur or ultralow sulfur coal. It would be
13 good to have an affidavit or some sworn testimony
14 that the company has fully procured the lowest
15 sulfur coal possible and exhausted that approach.

16 Likewise, with the
17 maximization of existing pollution controls, we
18 heard some testimony on that today, but guaranteeing
19 that the scrubbers at Duck Creek and Coffeen will be
20 fully maximized to achieve as much sulfur dioxide
21 reduction as possible.

22 Also, managing the generation
23 balance. While Ameren does reference reductions in
24 capacity factors, it would have to experience if

1 relying on the derating of units to comply, we would
2 like to see an analysis of partial derating or a
3 partial approach of managing the generation balance
4 that again can help reduce the margin of deviation
5 from the MPS.

6 Finally, we'd like to see more
7 of an analysis of why technology such as dry
8 scrubbers and dry sorbent injection are not feasible
9 or possible here. We understand these things do
10 require significant capital investments, but they
11 are technologies that have been used at other plants
12 and units around the country, and, in fact, Ameren
13 in previous versions of its compliance strategies
14 did plan to use dry sorbent injection at both
15 Edwards and Joppa.

16 So we believe that these
17 options should be fully explored as potential
18 conditions if a variance should be granted, and if
19 Ameren is not willing or unable to provide
20 justification that it fully explored these options,
21 then we think the petition for variance should be
22 denied.

23 Before moving on, I would just
24 like to emphasize the note about the parent

1 corporation, Ameren Corporation, making a conscious
2 decision to let its subsidiary, Ameren Energy
3 Resources, stand on its own in terms of maintaining
4 a viable cash flow.

5 We understand the financial
6 and investor relation motivations for this but it is
7 important to keep in mind when we are thinking about
8 the hardship to the overall corporation.

9 So assuming that the board
10 determines a variance is warranted here and has
11 determined the various conditions that will be
12 placed upon it to minimize the deviation from the
13 MPS, we at the Attorney General's Office suggest
14 that the board consider perhaps granting a shorter
15 variance, perhaps two years. This would be a more
16 limited and measured action for the board to take at
17 this time.

18 It would appear based on the
19 petition that it would give the company the relief
20 that it needs without locking all of us into a
21 potentially unnecessarily large departure from the
22 MPS. It would allow Ameren to maintain the
23 decelerated construction of the Newton facility if
24 the 2015 and 2017 standards were backed up by two

1 years, and it would also allow us to see what
2 happens with the rapidly changing dynamics affecting
3 the power market industry. A lot can change in two
4 years. If we turn the clocks back two years from
5 today and consider what we thought about the price
6 of gas, the status of federal environmental
7 regulations, the price of power, the economy, etc.,
8 things were very much different.

9 Today we've heard testimony
10 relating to the potential for Cross State Air
11 Pollution Rule to come into effect. We've heard
12 testimony about the potential for power prices to
13 rise, and these things are very much in play. A
14 two-year variance would allow us to see what happens
15 with that.

16 If after two years the company
17 is experiencing the same sort of uncertainty, it
18 could come back and petition for an extension of the
19 variance.

20 On the other hand, over these
21 two years, if cash flow conditions change, the
22 company can make decisions to invest in certain
23 units, power down entire other units. It could
24 change the entire compliance strategy and approach.

1 However, if the board does
2 grant the full four or five-year variance now, we
3 would lose that opportunity to see an updated
4 justification for the variance, and we would lose
5 the opportunity to revisit the issue and keep the
6 MPS on track to the greatest extent possible.

7 That concludes my remarks
8 today. Thank you again for the opportunity. We at
9 the Attorney General's Office look forward to the
10 continuation of this process and the opportunity to
11 submit further written comment.

12 Thank you.

13 HEARING OFFICER WEBB: Thank you,
14 sir.

15 We can go off the record for a
16 second.

17 (Whereupon an off-the-record
18 discussion transpired at this
19 time.)

20 HEARING OFFICER WEBB: I'd like to
21 call a couple more public comments before we break
22 for lunch.

23 I'd like to call Judy Weimer.

24 MS. WEIMER: Good morning. Thank

1 you, Board.

2 My name is Judy Weimer, and I
3 am a bilateral lung transplant recipient. I
4 received two lungs from a wonderful donor.

5 My case was 80 percent
6 environmental. Yes, I grew up in the city. The
7 city, the suburbs, it's all the same. Dust is dust,
8 and all I did was breathe, breathe, and breathe, and
9 it sat in my lungs, and I didn't plan on getting
10 sick. I didn't want to get sick. I ended up
11 getting sick.

12 And I understand where the
13 company is coming from, but the health costs alone
14 are going to be just amazing, just totally out of
15 control. There's enough people now with asthma, and
16 it's just going to keep getting worse and worse, and
17 within like 30 years, there are going to be a lot of
18 surgeries.

19 Lungs are very delicate, and
20 we need to keep the air clean, if not for my
21 generation, for our children and our grandchildren,
22 and I ask the Board to please deny the extension.
23 They gave their word, and in the world, your word is
24 kind of all you got right now. Everything else is

1 falling apart, so if you would please listen and
2 make your vote count, I'd appreciate it. Thank you.

3 HEARING OFFICER WEBB: Thank you.

4 Mr. Norman Eckstein.

5 MR. ECKSTEIN: Thank you.

6 I would also like to ask you
7 to not extend or not give the variance, again, for
8 health reasons.

9 In my case, I, fortunately,
10 don't have any health problems as a result of
11 pollution, but I have a close friend who, both of
12 whose parents were killed by lung cancer. Neither
13 of them smoke. They haven't determined a specific
14 cause, but they figure that it's mostly
15 environmental.

16 I had a college roommate who
17 is a retired army colonel. He served 30 years
18 defending our country. He has a disease called
19 idiopathic pulmonary fibrosis. It's a disease that
20 attacks the lungs from the bottom up, and it slowly
21 kills...the easiest way to say it, the cells are no
22 longer able to absorb oxygen, and so slowly he's
23 reducing the amount of oxygen he can take in. He's
24 now on full-time oxygen.

1 A year ago he was still
2 playing golf serval times a week. Right now he's in
3 a wheelchair. He can go out a couple times a week.
4 He can't drive. When I talk with him on the phone,
5 we have to keep our conversations down to about five
6 or ten minutes because he can't breathe well long
7 enough to talk much more than that.

8 His brother died of the same
9 thing, and his sister was recently diagnosed with
10 the same disease.

11 The hospitals they go to, he's
12 being treated at Johns Hopkins. His brother was at
13 the Mayo Clinic, and his sister is at General
14 Hospital. The doctors at all three places have said
15 that there is -- well, they don't know what causes
16 this, but they do know that there's nothing that's
17 hereditary that they have been able to identify, and
18 it's most likely the fact that they all grew up in
19 the same place and there was some kind of an
20 environmental issue.

21 From things that I read, the
22 difference in the levels of pollution with and
23 without the scrubber cause or are likely to cause
24 approximately 25 deaths a year and several thousand

1 people who are likely to be disabled as a result of
2 reduced functionality of their lungs.

3 We talk about losing jobs.
4 Those people, if they become disabled, well,
5 obviously, the people that died, their families have
6 a hardship. Those that become disabled, those are
7 additional people who not only lose their jobs but
8 they lose their jobs permanently. They don't have
9 an option to go find another one.

10 So for health reasons, I think
11 we really need to do something.

12 I should say I am not a
13 believer in big government. I believe government
14 has limited functions and the government shouldn't
15 be telling us what we should and shouldn't do, but
16 one of the few functions of government that's very
17 important to us is protecting the population, and it
18 doesn't matter whether it's from a foreign threat or
19 from a local threat, they need to protect us from
20 each other as well.

21 And I think they've made
22 rules. They've made them with the participation of
23 the company, and the company agreed to them, and I
24 think if it was something that any of us as people

1 agreed to and we came back to the government several
2 years later and said, oh, I'm having a financial
3 problem right now, I really don't want to pay this,
4 change it, I doubt they would change it, and I think
5 they should do the same thing for a company.

6 HEARING OFFICER WEBB: Thank you.

7 Mr. Bryan Urbaszewski.

8 MR. URBASZEWSKI: Thank you for the
9 opportunity to speak today.

10 My name is Brian Urbaszewski,
11 and I'm the director of Environmental Health
12 Programs for Respiratory Health Association.

13 RHA is a lung health charity
14 based in Chicago that works to fight lung disease
15 and promote lung health, research, advocacy and
16 education.

17 I was involved in the process
18 that lead to the MPS being set up many years ago
19 along with agency staff, other environmental and
20 health leaders and major power companies. The end
21 result set strong and comprehensive emission rate
22 reduction requirements for coal-fired power plants.

23 Because some pollutants can
24 cause and exacerbate lung disease as you've already

1 heard, RHA was extremely interested in seeing the
2 lowest possible SO₂ and NO_x emission rates be a part
3 of this state pollution prevention rule. This is
4 the reason I still stand before you today.

5 Lung disease is a very serious
6 and growing concern. People living with asthma have
7 more asthma attacks when air pollution levels are
8 higher. They use more medication. They are more
9 likely to visit their doctor. They're more m likely
10 to wind up in the emergency room. They're more
11 likely to be hospitalized.

12 Asthma is also rising.
13 According to the U.S. Center for Disease Control in
14 Atlanta, one in twelve people now has asthma
15 nationally, up from one in fourteen a decade ago.
16 Medical expenses alone just from asthma are over
17 \$50 billion a year. For African American children,
18 the situation is even more shocking. In the U.S.,
19 one of every six African American children now has
20 asthma.

21 As of late 2010, chronic
22 obstructive pulmonary disease was reported as the
23 third leading cause of death in America, up from
24 fourth. People you see on oxygen in many cases have

1 COPD and may have less than half the lung capacity
2 of a healthy person. They're also more susceptible
3 to air pollution and more likely to wind up in a
4 hospital or worse.

5 Many people afflicted with
6 lung disease, particularly senior citizens, also
7 suffer from cardiac conditions as well.

8 It's well established that air
9 pollution from power plants is associated with
10 increases in heart attacks, strokes, and premature
11 deaths.

12 In Illinois, over 1.2 million
13 people live with asthma. Conservatively, over
14 500,000 people live with COPD. It may be as high as
15 a million. A lot of it's undiagnosed.

16 Coal power plant emissions
17 kill people. Hundreds of people in Illinois die
18 every year from what comes out of coal power plant
19 stacks. Many more are sickened and require
20 medication and treatment, and strict emission
21 controls are needed on coal power plants. Such
22 plants have been exempted for decades from
23 requirements to install pollution controls, the same
24 controls that have been mandated on new coal power

1 plants for the last three decades.

2 The Illinois rule was stricter
3 than federal requirements in place in 2006, but
4 since that time when these state rules were set, the
5 need for tighter SO₂ rates has only gotten stronger,
6 and USEPA has acknowledged that in subsequently
7 requiring even deeper reductions in SO₂ and in
8 tightening national air quality standards for
9 particle pollution closely linked to upwind sulfur
10 dioxide sources.

11 National standards will again
12 need to be tightened, and after years of court
13 battles and delays, it is almost certain that the
14 PM_{2.5} standard will be tightened later this year in
15 compliance with the federal court order, but through
16 setting inadequate standards, USEPA has failed to
17 protect the breathing public, particularly people
18 with lung disease. This is why the board needs to
19 protect the health of Illinois residents here and
20 now by ensuring our own state rules designed to
21 protect human health are not eroded.

22 What Ameren wants could
23 condemn scores of people to early deaths and many
24 more to needless suffering and trauma. My

1 recollection is that Ameren was intimately involved
2 in the MPS creation, was the first power company to
3 reach out to Illinois EPA and begin negotiating what
4 the MPS would entail and the first company to lock
5 in the deal they wanted in the final regulation.

6 They benefited from a longer
7 timeline for meeting state mercury standards and
8 made firm commitments to cut NO_x and SO₂ rates from
9 their power plant fleet in return.

10 They are here today saying
11 that they want their cake and they want to eat it
12 too. They got what they wanted that was in their
13 shareholders' interest, and now they don't want to
14 invest in what they promised the state and the
15 public in Illinois what they would invest in.

16 I again implore you to deny
17 this variance as Illinois residents should not be
18 paying with their health or their lives to benefit
19 Ameren's financial bottom line.

20 Your decision today and in
21 this proceeding will determine whether Illinois
22 residents live or die.

23 Thank you for the time and the
24 opportunity to speak.

1 HEARING OFFICER WEBB: Thank you.

2 Let's go off the record for a
3 second.

4 (Whereupon an off-the-record
5 discussion transpired at this
6 time.)

7 HEARING OFFICER WEBB: I'm going to
8 call Julie Johnson, the mayor of Joppa.

9 MAYOR JOHNSON: I'm speaking on
10 behalf of the EEI plant at Joppa as to Ameren's
11 request for a variance to delay the mandated state
12 of the results of upgrading their facilities.

13 I was an educator. I taught
14 in the Joppa high school for 22 years. Then I
15 taught 12 years more at the Shawnee Community
16 College in this area.

17 EEI has been a stable force
18 for our tax bases for these schools and employs jobs
19 for our communities, for the whole County of Massac
20 as well as Joppa. We have another plant nearby. We
21 have two there that are basic. The Lafarge cement
22 plant, it has laid off. Now EEI is laying off, and
23 in Massac County, Honeywell Industries has laid off,
24 so we're being hit very, very hard in that area.

1 The public services of our schools are imperative to
2 us. The environmental benefits are not being
3 questioned. We realize our environment is important
4 but it's hard to put this aside when your families
5 are without work, can't be provided for, your
6 village is losing people out because they have to go
7 elsewhere for jobs, your schools close down, and
8 that pretty much devastates your community.

9 As I say, I'm not against the
10 environmental protection, but the short time that
11 has been requested I believe is very reasonable, and
12 I don't think we'll get more polluted in five years
13 than we would be in one or two.

14 So my request is please
15 support this area.

16 Thank you.

17 HEARING OFFICER WEBB: Thank you,
18 Mayor.

19 I'd like to call Billy
20 McDaniel, mayor of Metropolis.

21 MAYOR McDANIEL: I do want to thank
22 this board today for allowing us as a community to
23 come before you.

24 My name is Billy McDaniel.

1 I'm the mayor of the City of Metropolis.

2 We as a community know and we
3 appreciate the time and the effort that each board
4 in the State of Illinois and our community takes for
5 our health, our benefits, our well-being. There is
6 more to the well-being than controls of different
7 items and stuff like that.

8 The Joppa EEI plant is
9 probably the number two company in our region.
10 There's 235 well paying jobs there. They're well
11 above the average income by 40 percent. Those jobs
12 we take very seriously in our community. Those
13 jobs, if they are lost, will be jobs that we as a
14 community, a small community in southern Illinois
15 will never replace.

16 We're in the deep south.
17 There is someplace south of I-80, which Metropolis
18 is as far as south in Illinois you can get. When
19 you leave Metropolis, you're in Paducah, Kentucky,
20 so we do realize the graphics, but we want to
21 support both entities. We support our community as
22 far as the well paying jobs, taxes. They pay
23 probably \$800,000 a year in property taxes and real
24 estate taxes. They spend hundreds of thousand of

1 much to ask. We do understand the companies have
2 said that they will meet every standard of what the
3 controls are. They do need an extension of that
4 time. I would ask that you consider that. It could
5 be our own stimulus package of Illinois.

6 We all know jobs are hard to
7 get. Why not a project that actually keeps people
8 in the plant working to comply with the emissions
9 that we are asking for. The contract people is
10 coming in, so it's a double stimulus package. We're
11 keeping them to work plus we are creating new jobs
12 to upgrade the plant.

13 I thank you very much for your
14 time. Thank you.

15 HEARING OFFICER WEBB: Thank you.

16 I'd like to call Dan Cox,
17 Jasper County School Board.

18 MR. COX: Thank you for the
19 opportunity to be heard, and I also thank you for
20 the opportunity to squeeze me in right before lunch
21 so I'll be sure to be brief.

22 I am Dan Cox. I'm
23 superintendent of Jasper County schools in Newton,
24 Illinois. We're neighbors of the Newton Power

1 Station.

2 Jasper County School District
3 is a medium size school district of 1,350 students
4 in the southeastern part of Illinois. We are the
5 largest geographical school district in the state,
6 and we are very rural, and I just want to give you a
7 snapshot of some of the challenges we're facing and
8 the potential challenges we face with the Ameren
9 challenges.

10 Since 2006, Jasper County's
11 schools have lost \$2.6 million in revenue, and it's
12 still growing due to the budget proration resulting
13 from state and national economic crisis. Our
14 enrollment has declined by over 150 students in the
15 last decade, and it's projected to dip below 1,300
16 students within the next decade.

17 These factors have contributed
18 to us closing seven schools within the district
19 within the last ten years, and we have reduced or
20 absorbed 23 teaching positions in the last three
21 years.

22 The Ameren Power Station and
23 the Newton Power Station represents 60 percent of
24 our local tax revenue for Jasper County schools.

1 This translates to over \$4 million per year to our
2 school district. This potential loss of revenue,
3 jobs and families would be devastating to the Jasper
4 County community and, more importantly, our students
5 who are also children in the State of Illinois.

6 Ameren has been a good
7 neighbor to us and a responsible neighbor to us. I
8 just urge you to grant a consideration for the
9 variance.

10 Thank you.

11 HEARING OFFICER WEBB: Thank you
12 very much.

13 I would say this is probably a
14 good place to put in a lunch break.

15 Let's go off the record and
16 discuss how long we want to do that.

17 (Whereupon an off-the-record
18 discussion transpired at this
19 time.)

20 HEARING OFFICER WEBB: Let's
21 reconvene in 45 minutes at 1 o'clock.

22 (Whereupon the lunch recess was
23 taken.)

24

1 AFTERNOON SESSION

2 HEARING OFFICER WEBB: We're back
3 on the record.

4 Good afternoon. We're back
5 from lunch.

6 My name is Carol Webb. This
7 is the variance hearing for Ameren Energy Resources.

8 I'm going to repeat some
9 comments I made this morning since we have some new
10 people here this afternoon.

11 So far, everyone has kept
12 their comments to less than five minutes, just about
13 everyone, so we're in pretty good shape. If
14 everyone would please continue to do so, I would
15 really appreciate that.

16 We may have to impose some
17 shorter time limits this afternoon depending on how
18 things go. It's my hope that everyone will be able
19 to give their comment.

20 If time requires me to limit
21 your comment, you will still be able to submit
22 written comment to the board by August 8th. Written
23 comments should be sent to the clerk of the Board in
24 our Chicago office.

1 We will be taking five to ten
2 minute breaks about every two hours. If you have
3 any questions or comments about this hearing, please
4 address them to me and not to the board members.

5 Only comments made on the
6 record will be considered by the board so please do
7 not offer comments to board members during breaks
8 and please do not approach board members to ask
9 questions regarding the substance or outcome of this
10 hearing.

11 I will reintroduce our board
12 for people who have just arrived this afternoon.

13 We have Board Chairman Tom
14 Holbrook, board members Jennifer Burke, Carrie
15 Zalewski, Deanna Glosser and Tom Johnson, and this
16 is Alisa Liu from the board's technical unit.

17 At this time, we're going to
18 handle some housekeeping with respect to
19 Mr. Kelter's statement this morning which was we had
20 deferred a decision about an exhibit to be
21 introduced.

22 MR. RODRIGUEZ: Yes, Madame Hearing
23 Officer. I believe he distributed CDs with a
24 document attached included on those CDs. There's

1 one paper copy of that document which we have
2 reviewed and we have no objection to. I would
3 propose we enter it as Exhibit 2 and have the CDs
4 copies for everybody's benefit.

5 (Whereupon Exhibit 2 was marked
6 for identification)

7 HEARING OFFICER WEBB: Okay. This
8 will be accepted as Exhibit 2.

9 (Whereupon Exhibit 2 was admitted
10 into evidence at this time.)

11 HEARING OFFICER WEBB: We're now
12 going to resume public comment.

13 I would like to begin with
14 Jean Ellen Boyd from Shawnee Community College.

15 MS. BOYD: Good afternoon. My name
16 is Jean Ellen Boyd. I represent Shawnee Community
17 College. I'm dean of instruction services, and I've
18 been with the college 28 years.

19 Shawnee serves the southern
20 five counties in Illinois. EEI located in Joppa
21 falls within our service district. EEI is a key
22 employer in our area, and recently and in the past,
23 we've experienced several layoffs and some closures
24 in our area, and as this happens, people relocate

1 from our area which has an impact on our local
2 economy.

3 The property tax revenue from
4 EEI provides approximately \$86,000 per year to the
5 college for support education. If they close, this
6 loss of revenue on top of the already budget cuts
7 may force Shawnee to lay off additional staff and/or
8 reduce services for our students. I'm sure you know
9 the ripple effect of job losses in the area.

10 We certainly understand
11 stricter regulations, and this request is not to
12 relieve them of their obligation but to simply grant
13 an extension to complete the project without job
14 loss.

15 Shawnee College would like to
16 ask that you please give consideration to this
17 request.

18 Thank you.

19 HEARING OFFICER WEBB: Thank you.

20 I'd like to call
21 Superintendent Steve Ptacek from Joppa-Maple Grove
22 schools.

23 MR. PTACEK: Thank you very much
24 for listening, for having us be able to speak with

1 you today.

2 My name is Steve Ptacek. I'm
3 a superintendent at Joppa-Maple Grove School
4 District Unit 38.

5 You've heard a lot of people
6 talk about the impact that the power plants have on
7 the communities. I can speak directly to the impact
8 that this will have on our school.

9 Joppa-Maple Grove is an
10 absolutely phenomenal school. We're a 55 percent
11 low income school, and in that situation, we've been
12 on the state's honor roll seven of the last nine
13 years, and last year was the first year we did not
14 as a district make AYP which anybody familiar with
15 test scores in the state, that's an amazing
16 performance for our school district.

17 I'm very fortunate to be here.
18 Last was my first year at Joppa-Maple Grove. I've
19 worked throughout the state, and I can tell you I've
20 never worked with a staff anywhere near as amazing
21 as the staff at Joppa-Maple Grove. What they do
22 with the kids every day is incredible. Twenty
23 percent of our funding come from EEI.

24 I want to leave you with one

1 point. If Ameren is not supported in this decision,
2 Joppa-Maple Grove will most definitely have to close
3 its school, and a tremendously high performance
4 school that's doing wonderful things with an at-risk
5 community in these tough economic times will have to
6 close its doors, and those kids are not going to get
7 the services that we've been able to provide.

8 Thank you very much.

9 HEARING OFFICER WEBB: Thank you.
10 I'd like to call Kelly Stratemeyer from the
11 Metropolis Chamber of Commerce.

12 MR. STRATEMEYER: Thank you. My
13 name is Kelly Stratemeyer. I'm president of the
14 Metropolis Area Chamber of Commerce. I'm a lifelong
15 resident of Massac County, and I'm here in support
16 of Ameren's variance request.

17 I am concerned as well about
18 the possible loss of hundreds of well paying jobs in
19 Massac County. Massac County has recently suffered
20 job losses at the Lafarge cement plant and is
21 currently losing scores of jobs at the Honeywell
22 plant.

23 The impact of losing over 200
24 jobs that are provided by the Joppa Power Station

1 that pays an average wage of over \$80,000 per year
2 will be devastating not only to the employees'
3 families and the families of the local vendors and
4 suppliers but also have a devastating impact on the
5 secondary service industries that rely on the
6 dollars that the Joppa plant pours into the local
7 economy.

8 I ask the IPCB to support the
9 AER request to serve families and communities in
10 southern Illinois and central Illinois.

11 Thank you.

12 HEARING OFFICER WEBB: Thank you.

13 I'd like to call Jennifer
14 Cassel from ELPC. Is she not here?

15 MS. BUGEL: She stepped out of the
16 room.

17 HEARING OFFICER WEBB: Okay. How
18 about Andrew Armstrong?

19 MR. BUGEL: He stepped out of the
20 room as well.

21 HEARING OFFICER WEBB: Well, I know
22 Faith Bugel is here.

23 MS. BUGEL: Members of the Board
24 and Hearing Officer, thank you for taking the time

1 to allow for this public hearing today and for
2 considering these comments.

3 Much of the dialogue today has
4 been that this choice is jobs versus clean air, jobs
5 versus the environment, and I want to point out that
6 that is not necessarily the choice.

7 Choosing the variance doesn't
8 guarantee jobs. Choosing no variance does not
9 necessitate shutdown of these plants.

10 First, I want to emphasize why
11 choosing the variance doesn't mean that we avoid a
12 shutdown. We all know that there are a lot of
13 things going on right now with regulations and the
14 economy that have an effect that contribute to
15 whether or not these plants will survive. These
16 include a poor economy, natural gas prices that are
17 at all time lows due to the availability of new
18 natural gas reserves, several regulations including
19 the Cross State Air Pollution Rule, the Mercury Air
20 Toxics Rule, new PM_{2.5} designations.

21 I'd like to point out that
22 there have already been layoffs at Joppa, and that's
23 before the variance was even considered, so there
24 are a lot of things that could lead to these plants

1 closing. Some of those other things include the
2 fact that Joppa and E.D. Edwards are both very, very
3 old plants that do not have modern pollution
4 controls. The only plant that is being discussed
5 for scrubbers is Newton.

6 If there are not modern
7 pollution controls installed on these plants, it
8 means that they are likely reaching the end of their
9 viable life anyway and that with or without the
10 variance, it is likely that these plants will shut
11 down.

12 I know that is unfortunate. I
13 know that people are losing their jobs, and that is
14 a horrible thing to go through, but I do want to
15 point out that that is not simply, does not simply
16 turn on whether or not this variance is granted, and
17 there are so many other things that are leading to
18 that outcome. There have already been layoffs at
19 Joppa, and that in itself is telling.

20 Gary Rygh was up here earlier
21 today, and I do have a question for Ameren about his
22 testimony, and my question is, what happens if the
23 economy doesn't improve, if natural gas prices don't
24 change in the next five years. What happens if

1 there still is not money for a scrubber five years
2 from now?

3 The second point I want to
4 make is that saying that a variance is not granted
5 does not mean that the plant will definitely shut
6 down. I'd like to point out the number of options
7 that the company has to comply or not just comply
8 but to come close to compliance with the MPS that
9 does not require shutting down Joppa and E.D.
10 Edwards.

11 First, Joppa has the ability
12 to burn natural gas, and I'd like to hear from
13 Ameren, has the option of converting Joppa to fully
14 natural gas been explored; what would that cost;
15 what would that mean for compliance.

16 Has the option of converting
17 just a couple of units at Joppa to natural gas been
18 explored?

19 Earlier in Ameren's testimony,
20 it was mentioned that there are additional measures
21 that Ameren can take to comply with the Cross State
22 Air Pollution Rule. Why have those measures not
23 been explored now to comply with the MPS.

24 There was mention of ultralow

1 sulfur coal. There was mention of capacity, working
2 with the capacity at the various plants, optimizing
3 the scrubbers at Duck Creek and Coffeen. If all of
4 those things are done now, how close does that bring
5 the company to compliance with the SCS?

6 To echo the AG's comment, is
7 everything being done now to get as close as
8 possible. Can the company do better than .35, and
9 can we explore an option that is not .35 but closer
10 to the MPS.

11 In addition, there's been talk
12 of dry sorbent injection. ELPC will be submitting
13 the testimony of Kimberly Gray who is a professor of
14 engineering at Northwestern. We will submit this as
15 a public comment, and Professor Gray looked into the
16 option of dry sorbent injection, and I would like to
17 read just a couple points from her testimony.

18 Dry sorbent injection is
19 emerging as a pollution control technology to
20 address SO₂ emissions. Specifically, for Ameren's
21 fleet of coal-fired electric power plants,
22 particularly the E.D. Edwards and Joppa plants, DSI
23 (dry sorbent injection) represents a both
24 technically and economically feasible strategy to

1 reduce sulfur dioxide and other acid gasses.

2 DSI systems do not require a
3 major capital investment and are very robust and
4 flexible in design. SO₂ reductions in the range of
5 50 to 80 percent can be achieved, and reductions as
6 high as 95 percent have been documented.

7 Our analysis of the estimated
8 performance of DSI at E.D. Edwards and Joppa plant
9 is consistent with the data shown that will be
10 submitted with her testimony. By employing DSI to
11 achieve a 50 percent SO₂ removal efficiency at the
12 Edwards and Joppa plant, Ameren should be able to
13 achieve a fleetwide average of .25 pounds per
14 million Btu SO₂. The capital costs of DSI for both
15 plants are estimated to be less than 200 million.
16 In other words, the capital costs could be less than
17 that of a scrubber or are less than that according
18 to our analysis.

19 I realize that Ameren has
20 already testified that dry sorbent injection as a
21 means of complying with the MPS is prohibitive
22 because of cost and ESPs, but instead of exploring
23 full DSI that's needed to meet the MPS limits, is it
24 possible to explore partial DSI at several units?

1 Our analysis of DSI, Kimberly
2 GRay's analysis of DSI also shows that conversion to
3 fabric filter is not necessary to install DSI. A
4 number of plants have already done that across the
5 country and generally all that's necessary is
6 optimizing the existing electrostatic precipitators
7 to handle DSI, and, in fact, the introduction of DSI
8 generally leads to better particulate matter
9 control, the thing that is being filtered by an ESP.

10 So we would like to put
11 forward the option of considering some amount of
12 DSI.

13 Finally, I would like to touch
14 on Meredosia and Hudsonville. We have been told in
15 Ameren's filing that a variance is necessary to
16 assure that Meredosia and Hudsonville stay closed.
17 I would like to discuss the possibility that a
18 variance is not needed to assure that those plants
19 stay closed.

20 One question I would ask is
21 with the FutureGen project going forward at those
22 locations, does the FutureGen project preclude
23 reopening Meredosia as a coal-fired power plant or
24 as a pulverized coal plant.

1 I'd also like to ask the
2 company, what has been done to provide for future
3 operations at these plants.

4 Finally, the company, Ameren,
5 indicated that the Cross State Air Pollution Rule
6 was one of the reasons that Meredosia and
7 Hudsonville were shuttered, and I wanted to ask a
8 question of the company, does the Cross State Air
9 Pollution Rule becoming finalized and effective
10 include the reopening of those plants?

11 Thank you for your time. That
12 is all of my comments.

13 HEARING OFFICER WEBB: Thank you
14 very much.

15 I'd like to call Robert
16 Lawless from the West Central Building Trades.

17 MR. LAWLESS: Chairman Holbrook and
18 members of the committee, I am the vice president of
19 the West Central Building Trades in Peoria,
20 Illinois, and I am here to support the appeal for
21 Ameren Energy to extend their variance.

22 I'm a resident of Bartonville,
23 Illinois where the Edwards plant is located, and I
24 go on record as supporting as a resident and on

1 behalf of the 15,000 building trades members in the
2 Peoria area that have service both to the Edwards
3 plant and the Duck Creek plant.

4 Ameren Energy Resources has
5 already displayed their commitment to upgrade their
6 facilities as demonstrated with their recent
7 upgrades at their Duck Creek plant in Canton,
8 Illinois. AES in their petition has not requested a
9 waiver of the standards, merely an extension. They
10 need a timeline extension, and we all know what the
11 economy has done with the fuel prices and the
12 natural gas prices that have been spoken about many
13 times today. It has driven the price of the
14 kilowatt-hour down and has created the problem for
15 Ameren as it has for all utilities across the
16 country.

17 As a steamfitter by trade, I
18 am proud to say that I did work as an apprentice at
19 the Edwards Station and spent a couple years of my
20 apprenticeship there. Along with that, the last
21 four decades, the Edwards Station has produced
22 economical, dependable, affordable and essential
23 electrical power to their community, and over that
24 last four decades, it has kept a consistent tax

1 revenue, not just the plant itself as many have
2 spoken about here today but with the good paying
3 jobs that you've seen, you've seen the vests here
4 today, let's just...

5 (Whereupon the Hearing Officer is
6 adjusting his microphone)

7 MR. LAWLESS: Thank you. We'll try
8 it again.

9 As has been discussed many
10 times today about the financial impact of the
11 Board's decision, that's a tough decision that
12 you're going to have to make, one of the financial
13 impacts that you're going to have to consider is
14 that it's not only the revenues from the plant
15 itself that bring tax bases into the community but
16 it's good paying jobs. That's been mentioned today
17 too.

18 The mayor of one of the towns
19 mentioned that he was a vendor, so you have vendors
20 that are dependent upon these plants. You have
21 their families. You have the coal industry that's
22 depending on these plants, you have the rail, you
23 have the trucking, and you have the building trades
24 that I represent because we go into these plants and

1 assist these members here on retrofits and upgrades
2 to these plants; thousands of man-hours in these
3 plants across the country, at the Edwards and all
4 the coal-fired plants in Illinois.

5 Let me ask the Board to
6 consider the fact that if the extension request is
7 not granted that these multiple tax bases of not
8 only the plants but the employees will be affected.
9 They will all be at risk. The dependable local
10 power will be at risk. I'm saying local power.

11 If the plants for whatever
12 reason have to shut down, the grid will provide
13 electricity to Illinois. It may come from Kansas.
14 It may come from Wyoming. It may come at a
15 different pay rate than we're used to paying, but we
16 will get the electricity, but at what cost.

17 What you don't see out in the
18 audience -- you see a lot of safety vests out here
19 but what you don't see out in the audience are the
20 vendors and the local merchants that have been
21 discussed all day today. They're not in the
22 audience. Neither are my members of my local
23 unions, but they're going to be impacted as well.

24 Please carefully weigh your

1 decision, all the potential consequences, and
2 ultimately, I ask you to conclude is the long time
3 benefits, do they outweigh the short time
4 disadvantages of an extension.

5 I thank you, and I'd like to
6 again request that the Board would accept the
7 extension request.

8 Thank you.

9 HEARING OFFICER WEBB: Thank you.

10 I'd like to call Tracy Cox
11 from the Peoria Families against Toxic Waste.

12 MS. COX: Members of the Illinois
13 Pollution Control Board, thank you for holding this
14 hearing today.

15 My name is Tracy Cox. I'm
16 assistant volunteer with the Peoria Families against
17 Toxic Waste. We're an organization that is
18 concerned with toxic waste as well as the cumulative
19 effects of pollution in our communities.

20 I believe there have been
21 enough indicators and enough time and enough money
22 that there is no reason to grant a variance to
23 Ameren in this matter.

24 It is clear to anyone who has

1 read the news, publications like Time, the New York
2 Times, the Wall Street Journal, that natural gas
3 prices have been in free fall and that energy prices
4 are at an all time low.

5 Similarly, the Illinois
6 deregulation is not new. None of the environmental
7 protections that Ameren is being asked to do are
8 new, and neither is the disparity with other states.
9 All those have been effect for six years.

10 Simply put, there's been
11 enough time for them to meet the requirements.
12 There is nothing new that specifically meets the
13 burden of a unique hardship.

14 When reading the briefs
15 submitted to your board, it was characterized as a
16 black swan event. You need to reject that on its
17 surface. There is no way that this was a
18 convergence of unpredictable circumstances that
19 resulted in something unique.

20 Perhaps if we were here
21 discussing the variance for the extreme temperatures
22 this summer, the number of days that allowed them to
23 discharge higher temperature water in the Illinois
24 River, perhaps we could say that that was a black

1 swan event, but certainly this conjunction of
2 falling natural gas prices, deregulation and
3 environmental protection is not and does not meet
4 that burden. I also think that there has been
5 enough money.

6 I first become interested in
7 this issue only because Ameren sent a letter to the
8 Peoria County Board asking that Peoria County also
9 sign on and begged that this variance be granted and
10 the Edwards plant stay open.

11 When I read the letter from
12 Ameren, I thought it was curious that it didn't
13 mention that in their SEC filings of third and
14 fourth quarter 2011, they announced that they had
15 already jettisoned any improvements at the Edwards
16 plant, and they were going to be saving 270 million
17 compared to prior plants. They were going to
18 decelerate and they'd get 150 million.

19 Prior to that in
20 November 2011, they announced that the cumulative
21 savings from shutting Meredosia and Hudsonville was
22 going to be somewhere to the tune of another 70
23 million.

24 My question is where is all

1 this money going? I understand that they have a
2 complicated legal structure of corporations and
3 holding companies and merchant generators, and I
4 always assumed that that was to isolate them from
5 liability from toxic waste. Of course, that's how
6 we think in the Peoria Families Against Toxic Waste,
7 but it looks like it's also a way for them to claim
8 that they don't have the financial resources to move
9 forward on this.

10 I simply don't buy it unless
11 they can submit a full accounting for where all the
12 money from shuttering Meredosia and Hudsonville,
13 from scrapping the construction of baghouses in
14 central Illinois among other things, where that's
15 going and why it can't be applied to moving the
16 Newton scrubbers forward.

17 I don't think that you should
18 buy their hardship designation.

19 Job security depends on many,
20 many factors, and I certainly feel for the people in
21 Massac County and the people in Jasper County. I've
22 had the occasion to visit the fine natural areas in
23 the southern part of the state, and indeed, good
24 jobs are few and far between, but in the end, it is

1 my belief that in the end, Ameren is deciding to
2 pursue a no investment strategy. That's the only
3 thing that they are looking to do.

4 How can they take all capital
5 whatsoever off the table that is a consistent
6 message that's through their SEC filings and it's a
7 consistent message of what they're telling you that
8 they're going to do today, and in the end, I believe
9 that no capital investment strategy indicates they
10 have no long-term plan and a company that doesn't
11 have either of those doesn't have a job security
12 strategy for its employees either.

13 Don't listen to this. Think
14 through what the regs are supposed to intend. Many
15 public health experts understand and have pointed
16 out that cumulative SO₂ reductions do nothing to
17 help beleaguered communities with short-term
18 pollution impacts, and its those short-term
19 pollution impacts that happen to children and the
20 elderly population across the state.

21 I think that those people
22 deserve better than another extension for a no
23 investment company.

24 Thank you.

1 HEARING OFFICER WEBB: Thank you.

2 I'd like to call Paul King
3 with Ameren.

4 MR. KING: Thank you, Board, for
5 allowing me to speak.

6 My name is Paul King. I'm a
7 plant engineer at the Edwards plant in Bartonville,
8 Illinois. I reside in Pekin, Illinois. I am
9 currently a plant engineer responsible for the
10 scrubbers, not scrubbers, excuse me, but for the SCI
11 and ACI injections.

12 I moved down here almost four
13 years ago from an area in Thelma, Michigan when
14 Michigan's economy was greater, or employment rate
15 was greater than eight percent, and as far as I was
16 concerned, the economy was hitting the tank.

17 I moved down here because of a
18 job. I moved out of a county, Tuscola, its
19 neighboring counties Cadillac County and Huron, were
20 all shuttering the industrial plants. The
21 unemployment rate in those three counties when I
22 left Michigan was greater than 20 percent.

23 Those are the same type of
24 figures that you're looking forward to in at least

1 the southern portion of the state.

2 I moved hoping for a better
3 life and if the Edwards plant has to close, then
4 I've lost that better life.

5 Thank you.

6 HEARING OFFICER WEBB: Thank you.

7 I'd like to call Sandra
8 Kaptain (K-a-p-t-a-i-n) from Sierra Club. Is Sandra
9 here?

10 Okay. Joyce Blumenshine, is
11 she back yet? I know she had to leave briefly.

12 Okay. I'll call Joyce Downey
13 from Sierra Club? No. Okay.

14 Terry Grace also from Sierra
15 Club?

16 MR. GRACE: Thank you for allowing
17 me to speak.

18 I want to start out by saying
19 that I stand with my brothers and sisters in the
20 labor union. I've been a union member for 35-1/2
21 years, was a union rep for a dozen years and was on
22 two contract negotiating teams.

23 I have studied labor history,
24 and I totally recognize that the labor movement is

1 about a nation of our middle class in the United
2 States.

3 I support you in your effort
4 to maintain your job security. I've seen two
5 previous situations where management has intimidated
6 and scared workers regarding job loss. It is not
7 pretty. I truly regret the position that you've
8 been put in by your management's decisions. It's
9 not fair.

10 My contention is that the
11 present problem is not with the prospect of cleaner
12 energy but with management decisions that jeopardize
13 everyone's health, long-term prosperity, and
14 possibly the welfare of Ameren's workers.

15 Ameren's management has sold
16 us all out for better management bonuses and
17 short-term shareholder dividends. What happened to
18 responsible long-term planning with responsible
19 policies that would have benefited everyone?

20 In my job as a school social
21 worker, I've seen the effects of SO₂ emissions in
22 schools in terms of asthma. The rates of asthma
23 have skyrocketed in the last 20 years. Every school
24 staff person in our district is trained, for several

1 years this has been the case, probably the last
2 dozen years, for the use of epinephrine for
3 responding to asthma emergencies, and there have
4 been emergencies. Most teachers have had to travel
5 responding to such emergencies to save the life of a
6 student.

7 SO₂ emissions have to be
8 reduced. Ameren should not be rewarded for
9 irresponsible decisions by their management. The
10 reduction in SO₂ emissions should not be delayed.

11 My personal mantra throughout
12 my career has been it's all about the children. I'm
13 not going to change now. Ameren needs to clean up
14 its emissions now.

15 Thank you.

16 HEARING OFFICER WEBB: Thank you.
17 Alan Bogardus from Ameren.

18 MR. BOGARDUS: Good afternoon and
19 thank you.

20 My name is Alan Bogardus. I
21 live in Peoria County, a place called Lake Camelot
22 out there, a beautiful place to live.

23 I've worked at the Edwards
24 Energy Center now for six years.

1 HEARING OFFICER WEBB: Please speak
2 into the mike.

3 MR. BOGARDUS: I've worked at the
4 Edwards Energy Center now for six years. I'm the
5 production superintendent there. I work with a
6 truly wonderful group of people, truly wonderful
7 group of people.

8 Little bit about me and my
9 story. It's short. I'm a disabled Navy veteran
10 that had an opportunity to come here and fill the
11 services of production superintendent, and for that,
12 I can't tell you how grateful I am. It's wonderful
13 for me. It's wonderful for my family.

14 It's very important to me that
15 the board consider all the testimony and try to make
16 the right decision. My family relies on it, but
17 what I also want to communicate to the board as a
18 production superintendent at Edwards Energy Center
19 and I'm sure my other production superintendents at
20 other stations would say the same...I'm from New
21 York too; sorry...we go to work every day with the
22 thought of raising our children so that they can get
23 out there and be very important in our community,
24 and that's important to us. That's important to us.

1 We understand, and we want that to happen. We see
2 them as people who are going to find solutions.
3 They're going to be chemists, things like that, to
4 make our job simpler, and it's going to happen.
5 It's really exciting. It's very exciting, but we
6 want that opportunity. All of us want that
7 opportunity. We know we can get that.

8 We go to work every day and we
9 manage our power plants with every one of you in
10 mind. First part of my day every day is to look
11 exactly at how we did in the environmental footprint
12 the night before, and I do that every day, and my
13 signature goes on every single piece of paper, and
14 the men and women who are going to stand up here in
15 a couple minutes and talk have spent more overtime
16 on this system called ACI, mercury, trying to make
17 sure that we do absolutely everything we can to go
18 above and beyond the minimum, above and beyond the
19 minimum opacity, the late nights they're running.

20 These people are working hard
21 for you. They understand. The men and women here
22 with these vests on are working really hard, and we
23 would like you to consider that.

24 Thank you.

1 HEARING OFFICER WEBB: Thank you.

2 I'd like to call Jared from
3 ELPC. Help me out with your last name and spell
4 that for the court reporter, please.

5 MR. POLICICCHIO: First name is
6 spelled J-a-r-e-d. Last name Policicchio
7 (P-o-l-i-c-i-c-c-h-i-o).

8 Thank you for letting me offer
9 comments. I work at ELPC. I know we've been
10 through a long day so I promise to offer brief,
11 targeted comments.

12 I simply want to remind the
13 board that state regulators and Ameren agreed back
14 in 2006 that there would be mutual benefits for both
15 citizens of the state and for the company, its
16 shareholders and employees in enacting and
17 implementing the MPS as agreed, and so I just want
18 to read some excerpts of statements that were made
19 at that time or in relation to what occurred at that
20 time.

21 So first, just a few excerpts
22 of statements made by then IEPA Director Doug Scott
23 in testifying before the U.S. Congress in 2009.

24 Subsequent to long hours of

1 negotiation, an alternative standard was proposed
2 that involved allowing some flexibility in complying
3 with the mercury standards in exchange for
4 commitments to also significantly reduce SO₂ and NO_x
5 emissions from Ameren's coal-fired power plants.

6 Both the MPS and CPS
7 provisions provide some flexibility on the timing of
8 mercury reductions in exchange for commitments to
9 make significant reductions in both SO₂ and NO_x.

10 Companies may choose to
11 voluntarily comply with the MPS or CPS as an
12 alternative to the otherwise applicable requirements
13 of the mercury rule. These provisions provide
14 additional flexibility in regards to mercury control
15 in return for companies achieving significant
16 reductions in the emissions of SO₂ and NO_x.

17 And then the last statement
18 from Mr. Scott, Director Scott, is a statement just
19 reiterating the benefits of removing SO₂ and NO_x
20 from the air.

21 He said, the benefits of
22 removing SO₂ and NO_x are well established and most
23 notably will result in reductions in both
24 particulate matter and ozone. SO₂ is a precursor to

1 particulate matter, and NO_x is a precursor to both
2 particulate matter and ozone.

3 Particulate matter related
4 annual benefits include fewer premature fatalities,
5 fewer cases of chronic bronchitis, fewer nonfatal
6 heart attacks, fewer hospitalization admissions, and
7 should result in fewer days of restricted activity
8 due to respiratory illness and fewer work loss days.

9 Moreover, there should be
10 health improvements for children from reduced upper
11 and lower respiratory illness, acute bronchitis, and
12 asthma attacks.

13 And then lastly, I just want
14 to offer some excerpts of statements made by Ameren
15 or experts testifying on behalf of Ameren during the
16 2006 rulemaking before this Board.

17 One of the witnesses was a
18 woman by the name of Ann Smith who was, quote, "an
19 expert on the costs and benefits of policies to
20 control emissions of air pollutants from the
21 electric generating sector." One statement that she
22 made is, the MPS provision is more costly, and those
23 added costs are borne by Ameren. However, there
24 will be other important financial and operational

1 benefits to Ameren in making use of the MPS
2 provision.

3 The Illinois rule, she's
4 referring to the mercury rule, with or without the
5 MPS will require Ameren and all the other Illinois
6 generators to make major new capital investments in
7 control equipment. There is substantial benefits to
8 companies if they can spread the capital investment
9 costs over a longer period of time.

10 And then the second statement
11 that she made at that time before the board:
12 Although the total capital expenditures are larger
13 under the MPS than under the Illinois rule without
14 the MPS, they are greatly smoothed out in a manner
15 that should be far more feasible to finance and with
16 a far more manageable rate of increase in demands on
17 cash flow.

18 And then last, a second
19 witness that they called, Mr. Menne, he testified at
20 that time, the proposal we put before you today sets
21 out a regulatory scheme that addresses three
22 pollutants, SO₂, NO_x and mercury, in a way that
23 synchronizes and coordinates regulatory reduction
24 mandates that are clearly on the way.

1 This multi-pollutant mechanism
2 balances the environmental goal of effective
3 controls across pollutants and at the same time
4 supports the goal for industry of a more stable and
5 certain regulatory framework.

6 Indeed, with these two goals
7 as the focus, the results are more certain in
8 accelerated reductions, more effective planning and
9 smarter technology choices.

10 That was the end of his
11 statement and that's the end of my remarks.

12 Thank you.

13 HEARING OFFICER WEBB: Thank you.

14 Bill Miller from Ameren.

15 MR. MILLER: Good afternoon. My
16 name is Bill Miller. I live in, Beardstown,
17 Illinois. I've worked for Ameren now for 23 years.
18 As a matter of fact, today is my anniversary date,
19 and for 22 of those years, I worked at Meredosia
20 Power Station and was fortunate enough to get an
21 offer to go to Edwards, and I dearly appreciate
22 that.

23 I can tell you though, going
24 through a closing of a plant like that is a

1 traumatic experience, and it's not something that I
2 look forward to going through again, and I really
3 hope and pray that you will really seriously
4 consider extending these variances so that we can
5 keep working.

6 HEARING OFFICER WEBB: Thank you.

7 I see there are some people
8 standing. There are some seats. There are some
9 chairs stacked up in that little room if you'd like.
10 I see some empty chairs too, but help yourself to a
11 chair if you'd like.

12 I'll call Jennifer Cassel from
13 ELPC.

14 MS. CASSEL: Ladies and gentlemen
15 of the board, thank you so much for allowing me the
16 opportunity to comment here today on the proposed
17 variance.

18 What I'd like to do initially
19 is provide the board with a letter, read into the
20 record a letter that a number of health
21 professionals from the State of Illinois have
22 written in opposition of Ameren's variance request.
23 This letter will be, of course, submitted on the
24 record with additional signers at a later date in

1 this proceeding, but it states as follows:

2 Dear Members of the Illinois
3 Pollution Control Board: As health professionals
4 living and working in Illinois, we support the
5 Multi-Pollutant Standard (MPS) adopted by the
6 Illinois Pollution Control Board in 2006.

7 By controlling power plant
8 emissions of sulfur dioxide (SO₂), nitrogen oxides
9 (NO_x) and mercury, the MPS helps protect the air we
10 breathe, the local fish we eat, and the wildlife and
11 natural spaces we love from harmful pollution. We
12 are concerned by the present effort to weaken the
13 MPS before the Pollution Control Board. We urge you
14 to vote against any action eroding MPS standards.

15 Nationally, coal-fired power
16 plants are the largest sources of SO₂ and mercury
17 emissions and are among the largest single source
18 emission of NO_x. Emission of these air pollutants
19 impacts human and ecosystem health in a number of
20 ways.

21 Exposure to mercury, a potent
22 neurotoxin, can result in developmental delays,
23 e.g., speech, motor and memory skills in children,
24 and cause nervous system damage in adults.

1 High levels of SO₂ and NO_x can
2 exacerbate respiratory systems and at-risk
3 individuals including children and the elderly
4 including asthma and COPD attacks. Wildlife and
5 plant species are also impacted by the toxic effects
6 of these pollutants, e.g., reproductive effects of
7 mercury to wildlife, SO₂ derived acid rain damage to
8 foliage.

9 In addition to the health
10 impacts of directly regulated chemicals, SO₂ and NO_x
11 are also precursors to a number of other harmful
12 pollutants such as fine particulate matter and
13 ground level ozone. Fine particulate matter, PM_{2.5},
14 is a complex mixture of solid and liquid particles,
15 and a very large proportion of measured PM_{2.5} results
16 from the chemical transformation of SO₂ and various
17 NO_x molecules in the atmosphere.

18 Numerous scientific studies
19 and authoritative panels have identified PM_{2.5} as
20 harmful to human health with causal linkages found
21 between short- and long-term exposures and premature
22 mortality and cardiovascular effects.

23 According to a 2010 report by
24 the National Research Council, in 2005 alone, the

1 annual health and related damages from particulate,
2 NO_x and SO₂, cost the public \$62 billion in
3 2007 U.S. dollars. The vast majority, 53 billion of
4 those dollars, were due to health damages associated
5 with the transportation of SO₂ into PM_{2.5}.

6 As it stands, the MPS is
7 designed to require substantial reductions in the
8 emission rates of SO₂, NO_x and mercury. These
9 reductions will allow for substantial gains in the
10 public health of our state and surrounding regions,
11 particularly for vulnerable populations.

12 By maintaining the present MPS
13 emission rate requirements for each of the
14 pollutants, you will ensure that the health
15 improvements behind the spirit of the law remain
16 intact and that the public does not bear the cost of
17 polluter noncompliance.

18 We applaud you for your
19 decision to put the MPS in place six years ago, and
20 we ask that you continue to show your support for
21 the standard by voting against any effort to weaken
22 its protective power.

23 And this letter is signed by
24 Paul Brandt-Rauf who is a medical doctor, Ph.D. and

1 impacted when the air quality goes down. I feel it
2 when we have ozone days. I know when we have high
3 levels of pollutants in our atmosphere. Sometimes
4 that means I miss work. Sometimes that means I miss
5 school, and I'm lucky I have a job that won't fire
6 me for that reason. There are plenty of people out
7 there that don't have those benefits in place; that
8 if they miss too much school or miss too much work
9 they may be relieved of their duties. They may not
10 be protected under the current economic system that
11 we have.

12 I ask this board to please
13 consider that we are not only talking about the jobs
14 of the men and women here today but we're talking
15 about the jobs of many people impacted by the
16 pollution that comes from these facilities, and
17 granting this variance would allow considerably more
18 pollution into the air potentially putting at risk
19 the jobs and health of many, many people not only in
20 the State of Illinois but also beyond.

21 Thank you for your
22 consideration.

23 HEARING OFFICER WEBB: We have a
24 couple comments go long, and I was pretty confident

1 when I came in after lunch but now I'm starting to
2 get a little worried. I'm going to start giving
3 people a signal when it's three minutes and asking
4 you if you could please summarize your final points.
5 If we have time at the end, I'd be willing to take
6 longer comments. I apologize. I want everyone to
7 get in their full comment.

8 We can still take public
9 comment, but I am going to let you know when it's
10 three minutes, and if it's possible for you to
11 summarize your points at that time, it would be
12 greatly appreciated.

13 I'd like to call Rod Bland.

14 MS. CASSEL: We don't have a hard
15 copy of the study with us.

16 MR. RODRIGUEZ: This wasn't read or
17 anything, and we can't look at it.

18 HEARING OFFICER WEBB: What's on
19 the disk here?

20 MS. CASSEL: The disk is a study
21 that's referenced in the letter by the National
22 Research Council.

23 HEARING OFFICER WEBB: Let's go off
24 the record for a minute.

1 (Whereupon an off-the-record
2 discussion transpired at this
3 time.)

4 HEARING OFFICER WEBB: Let's go
5 back on the record.

6 Ms. Cassel gave us some
7 documents and a disk that we will docket as public
8 comment.

9 Mr. Bland, go ahead.

10 MR. BLAND: Yes, I'm Roderick
11 Bland. I work at the Edwards Power Station in
12 Peoria. I live in Peoria now. Been working for
13 Ameren for over 25, 26 years now, and I just want to
14 state that I am here in support of the variance for
15 Ameren.

16 The basic reason I'm here is
17 because I do have a 12-year-old at home that I
18 anticipate sending through college, so I do want to
19 make sure that everyone knows that I am in support
20 of the variance, and that is my reason for being
21 here today.

22 HEARING OFFICER WEBB: Thank you.

23 Andrew Armstrong from ELPC.

24 MR. ARMSTRONG: Thank you for the

1 opportunity to speak.

2 I've been asked by Dr. Samuel
3 Dorevitch of the University of Illinois in Chicago
4 School of public health to deliver a comment on his
5 behalf on Ameren's proposed variance. I will
6 deliver excerpts from it given time constraints.

7 My name is Samuel Dorevitch,
8 and I'm a medical doctor and an associate professor
9 at the University of Illinois at Chicago School of
10 Public Health.

11 My comments concern Ameren
12 Energy Resources petition for a variance from the
13 Multi-Pollutant Standard. Ameren would like the
14 permission of the Illinois Pollution Control Board
15 to go back on its commitment to reuse sulfur dioxide
16 emissions according to an agreed upon timeline. In
17 light of the health impacts of even moderate levels
18 of sulfur dioxide pollution and the long-term health
19 risks of particulate matter 2.5 pollution, failure
20 to lower them on the agreed upon schedule would be
21 expected to keep rates of asthma attacks and other
22 health problems higher than they would be at the
23 agreed upon lower levels.

24 Throughout my clinical

1 practice, I've treated hundreds of children and
2 adults suffering from asthma attacks. Asthma is a
3 chronic life-threatening lung disease. One of the
4 recognized triggers of asthma is sulfur dioxide.
5 Sulfur dioxide is an irritant gas, and a dominant
6 source of sulfur dioxide in the Midwest is
7 coal-fired electricity generation. Sulfur dioxide
8 irritates the respiratory tract and can lead to
9 symptoms such as cough, chest tightness, wheezing
10 and irritation of the throat.

11 A major hazard of sulfur
12 dioxide is that it causes bronchospasm, a
13 contraction of the airways seen in asthma attacks.

14 Research has shown that even
15 moderate levels of sulfur dioxide pollution are
16 linked to these harmful health effects. Although
17 literally hundreds of research studies have been
18 conducted that show hazards of sulfur dioxide
19 pollution, the United States Environmental
20 Protection Agency's Integrated Science Assessment
21 for Sulfur Oxides - Health Criteria, is an excellent
22 summary, critique, and synthesis of hundreds of
23 scientific publications about sulfur dioxide
24 pollution.

1 Another important aspect of
2 the Multi-Pollutant Standard that Ameren and the
3 Illinois EPA agreed to is that by reducing sulfur
4 dioxide emissions, the power plants also would
5 reduce the contribution of sulfur dioxide to the
6 formation of fine particle pollution. Particulate
7 matter air pollution with a diameter less than
8 2.5 microns, or PM_{2.5}, is formed in the atmosphere by
9 a variety of products and combustion including
10 sulfur dioxide and acid mists. These particles can
11 be formed and transported over long distances
12 impacting populations miles away from the sulfur
13 dioxide emitting plant. PM_{2.5} has been causally
14 linked to a number of health problems. Unlike
15 sulfur dioxide for which the main concern is
16 short-term respiratory effects, PM_{2.5} has been
17 associated with premature death, life-threatening
18 heart rhythms, heart failure and lung cancer.
19 Delaying the attainment of sulfur dioxide emission
20 targets will also delay reducing the formation of
21 particulate matter 2.5 and therefore putting the
22 population at risk for a variety of serious health
23 concerns for longer than necessary.

24 The Board must balance

1 possible hardships that Ameren might sustain if it
2 were to keep its earlier commitment against injuries
3 that will be sustained by the environment and the
4 public if Ameren fails to keep its commitment.

5 I would ask the Board to help
6 protect the health of the public, particularly
7 children with asthma, by requiring Ameren Energy
8 Resources to keep the commitment it made to the
9 timeline of sulfur dioxide pollution reduction.

10 Thank you very much for
11 considering these comments, and thank you for
12 considering mine.

13 HEARING OFFICER WEBB: Thank you.

14 MR. ARMSTRONG: I also have ten
15 copies of Dr. Dorevitch's written comments and ten
16 copies of the United States Environmental Protection
17 Agency Integrated Science Assessment that he cited
18 therein.

19 HEARING OFFICER WEBB: Okay. Do
20 you want me to take that as public comment?

21 MR. ARMSTRONG: Yes, please.

22 HEARING OFFICER WEBB: Okay.

23 Gary McCullough from Ameren?

24 Is Gary here? Okay. I don't think he's here.

1 Mike Woo from Ameren?

2 I'm taking these documents
3 from Mr. Armstrong as public comment.

4 MR. WOO: Good afternoon. I want
5 to right off the bat thank you for the opportunity
6 to speak before you today.

7 My name is Mike Woo. I'm a
8 resident of Peoria Heights, Illinois. I'm also an
9 employee at Edwards Station. I've been down there
10 40 years come November. I'm also a member of Local
11 51 of the IBEW.

12 There has been a lot of talk
13 about the economic impact. I won't go there, you
14 know, the jobs and everything else, and that is
15 really a serious matter, but, you know, Allen
16 Bogardus mentioned nice comments about the plant.
17 So did Paul King.

18 I've been down there four
19 years and when I first started down there, that
20 plant was entirely different than what it is today.
21 I mean, the progress I have seen in 40 years and the
22 commitment of three companies to be a good steward
23 of the environment and produce electricity needed
24 for the economic growth in Peoria County and the

1 surrounding tri-county area is very important to me.

2 But again, you know, it's many
3 things, but like I've said, I have seen the progress
4 over 40 years. I've lived it. I worked it. I've
5 learned how to work on new systems because of it. I
6 have all the faith in the world that the
7 technologies out there today will see the utility
8 business go forward and meet regulations as time
9 goes on. I truly believe that deep down inside.
10 Otherwise, I've wasted 40 years.

11 Thank you, and thank you for
12 the opportunity to speak before you.

13 HEARING OFFICER WEBB: Thank you.

14 Edward Warden?

15 MR WARDEN: Hello. My name is
16 Edward Warden. I'm from Chicago. I am a junior in
17 college currently. It's been fun. I love my time
18 at college, but sometimes I have to remind myself
19 that the reason I'm there is to work hard and, most
20 importantly, learn.

21 Occasionally the work kind of
22 stacks up. You know, I have a hard time getting
23 along and sometimes I ask my professors can I get an
24 extension of this paper. Usually they're pretty

1 generous about it and they go, "yes" (said with
2 emphasis). That's an opportunity though to meet the
3 criteria that they've set forth. It's not an
4 excuse. The hope is that in the two days or so that
5 they grant me that I can complete the paper and, if
6 not, do a better job than I did in the previous time
7 allotted. If I decide to go out and fool around for
8 the next two days, I don't complete the paper and I
9 get a bad grade, if not a failing one.

10 If I were to ask for another
11 extension, it would not be fair to the other
12 students who are also taking that class. As a
13 result, people can ask ad infinitum oh, I need more
14 time, oh, I'm not going to be able to fulfill this
15 requirement, and that defeats the purpose of why we
16 are there in the first place.

17 Ameren was given a task here.
18 They were asked to comply with certain standards by
19 the end of the six-year period in which they were
20 granted an extension. Given the circumstances, it
21 seemed that they did need the extension at the time,
22 but they did not step up to the task within those
23 six years, and now they're asking for a second
24 extension. This is not fair to the other parties

1 involved, other companies who also agreed to this
2 time allotted. It's not fair to the people that
3 have to breathe the air that will continue to be as
4 dirty as it has been for the past six years in which
5 Ameren was supposed to be preparing to clean up.

6 The State of Illinois should
7 not be sponsoring the secondary extension of a
8 permit that Ameren knew -- they were gambling on in
9 that six-year period of time they were going to see
10 market forces fall in their favor, and they saw the
11 writing on the wall at the beginning of the six
12 years.

13 The Illinois EPA should not
14 extend this permit.

15 Thank you.

16 HEARING OFFICER WEBB: Thank you.

17 I'd like to call Greg Crawford
18 from Ameren.

19 MR. CRAWFORD: Thank you.

20 I'm Greg Crawford. I live in
21 Pekin, Illinois. I work at Edwards Power Plant.
22 Worked there for 24 years.

23 Certainly, Edwards has a large
24 impact on the economy in the area, and I would just

1 appreciate your consideration for this variance.

2 Thank you.

3 HEARING OFFICER WEBB: Thank you.

4 I'd like to call Sandy Carter.

5 MS. CARTER: Good afternoon. Thank
6 you for the opportunity to speak.

7 My name is Sandy Carter, and
8 I'm a resident of Chicago, Illinois, and I'm here
9 today to ask the Board to deny Ameren's request for
10 a variance.

11 In 2006, Ameren agreed to
12 install these pollution controls and they must
13 adhere to that agreement. They agreed to reduce
14 sulfur emissions in exchange for delaying installing
15 controls for toxic mercury. Ameren has benefited
16 from this deal saving money while they continue to
17 release mercury into the air. Now they want to back
18 out of this deal and delay having to control sulfur
19 emissions by five more years.

20 They already got the sulfur
21 emissions regulations weakened once and now they
22 want to weaken them further. It's time for Ameren
23 to stand up and be honest about their finances. They
24 need to stand up and be honest with their workers

1 and consumers. I don't want layoffs. I want
2 Illinois residents to have jobs, but I don't want
3 corporate welfare which will only cost residents
4 more in health care bills.

5 They asked and received a
6 bailout in 2006, and they are asking for a bailout
7 now. Why should we believe that they will actually
8 do something in five years and not just ask for
9 another bailout.

10 These important environmental
11 regulations are not the reason Ameren seems to be
12 struggling in the market, and it is not the board's
13 job to help Ameren adjust to market change.

14 As an Illinois resident and as
15 a member of the next generation, I am extremely
16 concerned about the negative impacts of coal plants
17 on our health and our future. We know that coal
18 plants release harmful particulates into the air,
19 and we know that pollution controls are necessary if
20 we hope to ensure having clean air and a clean
21 environment in the future.

22 Granting Ameren this variance
23 however will only allow old coal plants that lack
24 modern pollution controls to continue damaging our

1 earth and our health.

2 Just as it is not this
3 agency's responsibility to help Ameren adjust to
4 market forces, we should not have to sacrifice our
5 health for the sake of corporate profit.

6 Furthermore, I ask the Board
7 to consider what kind of precedent would be set if
8 this extension is granted to Ameren. Several
9 companies own and operate coal plants in the State
10 of Illinois and they're also supposed to submit to
11 pollution regulations. If the board grants Ameren's
12 request, what will prevent those other coal
13 companies from asking and receiving a variance?

14 I come from a blue collar
15 family, and I understand that companies like Ameren
16 provide many benefits to communities. I understand
17 worrying about layoffs. I understand worrying about
18 economic pressures that mean you can't support your
19 family and you can't send your kids to school, but I
20 don't believe corporate welfare will completely end
21 those worries.

22 As has already been stated
23 this afternoon, granting this extension will not
24 ensure that all Ameren's employees will keep their

1 job, and it does not ensure that Ameren will become
2 more financially successful.

3 We need Ameren to be honest
4 with us, and we need to stop bailing them out. I
5 ask the Board to stand up for Illinois residents and
6 say no to more pollution and no to this variance.

7 Thank you.

8 HEARING OFFICER WEBB: Thank you.

9 Keith Dollar (D-o-l-l-a-r)
10 from Ameren.

11 MR. DOLLAR: My name is Keith
12 Dollar. I work at the Duck Creek Power Plant. I
13 work in the coal yard there. I've worked for power
14 plant for 18 years.

15 One of the biggest things
16 every day for everyone at the plant which has
17 already been said is environmental compliance. It's
18 not like, oh, well, you know, it doesn't matter, and
19 everyone needs to know that, and I would hope that
20 you would consider that and grant the variance to
21 Ameren.

22 Thank you.

23 HEARING OFFICER WEBB: Thank you.

24 Ms. Sitko (S-i-t-k-o). I may

1 need help with your first name (E-d-y-t-a).

2 MS. SITKO: Hi. My name is Edyta
3 Sitko, and I work with Green Peace in Illinois, and
4 I'm here to represent our organization and over
5 10,000 members that we have in the State of
6 Illinois.

7 I'm not going to talk a lot
8 because I think a lot of the points that I wanted to
9 make today have already been made by other people,
10 but I wanted to summarize some of the most important
11 points.

12 The first is that Ameren has
13 had six years to comply with these standards and
14 additional rules, and Ameren is here today or was
15 here this morning telling us basically how badly
16 their business is doing which isn't the fault of
17 these regulations. It's the fault of a lot of other
18 things that have been happening.

19 What's there to make us
20 believe that in five years things are going to be
21 different. It looks like either Ameren is going to
22 be back here in five years asking for another
23 variance or they're going to shut the plants down
24 which has already happened in several plants and

1 other companies have done the same.

2 So while we've been waiting
3 for Ameren to clean up their coal plants for the
4 last six years, we have to acknowledge that hundreds
5 of other people in Illinois have suffered due to
6 respiratory diseases, asthma attacks, hospital
7 visits, premature deaths, neurological disorders,
8 many other things, and we have to consider those
9 people too and what they will have to go through and
10 hundreds of others in the next five years if we
11 don't reduce pollution coming out of these coal
12 plants.

13 I do have a lot of respect for
14 the workers that are here today. I also come from a
15 blue collar family, and I understand, you know,
16 worrying about job security in these communities is
17 a big deal, and I totally feel you'll come back, but
18 it is not our fault. It is not the fault of
19 Illinois residents that Ameren is failing as a
20 business.

21 There is, again, many other
22 reasons as many other people have pointed out, and
23 so we need to be honest with ourselves and the
24 company needs to be honest with you about what the

1 reality of the situation here is.

2 And again, I don't think any
3 more families in Illinois should have to suffer
4 because, you know, Ameren can't reduce pollution
5 coming out of their coal plants.

6 And the last point is if
7 Ameren gets this variance, what's to stop other coal
8 plants in Illinois from getting the same thing and
9 other companies, and then many more people will have
10 to suffer because of lack of pollution controls.

11 So again, I think it's time
12 for Ameren and other coal companies in Illinois and
13 the other companies to take responsibility for their
14 business and the future of this environment. We
15 have the right to breathe clean air as Illinois
16 residents, and I think that should be taken into
17 account today.

18 Thank you.

19 HEARING OFFICER WEBB: Thank you.

20 Prentiss Carter,

21 P-r-e-n-t-i-s-s, from Ameren.

22 MR. CARTER: I'd like the to thank
23 the BOARD for the opportunity to present here today.

24 My name is Prentiss Carter. I

1 live in Peoria, and I've worked for Ameren for 25
2 years, right out of college, and I have worked in
3 operations in engineering primarily at Duck Creek
4 and Edwards Station, and having done that work for
5 years, I just want to assure the board that we are
6 very dedicated to providing electricity in an
7 environmentally responsible manner. I've been there
8 long hours, late nights, trying to make everything
9 is working like it should be.

10 We're also very dedicated to
11 our families and the communities in which we live.
12 We do give back to the communities whether it's
13 through a community cleanup day, food drive, blood
14 drive. We do take that responsibility to our
15 community very seriously as well, and, you know, the
16 closing of any of these energy centers would
17 adversely impact the communities in which we live,
18 so I respectfully request that the board grant the
19 variance requested.

20 HEARING OFFICER WEBB: Thank you.

21 Gabriel, I'm going to need
22 help with the last name, R-o-j-k-i-n-d.

23 MR. ROJKIND: Hello. My name is
24 Gabriel Rojkind, and thank you for the opportunity

1 to speak.

2 I'd just like to really
3 quickly give my opinion as to why the IEPA should
4 not allow Ameren variance.

5 I'm obviously not a fan of
6 coal plants but I think it is really important to
7 address and recognize the positive economic impact
8 that Ameren has on the Illinois communities.

9 With that said, however, the
10 point of regulations is that everybody follow them.
11 Otherwise, Illinoisans have to pay with their health
12 for Ameren's financial concerns.

13 Indeed, the Respiratory Health
14 Association estimates that allowing Ameren variance
15 will cause 125 premature deaths. If Ameren cannot
16 afford to protect the people around which it
17 operates, then it should not be allowed to operate.

18 What most concerns me,
19 however, is the precedent that this will create. If
20 granted, this will set a precedent that companies
21 can undermine their commitments, can renegotiate
22 after making deals, and can essentially play games
23 with regulators and the public at large.

24 This may open the floodgates.

1 Variance will be demanded by every other company
2 that has made similar agreements with the IEPA in
3 the past and future because natural gas prices are
4 probably going to stay low for a long time.

5 My last point, whatever
6 progress Ameren and similar companies have made as
7 far as environmental stewardship has been because
8 they had to, because regulations have increasingly
9 continued to progress, and I have no desire to see
10 that rolled back now.

11 So these are only a few of the
12 reasons why Ameren should be held accountable to its
13 obligations, and I have faith that the IEPA will
14 fulfill its role as a regulator and will not set a
15 precedent that cannot be undone.

16 HEARING OFFICER WEBB: Thank you.

17 Robert McFarlen

18 (M-c-F-a-r-l-e-n) from Ameren.

19 MR. McFARLEN: Thank you for your
20 time.

21 My name is Robert McFarlen. I
22 live in Market Heights, Illinois. I'm a proud
23 member of IBEW Local 51. I work at Edwards Station.

24 I'm a father of three young

1 boys, and I care about their health. That is
2 foremost in my thoughts. I care about the
3 environment. I also care about economics.

4 At the plant, we do everything
5 we can every day to make sure that we are trying to
6 work in a responsible manner to keep our customers
7 supplied with power as well as do everything we can
8 for the environment.

9 The good jobs that we have, we
10 provide stability to our suffering local economy,
11 and I humbly ask that you grant AER some time to
12 come in and get the ability to get this equipment
13 installed, and maybe, you never know, technology
14 advances every day, next year they could come out
15 with a cheaper way to take care of these problems.

16 Thank you.

17 HEARING OFFICER WEBB: Thank you.

18 Simon Wiener (W-i-e-n-e-r).

19 MR. WIENER: Hi. Thanks for
20 convening this hearing.

21 My name is Simon Wiener. I'm
22 a concerned citizen of Cook County. Moved to
23 Illinois in 2008, and ever since then I've lived,
24 worked and studied happily on Chicago's south side.

1 Because I believe that clean
2 air is vital to ensuring Illinois residents like
3 myself can continue to enjoy the outdoors without
4 fearing for our environment and our health, I
5 strongly object to Ameren's proposed variance and
6 call for the board to deny it.

7 First, it's unfair that Ameren
8 thinks it should be able to renege on its 2006
9 agreement. Ameren has profited from that deal for
10 years now, and now they want to push back the
11 standards after they were already weakened.

12 I say no. They're playing
13 games with the state and the people of Illinois. I
14 oppose corporate welfare at my expense, and so I
15 call on the board to deny Ameren's variance
16 proposal.

17 Second, Ameren has
18 consistently demonstrated that it's not willing to
19 be forthcoming to Illinois residents about policies.
20 Ostensibly, the variance will somehow improve air
21 quality but why else would the variance be sought if
22 not to be able to keep running old outdated coal
23 plants without having to install expensive pollution
24 control technologies.

1 Moreover, Ameren keeps telling
2 us its business is bad right now, but why is this
3 going to be any different in five years like the
4 variance would have us believe. Perhaps Ameren's
5 business would pick up a little if they invested in
6 really clean energy instead of playing regulatory
7 games with the state and the people of Illinois.

8 Since the variance would allow
9 for an unfair reversal of prior agreements, it would
10 continue the tradition of Ameren's reluctance to
11 deal with Illinois residents openly and would
12 directly result in more toxic chemicals being
13 emitted into the air from the smoke stacks of
14 outdated coal plants.

15 I call on the board to stand
16 with the people of Illinois and deny the variance.

17 Thank you.

18 HEARING OFFICER WEBB: Thank you.

19 Dan Barnett from Ameren;
20 B-a-r-n-e-t-t.

21 MR. BARNETT: Hello. I'm Dan
22 Barnett. I'm an electrician at Ameren Energy
23 Center, member of Local 51 IBEW. I'm a naval
24 veteran.

1 I would call on the board to
2 approve the variance as it will lead to a greater
3 overall reduction in SO₂ over the life of the
4 agreement.

5 Thank you.

6 HEARING OFFICER WEBB: Thank you.

7 Rachel Grannemam
8 (G-r-a-n-n-e-m-a-n).

9 MS. GRANNEMAN: Good afternoon. My
10 name is Rachel Granneman, and I currently both live
11 and work in downtown Chicago.

12 If the Pollution Control Board
13 grants this variance, it will be prioritizing
14 industry interests over the health and well-being of
15 citizens in Illinois and across the Midwest. That's
16 my health and that's the health of everyone here.

17 What's more, Ameren is trying
18 to back out of the deal it made just a few years ago
19 when it agreed to the SO₂ standards currently set
20 for 2015 and 2017 in exchange for the right to
21 comply with less stringent mercury limits in the
22 meantime.

23 Now that Ameren has reaped the
24 benefit of that deal, it doesn't want to uphold its

1 side of the bargain.

2 This variance would mean five
3 more years of unnecessarily high sulfur dioxide
4 emissions at the cost of our health and it's harmful
5 to our environment.

6 As long as our society uses
7 energy, you'll need people to work in the energy
8 sector. You need to stop propping up a dying
9 industry and focus on encouraging clean energy and
10 the creation of jobs in the clean energy industry.

11 Ameren is playing games with
12 the state, and what's at stake is the public's
13 health.

14 Don't let Ameren win. Please
15 deny the variance.

16 HEARING OFFICER WEBB: Thank you.

17 Anthony Robertson from Ameren.

18 MR. ROBERTSON: Thank you to the
19 board. My name is Anthony Robertson. I've been an
20 employee of Ameren for 21 years. I now work at
21 Edwards Station. This is the fourth power plant
22 I've worked at. My original power plant I started
23 at was Grand Tower. It was a coal-fired facility.
24 Now it's an all natural gas.

1 I would like the board to
2 support Ameren's request for a variance
3 continuance/extension, and that's the extent of my
4 comment.

5 Thank you.

6 HEARING OFFICER WEBB: Thank you.

7 Melissa Marks (M-a-r-k-s).

8 MS. MARKS: Hi. Again, I'm Melissa
9 Marks, and I am a resident of Chicago, and I am here
10 today to ask that the board deny the variance
11 because two reasons:

12 One, Ameren should not be
13 allowed to operate an old outdated coal plant
14 without using the available modern pollution control
15 technology.

16 And second, Ameren is
17 misleading its employees by promising job security
18 for an industry that's soon to be obsolete. Ameren
19 is placing these people at risk as well as the
20 citizens of Illinois and the many other states that
21 are affected by the negative outcomes of coal
22 plants.

23 We should instead be focusing
24 on the expansive opportunities that arise for jobs

1 in the green energy industry. As a 23-year-old with
2 over \$150,000 in student loans, I understand the
3 issue of job scarcity, but Ameren is not being
4 honest with its employees about the reality of the
5 coal industry, and the board should deny the
6 variance and allow for great economic opportunity
7 and job development in the cleaning up of the
8 industry that employs so many of us.

9 Thank you.

10 HEARING OFFICER WEBB: Thank you.

11 Mike Killebrew from Ameren;

12 K-i-l-l-e-b-r-e-w.

13 MR. KILLEBREW: Hi. I'm Mike
14 Killebrew. I'd like to thank the Board for the
15 opportunity to speak today. Thank you very much.

16 I'm employed at Edwards
17 Station. I've been there just about a year and a
18 half, and I'd like to speak on the character of the
19 company.

20 I've worked for a number of
21 companies in my lifetime, and quite honestly, this
22 is the most honest company I've ever worked for so I
23 don't feel at all that I've been misled by the
24 company.

1 Speaking to their character,
2 you know, they've always been honest. They've given
3 me a great opportunity. Everybody wants to discuss
4 this dark side that they're hiding a secret.
5 They've always been forward with us. They told us a
6 while ago that there were some things going on and
7 we had to look for it trying to maybe get an
8 extension to keep our company open, Edwards Station.
9 I don't feel misled in any way. The idea that we
10 are being misled is totally incorrect.

11 What we are doing is spending
12 a lot of time and effort trying to get up the
13 pollution controls we do have. I work with a number
14 of instrument techs. That's what I do there, and
15 every day we work with ACI, the SCR, and we work
16 very hard to try to make these emerging sciences
17 that Faith talked about work properly.

18 There's more emerging
19 sciences, correct, but as we all know, new sciences
20 are not always reliable and we're trying to
21 implement these sciences without a very long time
22 frame to prove them out, and sometimes they don't
23 yield what we quite expect from them.

24 I deal with that every day,

1 trying to make a system work to meet the standards
2 that we currently have, and I am worried about us
3 throwing money at new sciences that may once again
4 not prove.

5 I think we need to stick with
6 the long-term scrubber project, and I believe in my
7 heart that Ameren will complete that project if
8 they're granted a variance, so I wish to propose to
9 you that you do extend Ameren the variance.

10 Thank you very much.

11 HEARING OFFICER WEBB: Thank you.

12 Priyanth Manjooran; P-r-i-y-a-n-t-h
13 M-a-n-j-o-o-r-a-n.

14 MR. MANJOORAN: Members of the
15 Board, good afternoon. My name is Priyanth
16 Manjooran, and I live in Hoffman Estates, Illinois.

17 In 2006, Ameren committed to
18 reduce sulfur emissions at its coal backup factories
19 in exchange for the right to postpone installing
20 controls of mercury.

21 While it has saved money, it
22 has been risking the health of everyone in this
23 state and across the region by putting more toxic
24 mercury into the air. Now it wants to delay coming

1 into compliance for five more years. That's not
2 fair to anyone.

3 I know that times are hard and
4 environmental regulations can be a bit of an
5 economic burden. However, there should be a limit
6 as to how much leeway we can give such significant
7 contributors to pollution.

8 Ameren is just going to keep
9 asking for these extra concessions, and if the IPCB
10 concedes to their request, Ameren as well as other
11 coal plant operators hardly have an incentive to
12 make a concerted effort to change.

13 I know that this may affect
14 some workers. Ameren just made a bad gamble with
15 its workers' jobs and with our health by continuing
16 to use a harmful and outdated method of energy
17 generation and pollution control technology that it
18 does now.

19 The regulations at play here
20 were probably developed with economic concerns
21 already in mind. If we fail to enforce the very
22 regulations and protections that were put into place
23 for our benefits, everyone's benefits, those
24 regulations would be useless.

1 I live in this state, and I've
2 been to a variety of areas within this state of
3 varying levels of air quality. I have seen and felt
4 the impact of air quality in my life, those of my
5 friends, and almost everyone I know.

6 Air pollution is a serious
7 issue and not one to delay in the name of
8 convenience. Ameren has had enough time to comply
9 with the states emission limitations.

10 To give it more time would be
11 an unreasonable diminishment of those emission
12 limitations as well as the health of the public. It
13 is time to think about the greater good. I
14 respectfully ask that you deny this variance.

15 Thank you.

16 HEARING OFFICER WEBB: Thank you.

17 Mike Norman.

18 MR. NORMAN: My name is Mike Norman
19 from Peoria, Illinois. I work at Edwards Station.
20 I'm here on behalf of the variance, to support the
21 variance.

22 One thing that has not been
23 mentioned that I've been thinking about all morning
24 is we are still crawling out of the worst depression

1 since the great depression in the United States.
2 Companies all over the United States are struggling
3 to survive. Business models are being rewritten
4 every single day. That has not been mentioned one
5 time.

6 I'm just asking that part of
7 the obligation of the board is to enforce and find
8 balance, and I would ask you to find some balance
9 here.

10 Ameren is not asking to be
11 removed from their obligation. They're asking for
12 some time to gather their resources to move forward
13 to stay compliant, and I'd ask that you consider
14 that.

15 Thank you.

16 HEARING OFFICER WEBB: Thank you.

17 Gloria Fallon (F-a-l-l-o-n).

18 MS. FALLON: Hi. My name is Gloria
19 Fallon. Thank you for giving me the opportunity to
20 speak.

21 I'm coming to you today as a
22 concerned parent, teacher, and citizen of the state.

23 I teach in the Chicago public
24 schools very near one of two coal plants that are in

1 the city, and I teach physical education there, and
2 I have seen the ill effects of the coal plants
3 there. I teach about five classes a day, and I'd
4 say maybe six to seven students in each class have
5 asthma. It's a constant worry of mine.

6 When I have the students
7 running, they all can have problems. A lot of them
8 are overweight because of our eating habits but the
9 combination of these two things hurt students in
10 general, so for this reason, I'm asking that you
11 deny the variance.

12 I also believe that burning of
13 fossil fuels are destroying our planet. Nobody has
14 talked about climate change, at least since I've
15 been here, and I'm extremely concerned about it. We
16 have massive storms that are occurring. We have
17 forest fires that are occurring. This is hitting us
18 hard, and I know there are some tough decisions to
19 be made while we transition from fossil fuels to
20 renewable energy, and people are going to hurt.
21 They're hurting now.

22 We're in one of the worst
23 recessions, and we're trying to get out of it.
24 Frankly, I don't think that's going to happen, and

1 we have some tough decisions to make, and I hope you
2 make the right one.

3 Thanks.

4 HEARING OFFICER WEBB: Thank you.

5 Christopher Lawson. No

6 Christopher Lawson?

7 Lynn Markum (M-a-r-k-u-m).

8 MS. MARKUM: Hello. My name is
9 Lynn Markum. I've been with the utility company or
10 the power plant, Duck Creek station, for 22-1/2
11 years. They talk about all the bad things in here,
12 about pollution and all these things, but we're
13 talking about national averages. We're not talking
14 about Illinois. I think you have to take apples to
15 compare apples.

16 We talk about a date of '06
17 when Ameren was supposed to comply or start doing
18 these things with scrubbers. I can tell you, our
19 facility, they've spent millions and millions of
20 dollars to put in a brand new absorber and stack,
21 precipitators, but it's kinds of like your car. If
22 you are car breaks, down your muffler breaks down,
23 your air conditioning breaks down and your engine
24 breaks down, you have set amount of money, which one

1 do you fix first.

2 And I think with Duck Creek,
3 they sort of took that plan and put the scrubbers on
4 that one intending to keep adding scrubbers
5 throughout the systems, but with financial woes of
6 the economy, I think that kind of got pushed to the
7 wayside.

8 I'm here in support of the
9 variance. I'd like to see my union brothers and
10 sisters and our management people still have a job.

11 We talk a lot about the
12 children. If we lose a few hundred jobs from these
13 plants closing, the Children's Home, Children's
14 Hospital, St. Jude's, Boy Scouts of America, Girl
15 Scouts of America, these are all places that ask for
16 donations, and a lot of us give to these facilities,
17 and we won't be able to anymore, so those are all
18 just different things to think about.

19 Thank you.

20 HEARING OFFICER WEBB: Thank you.

21 Shannon Weigel (W-e-i-g-e-l).

22 MS. WEIGEL: Good afternoon. My
23 name is Shannon Weigel, and I'm a resident of Oak
24 Park, Illinois.

1 Please deny Ameren this
2 variance. Not only does this variance set precedent
3 for other companies to continue to pollute, it also
4 puts the public health at risk.

5 Sulfur dioxide contributes to
6 asthma attacks and chronic pulmonary disease. The
7 Respiratory Health Association estimates that this
8 variance alone would cause 2,000 asthma attacks and
9 125 premature deaths.

10 My youngest sister was
11 diagnosed with asthma when she was less than a year
12 old. When her first asthma attack happened, I was
13 10 years old and it was very terrifying. Seeing her
14 struggle to breathe at such a young age is something
15 that no family should have to experience.

16 Ameren is claiming that its
17 variance will somehow improve air quality, but the
18 bottom line is that it wants to continue running old
19 coal plants for five more years without installing
20 modern polluting control technologies.

21 As a resident of Illinois and
22 as a sister to someone who has asthma, please deny
23 this variance and support clean air.

24 Thank you.

1 HEARING OFFICER WEBB: Thank you.
2 Tom Gannon from Ameren?
3 John Schwegler
4 (-S-c-h-w-e-g-l-e-r)? No John. Okay.
5 Marissa Dampf?
6 Rachel Casey?
7 Shawn Kitchens?
8 Glennon Hoff?
9 Robert Muesenfechter
10 (M-u-e-s-e-n-f-e-c-h-t-e-r)?
11 Michael Fiala (F-i-a-l-a)?
12 Steven Richard?
13 Leonard Hopkins?
14 Scott Ramsey?
15 Kevin Lorgat (L-o-r-g-a-t)?
16 Greg Russell?
17 Sandra Kaptain?
18 Joyce Blumenshine? I know she
19 might be back later this afternoon.
20 Peggy Knoepfle
21 (K-n-o-e-p-f-l-e)?
22 Brian Sander or Sauder?
23 Okay. We got one. Is that
24 S-a-u-d-e-r?

1 MR. SAUDER: That's correct.

2 Thank you. My name is Brian
3 Sauder. I work for Faith in Place, and I'm here to
4 ask the Board to deny the variance for Ameren.

5 Faith in Place is a
6 not-for-profit organization in Illinois. We work
7 with religious congregations. We have a partnership
8 of over 900 congregations in Illinois, many of them
9 in the Chicago area but many of them in Peoria,
10 Champaign, Carbondale, and Bloomington-Normal as
11 well.

12 I stand here as a
13 representative of our partner congregations, and I
14 also stand here as a country boy. Great grandpas on
15 both sides of my family moved to central Illinois to
16 farm, and I grew up on that farm working day-to-day.
17 I bring up this account because I also grew up with
18 asthma. I grew up with asthma, dealing with that
19 and often having to go to the emergency room with my
20 parents.

21 So I guess I stand as a
22 country boy with a seminary degree representative of
23 the 900 congregations of Faith in Place, and I ask
24 the Board to deny this variance for two main

1 reasons.

2 One is for the future health
3 of our generations here in Illinois. This is a step
4 in the right direction to deny this variance and to
5 require the agreement that was come to in 2006 be
6 upheld.

7 Thank you.

8 HEARING OFFICER WEBB: Thank you.

9 Katie Mimnaugh

10 (M-i-m-n-a-u-g-h).

11 MS. MIMNAUGH: Good afternoon. My
12 name is Katie Mimnaugh, and I've lived in Illinois
13 my whole life, in Champaign-Urbana for the past
14 eight years. I'm a member of Prairie Rivers
15 Network, and I'm also a member of Students for
16 Environmental Concerns at the University of Illinois
17 at Urbana-Champaign.

18 I'm here to submit a statement
19 on behalf of Prairie Rivers Network in opposition to
20 the proposed variance for the Ameren Energy
21 Generating Company's Newton Power Station.

22 Prairie Rivers Network is the
23 state affiliate of National Wildlife Federation, a
24 nonprofit organization that strives to protects the

1 rivers, streams and lakes of Illinois and to promote
2 the lasting health and beauty of watershed
3 communities. Much of our work focuses on how
4 environmental policies are implemented and enforced
5 in Illinois in order to protect our environment and
6 ultimately our health.

7 Prairie Rivers Network will be
8 submitting more extensive written comments within
9 the public comment period, but I would like to leave
10 members of the board with the basis for our
11 opposition to this proposed extension.

12 Number one. Petitioners have
13 failed to demonstrate that installing scrubbers is
14 technically infeasible and economically
15 unreasonable. Ameren hasn't even committed to a
16 definite plan to come into compliance with the
17 Multi-Pollutant Standard. Instead, Ameren's plan to
18 finish installing scrubbers is based on a
19 speculative improvement in the market for coal
20 generation. This is not consistent with the
21 guidance for when a variance to an adopted standard
22 is appropriate for approval by the Illinois
23 Pollution Control Board.

24 No. 2. Ameren is not offering

1 what is to prevent every other coal company in
2 Illinois from asking and receiving an extension on
3 installing their pollution controls? Clearly, other
4 utilities in Illinois have been able to install
5 scrubbers according to schedule.

6 No. 5. Finally, the Illinois
7 Pollution Control Board cannot grant a site-specific
8 rule that is inconsistent with federal law. The
9 petition must demonstrate that the board may grant
10 the requested relief consistent with federal law
11 governing the subject of the proposal.

12 Thank you for your
13 consideration of our comments. Prairie Rivers
14 Network hereby urges the Illinois Pollution Control
15 Board to deny Ameren's request for a proposed
16 variance to the Multi-Pollutant Standard at their
17 Newton Power Station.

18 HEARING OFFICER WEBB: Thank you.

19 Vicky Clark?

20 MS. CLARK: Hello. My name is
21 Vicky Clark. I am president of the Economic
22 Development Council for central Illinois. We focus
23 on business retention, expansion and recruitment to
24 the Peoria, Illinois region, specifically, four

1 counties including Peoria, Tazewell, Woodford and
2 Mason.

3 We all understand the value of
4 a healthy environmental ecosystem. One of my jobs
5 is to cultivate a healthy job environment for
6 central Illinois in the Peoria area and thus, the
7 State of Illinois, and like a healthy ecosystem, the
8 job environment must be balanced.

9 I am asking for your
10 consideration to approve this variance because of
11 the 110 jobs at the Edwards plant in Bartonville,
12 jobs that are at risk if this is not approved.
13 These are livable wage jobs that create an
14 additional 450 jobs through spending in our economy.
15 This would mean a loss of over \$124 million annually
16 to our economy.

17 I'm not asking you to change
18 the long-term intentions of these regulations. I am
19 asking for a variance that can help balance the
20 business climate in our region and in Illinois and
21 an opportunity for Illinois to be competitive with
22 neighboring states.

23 We recently had one of the
24 worst recessionary periods in our nation's history.

1 People and businesses are still recovering, but
2 Illinois has a high level of regulations. We are
3 telling businesses to leave and not to come here.

4 Ameren is a valuable employer
5 and investor in our region in our state's economy.
6 Please consider this variance so they can continue
7 their important work.

8 Thank you.

9 HEARING OFFICER WEBB: Thank you.

10 Stephanie Simowski

11 (S-i-m-o-w-s-k-i)?

12 MS. SIMOWSKI: Good afternoon. My
13 name is Stephanie Simowski, and I'm a resident of
14 Cook County, and I'm here today to ask the Board to
15 deny Ameren's request for this variance.

16 Ameren made a deal to reduce
17 their emissions back in 2006, and now they want to
18 break that deal. This isn't fair to people in
19 Illinois, especially the residents located near the
20 plant and plant employees who are exposed to these
21 emissions.

22 In 2012, we have all the
23 necessary technology to move away from dirty coal.
24 I would like to see Illinois continue to move

1 wouldn't have dreamed six or seven years ago that
2 energy prices would be what they are today.

3 Six years ago when Ameren in
4 good faith entered into negotiations regarding the
5 Multi-Pollutant Standard, it was on some assumptions
6 that prices would be at certain rates, and I'm quite
7 sure that they didn't dream that they would be where
8 they are today, 70 percent lower than they were some
9 six years ago, so that obviously is -- I'm trying to
10 refute the fact that it was something deceptive that
11 Ameren has been trying to do.

12 I am concerned about the jobs
13 in our region and not only the jobs that are direct
14 employment at EEI but also contractors and vendors
15 as well. Our jobs are coveted in the area because
16 we're one of a handful or so of high paying
17 employers, and I can tell you as we try to help
18 people that are slated for layoff find jobs, it's
19 not easy. They can't find jobs to replace the ones
20 they have, so I'd hate to think of the impact there
21 would be if Joppa have to close later on.

22 In 2011, and I'm talking about
23 indirect jobs as well, in 2011, there were some
24 150,000 man-hours of building trade/crafts man-hours

1 worked at Joppa. Those workers came from various
2 Illinois towns and places as well as some from out
3 of state as well.

4 Over the last five years,
5 we've averaged spending \$116 million per year with
6 Illinois vendors and suppliers. A large part of
7 that is with the transportation provided for the
8 coal but the rest is with other suppliers of
9 materials and supplies.

10 There was talk about EEI being
11 an old plant. It is, but since the early 1990s, we
12 spent \$200 million upgrading the plant to keep it in
13 good shape. In fact, we had three independent
14 engineering firms come in and assess the plant
15 because we wanted to know should we consider
16 operating it on into the future.

17 All three of those said if you
18 would spend some money here and some money here that
19 you should be able to operate the plant until 2030.

20 So the idea that it's going to
21 close anyway regardless is not a foregone
22 conclusion.

23 I can tell you this. That the
24 chances of it closing what I would call prematurely

1 is much greater if this MPS variance is not extended
2 than it is otherwise.

3 HEARING OFFICER WEBB:

4 Mr. Sheppard, could I ask you to please start
5 summarizing your comments?

6 MR. SHEPPARD: Yes, you can. I'm
7 almost finished.

8 The Joppa area is a wonderful
9 place to live with an abundance of wildlife and
10 eagles and rivers and lakes for people to fish in.
11 We don't see the impact of the emissions from the
12 plant.

13 If Joppa plants are in
14 jeopardy, then so are the futures of other
15 businesses and union craft workers and charitable
16 organizations, and our local educational
17 institutions will also suffer, so I urge you to
18 please consider extending the variance.

19 Thank you.

20 HEARING OFFICER WEBB: Thank you.

21 Marissa Lieberman-Klein
22 (L-i-e-b-e-r-m-a-n - K-l-e-i-n).

23 MS. LIEBERMAN-KLEIN: My name is
24 Marissa Lieberman-Klein, and I'm a Chicago resident.

1 I'm here to ask that the Board
2 deny Ameren this variance.

3 Ameren has known since 2006
4 that it needed to install this pollution control
5 technology, and it is something they should have
6 planned for at the time.

7 If profits have declined over
8 this time due to the market, that should not mean
9 that public health should fall to the wayside. In
10 addition, as other speakers have said there, is no
11 guarantee that if this variance is granted, Ameren
12 will not be back here in five years asking for
13 another one. In fact, if this variance is granted,
14 that would only create a precedent for Ameren to ask
15 for another one and for others to do the same.

16 It is not the job of this
17 board to protect the company's bottom line. Perfect
18 welfare does not guarantee jobs. The market may not
19 be better in five years. Granting this variance
20 does not guarantee job security. Only Ameren can do
21 that.

22 And I think we can all agree
23 that we don't like the idea of people losing their
24 jobs, and I believe that Ameren employees are doing

1 everything they said they're doing so far and are
2 very hard workers but the fact that the coal
3 industry is having problems in this market is a
4 reality that Ameren is not going to escape by asking
5 for this variance. Ameren should not be allowed to
6 operate outdated plants for an extended period of
7 time with no guarantee of an end.

8 I therefore ask you not to
9 grant Ameren this variance.

10 Thank you.

11 HEARING OFFICER WEBB: Thank you.

12 Mike Pullen (P-u-l-l-e-n)?

13 MR. PULLEN: I want to thank you
14 for this opportunity. My name is Mike Pullen. I'm
15 from Metropolis County, Massac County. I left at
16 5:30 this morning to be able to attend this hearing.
17 It's very important to me and my co-workers at
18 Ameren. I work at the Joppa plant as part of the
19 operations group.

20 I want to just briefly say two
21 things.

22 One is we talk about Ameren in
23 here as some evil entity. That's not the case.
24 Ameren and these employees you see out here, we're

1 the people that make the decisions every day on how
2 our plants are operated. We work hard. We do not
3 gamble. We do not fool around. We do not put off
4 our responsibilities. We operate our plants in a
5 safe, environmentally responsible manner. We take
6 our responsibilities very seriously. We comply with
7 the regulations, and we exceed them in most cases.

8 Secondly, I also serve as
9 president of the school board for Massac Unit
10 District 1. As Ms. Ptacek said earlier, we're a
11 rural area. About half of our district revenues
12 come from our local tax body. EEI, a Joppa plant,
13 is one of the major taxing bodies there. We lose
14 that plant, we lose our tax base, we're going to
15 struggle making our education go for our students
16 down there.

17 As we all know, the State of
18 Illinois is cutting back on the revenues they're
19 giving the districts, and we lose these local
20 sources, it's going to be very difficult for our
21 schools as well.

22 Thank you very much. I urge
23 to consider Ameren's request and hope you choose to
24 give them the variance.

1 Thank you.

2 HEARING OFFICER WEBB: Thank you.

3 Amanda Guinn (G-u-i-n-n)?

4 MS. GUINN: Good afternoon. My
5 name is Amanda Guinn, and I live in Chicago in the
6 surrounding areas, and I have for my entire life.

7 As a former customer of
8 Ameren, I am particularly outraged at their lack to
9 consider the public health. Ameren's claim that
10 this variance will benefit air quality is completely
11 incorrect. Studies have shown that sulfur dioxide
12 emissions lead to the formation of a number of other
13 sulfur and oxygen containing compounds. These
14 sulfur oxides penetrate to the sensitive parts of
15 the lungs and have the ability to cause asthma,
16 bronchitis, emphysema and other respiratory
17 illnesses.

18 These emissions are
19 particularly harmful to individuals who already have
20 respiratory problems and other at-risk populations
21 including children and the elderly.

22 My grandfather passed away
23 from emphysema just last year, and I don't want the
24 same fate for my cousins, nieces and nephews. I

1 want them to be able to run around and play outside
2 without paying a visit to the emergency room.

3 Sulfur dioxide emissions are
4 directly connected to an increase in hospital
5 admissions and ER visits. Instead of relieving the
6 hardships of an electric company, we should be
7 focused on relieving the hardships of the American
8 people.

9 I'm not ignorant of the
10 hardships that some Ameren employees might face.
11 They are directly impacted by these actions as well.
12 It is extremely unfortunately that we live in a
13 society where large corporations try to manipulate
14 situations to create their own advantages. Ameren
15 took a gamble with this agreement in hopes that
16 later they would not have to comply, which is
17 particularly why we are all sitting here today.

18 If this variance is granted,
19 how do we know that they will not try for another
20 one in five years?

21 Ameren has not shown any plans
22 or intentions to clean up their act. They have not
23 made investments towards their end of the deal and
24 are now attempting to avoid the consequences.

1 Ameren needs to be honest
2 about this with their own workers. They made a
3 commitment and must be held accountable. The
4 agreement was made clear to Ameren, and I'm not
5 willing to watch another corporation benefit while
6 the needs of the general public gets swept under the
7 rug. The board must not bail them out.

8 If this variance is granted,
9 then what stops their competitors that also agree to
10 these standards for following in their footsteps?
11 After years of benefiting from the MPS, it is time
12 for Ameren to give the people and our environment a
13 chance to benefit.

14 I ask the board that they deny
15 this variance.

16 Thank you.

17 HEARING OFFICER WEBB: Thank you.

18 Anthony Jones?

19 MR. JONES: Thank you for your
20 time. My name is Anthony Jones. I live in Grand
21 Chain, Illinois in Massac County, and I've worked at
22 EEI, the Joppa station, for five years in the
23 maintenance department, and I'm also an officer in
24 Local 148 for the bargaining unit there, and I'm the

1 sole source of income for my household.

2 This is one of the few sources
3 of well-paying union jobs in some of the most low
4 average income and highest unemployment counties in
5 the state, and I believe this variance will help
6 maintain those jobs for a few years to come, and I
7 would like to ask for your support in continuing
8 with the variance.

9 Thank you.

10 HEARING OFFICER WEBB: Thank you.

11 Jeremy Barnhill.

12 MR. BARNHILL: Hi. My name is
13 Jeremy Barnhill. I've worked at EEI for three and a
14 half years, and ever since I have started there,
15 they have worked on what they are doing for the
16 environment, what they are going to change, what
17 they will do, and they're constantly working. I do
18 want to state that for everybody, and it will be a
19 definite loss for the economy, and I want to ask you
20 all to approve the variance for Ameren.

21 Thank you.

22 HEARING OFFICER WEBB: Thank you.

23 At this time, I'd like to ask
24 if anybody would feel like a five or ten-minute

1 break. Everyone okay? Everyone want to keep going?

2 Let's take five which means
3 absolutely promptly at ten.

4 (Recess taken.)

5 HEARING OFFICER WEBB: Let's go
6 back on the record.

7 We still have a couple dozen
8 left to speak, but before we pick up with public
9 comment, we have two board members who have thought
10 of some additional questions they would like to put
11 on the record for Ameren to answer in their
12 post-hearing brief, so I'd like to begin with them.

13 Board Member Zalewski?

14 MEMBER ZALEWSKI: Yeah, a quick
15 question.

16 The AG suggested a shorter two
17 year variance, and I was just wondering if Ameren
18 would comment on the feasibility of the suggestion
19 and the impact on air emissions.

20 MS. CIPRIANO: Absolutely.

21 MEMBER ZALEWSKI: Thank you.

22 MEMBER GLOSSER: I have a question
23 based on Michel Menne's testimony earlier.

24 Several of the public comments

1 referred to the benefit that Ameren has realized by
2 opting into the MPS.

3 Could you please comment and
4 quantify the benefit that Ameren has realized in
5 terms of controls for mercury, NO_x and SO₂? I'm
6 particularly interested in this perceived benefit
7 regarding mercury.

8 Thank you.

9 HEARING OFFICER WEBB: Thank you.

10 That second question was from
11 Board Member Glosser.

12 Okay. We'll go ahead and pick
13 up again with public comment.

14 I'll call John Bower
15 (B-o-w-e-r) from Ameren.

16 MR. BOWER: Thank you. My name is
17 John Bower. I am an employee at Newton Energy
18 Center, and I live near Newton, Illinois. I am in
19 support of the variance for Ameren.

20 When Newton Energy Center was
21 built, my dad and my uncle were part of the
22 construction, and now I am also an employee like I
23 said. I also have an aunt that works for Ameren.

24 My point is that if you deny

1 this variance, it would impact my family.

2 Like I said before, I've
3 worked here for four years, and I have heard
4 comments today that Ameren is doing nothing to
5 comply with emission standards.

6 In the short four years that
7 I've been there, I've seen millions of dollars being
8 invested in activated carbon injection and calcium
9 bromine for mercury emissions, and I've also seen a
10 multi-million dollar scrubber beginning to be
11 installed, so I would disagree with that.

12 Thank you.

13 HEARING OFFICER WEBB: Thank you.

14 I'd like to call, and I can't
15 really read this name very well, the first name is
16 M-a-y-t-e Guerrero.

17 Come on up and you can spell
18 your name for the court reporter.

19 MR. GUERRERO: Good afternoon. My
20 name is Mayte Guerrero.

21 HEARING OFFICER WEBB: Could you
22 spell that, please?

23 MS. GUERRERO: M-a-y-t-e
24 G-u-e-r-r-e-r-o.

1 My name is Mayte Guerrero, and
2 I live in south Chicago my whole life. I am here
3 today because I am concerned about the toxins that
4 are released in the atmosphere due to coal plants.

5 Due to pollution, many of my
6 friends suffer from asthma attacks. I believe that
7 every person in Illinois has the right to breathe
8 clean air. I ask the board to protect everybody's
9 health by denying Ameren's request and prevent more
10 pollution from coal-powered plants in Illinois.

11 Thank you.

12 HEARING OFFICER WEBB: Thank you.

13 Rick Wolford (W-o-l-f-o-r-d)?

14 MR. WOLFORD: Good afternoon. My
15 name is Rick Wolford. I live in Wheeler, Illinois,
16 a small town in Jasper County, Illinois. I work at
17 Newton Power Station. I've been there a little over
18 25 years. I work in the maintenance department
19 there.

20 I'm here today to ask the
21 Board to consider approval of a variance that Ameren
22 has put on the table.

23 One thing I'd like to point
24 out, the average SO₂ emittance under the variance

1 would be less than if the variance wasn't in place.
2 Everybody has talked today about jobs, not only
3 plant jobs but jobs throughout the county,
4 community, in support of Ameren and throughout
5 Illinois. And jobs bring on revenue. We spend that
6 revenue in the county, throughout the state. The
7 taxes that Ameren pays help support the community,
8 the infrastructure, the schools, the libraries,
9 etc., so I'd ask the Board to consider the variance.

10 Thanks for your time.

11 HEARING OFFICER WEBB: Thank you.

12 I'll call Rick Myers.

13 MR. MYERS: My name is Rick Myers
14 (M-y-e-r-s). I'm from Metropolis, Illinois. I work
15 at EEI in Joppa. I've been an employee there, I'm
16 in my 20th year. I'm a graduate of Southern
17 Illinois University in Carbondale, a six-year Navy
18 vet. I have two daughters, one at the University of
19 Illinois-Chicago, one in Edwardsville. They're both
20 intensive care nurses.

21 The job I have has provided me
22 the opportunity to send those girls to school, and I
23 appreciate that. My father-in-law retired from
24 Ameren.

1 I've heard talk in here that
2 we don't have a plan. Well, we did have a plan in
3 2006. That plan was based on certain cash flow
4 studies to allow us to invest capital in scrubbers.

5 Funny thing about those guys
6 that build scrubbers, they want to be paid. We
7 can't afford to pay them right now due to the market
8 prices decline.

9 It's been implied in here that
10 maybe we haven't been in compliance, but to my
11 knowledge, we're in compliance and have been in
12 compliance of all environmental regulations and
13 limits to this point.

14 Finally, this idea of
15 corporate welfare, our government gives wind
16 generators \$22 a megawatt on top of what they earn
17 in the market. If our government gave us \$22 a
18 megawatt in addition to what the market paid us,
19 we'd have had scrubbers in five years ago.

20 I encourage you to support
21 this variance.

22 Thank you.

23 HEARING OFFICER WEBB: Thank you.

24 David Jakubiak?

1 MR. JAKUBIAK. My name is David
2 Jakubiak (-J-a-k-u-b-i-a-k), and I live in
3 Brookfield, Illinois. I appear today as an Illinois
4 taxpayer, as a survivor in the new economy, and as a
5 dad.

6 As an Illinois taxpayer, I
7 need to ask how many more times our state is going
8 to bend the rules for big business while families
9 make sacrifices. Ameren is seeking a waiver they
10 say because complying with the agreement that they
11 made is too expensive. I think we can all
12 understand what this means because we've all made
13 some expensive deals. I bought a house. I bought a
14 car. I went to college. I had children. But I'm
15 working hard because I want to uphold my end of
16 those deals that I've made because that's what
17 citizens do. We uphold our end of the deals that we
18 make.

19 I come to you today as a
20 survivor in the new economy. What I mean by this is
21 that I have seen my industry crash. I went to
22 college and became a journalist. I worked in
23 newspapers. I love newspapers. Just as coal is in
24 your blood, ink runs through mine except I have

1 brilliant timing. I got into the market just as the
2 Internet was taking off, and in my decade plus in
3 newspapers, I saw newsrooms shrink and shrink and
4 shrink, and then my pink slip came.

5 The whole time, we would have
6 executives come in. They'd fly in from San Diego or
7 they'd come in from some island in the South
8 Pacific, and they'd tell us that the Internet is
9 killing newspapers. The Internet is killing
10 newspapers.

11 When you're not employed, you
12 have a lot of time to think about this, and you know
13 what I realized? The Internet didn't kill
14 newspapers. What killed newspapers was the decision
15 to go after short-term profits instead of investing
16 in the infrastructure for long-term liability.

17 We had a tremendous
18 opportunity to seize on the new technologies that
19 were available except they chose to give out big
20 benefits to executives.

21 While I was figuring that out,
22 I got retrained, and I now work in online
23 communications.

24 Finally, I come to you today

1 as a dad. I have two children. I have a 5-year-old
2 son and I have a 16-month-old daughter, and they're
3 growing up in a changing world, and I want to do
4 everything that I can to ensure that the schisms
5 that we face today lead to a better tomorrow.

6 To the board, you have a
7 really difficult decision to make, but here's your
8 choice. Uphold the agreement that was made in 2006
9 or kick the can down the road to another generation.

10 Thank you for your time.

11 HEARING OFFICER WEBB: Thank you.

12 Roger Kerley (K-e-r-l-e-y)?

13 MR. KERLEY: Good evening. My name
14 is Roger Kerley. I work at Joppa at the EEI, and I
15 live at Cypress, Illinois which is 25 miles north of
16 Cairo, Illinois which is on the south end of the
17 state.

18 Anyway, I've been over at EEI
19 now for 24 years, and I'm the chief steward over
20 there in the union of Local 148 of Operating
21 Engineers, and I'm just here to tell you these jobs
22 are real important down there. We don't have a
23 whole lot of employment down there, and they are
24 important. They're important to the community and

1 businesses alike, and I encourage you to support the
2 Ameren request.

3 Thank you.

4 HEARING OFFICER WEBB: Thank you.

5 Bruce Parker?

6 MR. PARKER: Good afternoon. My
7 name is Bruce Parker. I'm a resident of Massac
8 County, Illinois where the Joppa Energy Center is
9 located, and I've been employed at the Joppa Energy
10 Center for 23 years as an engineer there.

11 The Joppa Energy Center has
12 provided an excellent place to work not only for me
13 but for all the employees with an excellent safety
14 record and an excellent environmental record. In
15 fact, I've seen them, you know, we have spent many,
16 many millions of dollars installing mercury control
17 equipment and many millions of dollars every year
18 for mercury control or for activated carbon for
19 mercury control.

20 The Joppa Energy Center has
21 allowed me to put my kids through college and
22 provided medical insurance for me and my family to
23 cover medical issues. The Joppa Energy Center
24 provides millions of dollars in salary to the

1 employees and extending benefits out into the
2 community and paying taxes into the community that
3 supports it.

4 The Massac County where I live
5 has experienced a shutdown and massive layoff of
6 nearly all of the industry in the county. In fact,
7 we've even had layoffs at the Joppa Energy Center.
8 The Massac County or the county board struggles
9 weekly to be able to pay their bills. The shutdown
10 of the Joppa Energy Center would be devastating not
11 only to me and my family as there is no other jobs
12 comparable in our area but also to the community due
13 to loss of tax revenue and general donations.

14 Ameren is only asking to defer
15 the compliance date, not eliminate it, until it can
16 financially afford to install pollution control
17 equipment.

18 I urge the Board to support
19 and grant Ameren's variance request.

20 Thank you for allowing me to
21 speak.

22 HEARING OFFICER WEBB: Thank you.

23 Seth Johnson?

24 MR. JOHNSON: Good afternoon. I

1 first would like to thank the board for holding this
2 hearing. It's starting to get a long one at this
3 point.

4 I'd also like to thank
5 everyone who's gotten up here to testify today. It
6 isn't easy to stand up here.

7 Today there's been a lot of
8 things that have been said, a lot of things have
9 been seen, there's a lot of things that have been
10 unseen. There's a lot of things that are happening
11 in this room and there's a lot of things that are
12 happening around this variance.

13 To me, this is about local
14 people and their health. This is about people
15 around the plants and throughout Illinois. It's not
16 about how much coal China burns. This isn't about
17 CO₂. It's about SO₂.

18 To me, there's no question
19 that workers care about the environment, and they
20 care about public health, and they also deeply care
21 about their communities they live in and that they
22 want to see prosper and benefit.

23 To me, Ameren took a chance on
24 deregulation. With any chance or with any gamble...

1 that word has been thrown out a lot today...you
2 assume the risk as soon as you throw the dice.

3 I think that Ameren needs to
4 be offering up more information about what's
5 happening with the plants, what's being looked at as
6 options, and what is going to be the long-term goal.

7 Workers have come up here to
8 say that they are being told, that Ameren is telling
9 them what's going on. I think that's fantastic. I
10 think that's great. Open communication is key here.
11 I think that there needs to be more of it though.
12 There needs to be more understanding of what's going
13 on.

14 Ameren says that it will
15 complete the scrubbers at Newton if power prices
16 improve, but what happens if power prices stay low.
17 If power prices stay low, is the unfortunate truth
18 that Joppa and Edwards are going to have to close
19 anyway? Is there just shifting of blame happening?

20 I believe it's time for Ameren
21 to come out and tell us more. There needs to be
22 more information.

23 I also believe that this isn't
24 an easy decision. This isn't one that should be

1 taken lightly, and this isn't one that should be
2 left without a public comment. We're here today
3 hearing a lot of public comment. I think it all
4 needs to be weighed in.

5 I believe that Ameren's
6 petition for variance should be denied, but that's
7 just my opinion. There's a lot of opinions being
8 offered today.

9 I thank you again for holding
10 this hearing, and I hope that the Illinois Pollution
11 Control Board looks into everything before they make
12 their decision.

13 Thank you.

14 HEARING OFFICER WEBB: Thank you.

15 Julie Wilke (W-i-l-k-e)?

16 MS. WILKE: Good afternoon. My
17 name is Julie Wilke. I work at Electric Energy in
18 Joppa, Illinois. I'm in Human Resources, and I've
19 been there eight and a half years. I do live in
20 southern Illinois, and I have kids who attend
21 Joppa-Maple Grove School District.

22 If this extension was not
23 granted and the decision was made to close the
24 plant, it would have a major impact on my family.

1 EEI is a great company. It
2 offers good benefits, good wages, and EEI truly
3 cares about their employees, the employees'
4 families, the community, and it's not the type of
5 job that just comes along on an everyday basis, so
6 to try to find another job in our area that's even
7 remotely comparable, it's going to be a very hard
8 thing to do, if possible at all.

9 EEI is very well respected in
10 our community. It's a good corporate citizen. We
11 give a lot of money to various organizations in the
12 area. One of our largest organizations that we
13 support is the Telethon of Stars who supports
14 children and adults who have special needs or
15 physical therapy needs, occupational therapy, that
16 kind of stuff, and as a mother of a child with
17 special needs, I would hate to think that those
18 services would go away or be decreased as a result
19 of lower contributions.

20 The list goes on and on of
21 ways that EEI supports our community. We give
22 scholarships to the local community. We assist our
23 schools. It would be devastating for our local
24 economy and our community if the decision was made

1 to close EEI. Therefore, I would ask that you
2 please consider granting this request.

3 Thank you.

4 HEARING OFFICER WEBB: Thank you.

5 Andy Todd?

6 MR. TODD: Thank you for having us.
7 My name is Andy Todd. I'm an instrument control
8 tech at Electric Energy in Joppa, have been for ten
9 years, a member of the Operating Engineers Local
10 148. I'm in support of the variance.

11 I'm a father of an 11-year-old
12 that enjoys baseball, 4-H, shooting sports. All
13 this is supported by EEI. A lot of these programs
14 couldn't be supported if it weren't for EEI.

15 Like Julie said, there's
16 several donations made from the plant and the
17 employees of the plant to just about every...Relay
18 For Life, United Way. There's too many to list.

19 Anyway, much of the economy is
20 also dependent on coal and coal-fired plants, and
21 this decision, it's very important. So what I say
22 is please let this variance give time to improve SO₂
23 and NO_x emissions, not create more problems
24 financially I guess.

1 I think it's been stated
2 already...

3 HEARING OFFICER WEBB: Mr. Todd
4 could you speak into microphone, please?

5 MR. TODD: I think it's been stated
6 already that we work very hard to keep the
7 environment clean. I'm proud to work for a company
8 that does that, and I truly believe that we do.

9 I think, and I've been told
10 and I believe this, that this variance would create
11 a net reduction of emissions over the time that this
12 variance is going to be allowed.

13 We all want to reduce
14 emissions, and let's do it in a way that doesn't
15 adversely affect all of us.

16 That's all I have. Thank you.

17 HEARING OFFICER WEBB: Thank you.

18 Charles Henderson?

19 MR. HENDERSON: Good afternoon,
20 ladies and gentlemen. My name is Charles Henderson.
21 I work for EEI, Joppa, down in southern Illinois.
22 I've been there for 20 years. I work in the fuel
23 processing department, and this job has allowed me
24 to put three girls through school, has helped the

1 community. It would be a great loss not only to me
2 but to a whole bunch of people in southern Illinois
3 and the community if this didn't pass.

4 I thank you, and have a nice
5 day.

6 HEARING OFFICER WEBB: Thank you.

7 Allison Fisher?

8 MS. FISHER: Good afternoon. My
9 name is Allison Fisher. I'm a resident of Illinois,
10 and I currently reside in Chicago, and thank you
11 guys so much. I know this is a really long day and
12 thanks so much for listening to everybody's stories
13 and testimonies. It's so important that we have
14 public processes like this one.

15 I'm actually going to read a
16 letter from Mary Ellen DeClue who couldn't be here
17 today. She lives in Litchfield, Illinois, and she
18 has some medical issues so she couldn't attend.
19 I'm going to read her testimony.

20 Thank you for allowing
21 citizens to express their concerns regarding this
22 issue today in Springfield. Due to medical issues,
23 I cannot attend this important meeting but I've
24 prepared a statement.

1 I've attended several public
2 hearings regarding requests by Ameren for exemptions
3 and variances from environmental oversight. My
4 concern is that Ameren does not fully accept the
5 harm to health and to the environment that is caused
6 by coal emissions and coal ash. Compliance happens
7 because of required pollution controls and a
8 required time schedule. Please do not allow a time
9 delay for scrubbers installation with the thought
10 that if delayed it would only trivialize the
11 importance of lower emissions.

12 Ameren's focus is on the
13 financial aspects of providing electricity, not the
14 promotion of health in communities. This is
15 reflected in business articles that discuss
16 rationale for why Ameren has delayed pollution
17 upgrades.

18 Ameren in the past has
19 explained that failing to upgrade pollution
20 equipment is not due to financial viability but
21 rather it wanted to step back to see how financial
22 markets played out. There was encouragement for
23 investors to continue investing in Ameren who will
24 continue to make money for them.

1 At a hearing in Coffeen,
2 Illinois regarding Ameren's request for a variance
3 to allow higher temperature ranges in its cooling
4 lake, a citizen asked what happened to the posted
5 signs that warned of eliminating consumption of fish
6 due to mercury content. There are scheduled fishing
7 tournaments and recreational events, but there is
8 little visible evidence that water quality is a
9 health concern to Ameren.

10 How to handle coal ash and
11 contaminated water from coal ash have major issues
12 that establish the dichotomy of a community versus
13 corporation. One faction finds toxic chemicals in
14 air and water, and the other results that no
15 violations have happened and no harm done. Even
16 investors are questioning Ameren's environmental
17 policies and discouraged with Ameren's lack of
18 transparency.

19 Please enforce and continue to
20 adhere to the highest standards for all. Ameren
21 will abide by the regulatory regulations if it's not
22 given an option.

23 And I just wanted to say thank
24 you so much for everything you're doing here today,

1 and I hope that you will consider public health and
2 everyone's right to breathe clean air and have a
3 wonderful quality of life in making your decision,
4 and I urge you to deny the variance request.

5 HEARING OFFICER WEBB: Thank you.

6 Larry Millspaugh

7 (M-i-l-l-s-p-a-u-g-h)?

8 MR. MILLSPAUGH: Hello. My name is
9 Larry Millspaugh. I work at Newton Energy Center,
10 and I live just a few miles south of there. I've
11 worked out there 28 years. It's been my life
12 basically. It's let me raise my kids, put the kids
13 through school. It lets me provide for me and my
14 wife.

15 If we don't get this variance,
16 we have the potential to affect many of the lives in
17 Jasper County as well as in Massac and up at the
18 Edwards Station. All the plants in Illinois, we
19 utilize a lot of vendors in Illinois. We use a lot
20 of organized labor, and, you know, this is not just
21 a small reaching thing. It will affect the local
22 economy by the reduction in taxes, donations, ties
23 to churches, different things.

24 As far as, you know, our not

1 being good environmental stewards, that's not true.
2 We've spent millions of dollars on our activated
3 carbon to capture mercury, and we've spent millions
4 of dollars a year for safety for our employees.

5 We just went one year without
6 a reportable accident at our station. That's not
7 easy. We have a lot of moving equipment out there
8 and everything. It's easy to get hurt if you don't
9 keep ahead of everything.

10 We upgrade our steam
11 efficiency all the time so we can burn less coal to
12 produce that electricity, and I'd like to
13 respectfully ask you to take this into consideration
14 and approve this variance.

15 HEARING OFFICER WEBB: Thank you.

16 Deborah Goodwin?

17 MS. GOODWIN: Good afternoon.

18 Thank you so much for giving us an opportunity to
19 speak today.

20 I'm Deborah Goodwin. I work
21 at the Newton Energy Center. I've been an Ameren
22 employee for 22 years. 21 years I worked at the
23 Hudsonville Power Plant that closed its doors
24 December 31st of 2011, and I must say that was a

1 life changing event for many people after all those
2 years. There were 40 people there, and we worked
3 very hard to keep the plant running within every
4 environmental restraint, but the economic downturn
5 was difficult for us.

6 I'm very grateful to be an
7 employee of Ameren. If it weren't for Ameren, my
8 livelihood would be much different. My biggest
9 concern is the young generation of workforce. At
10 the Newton plant, we have 141 employees. 106 are
11 under the age of 55, so if the variance was not
12 passed or approved, those people would be, you know,
13 vulnerable to like the displaced workers of
14 Illinois, and we don't need any more of that.

15 Like I say, I thank you. I
16 appreciate everybody's comments today, and I hope
17 and urge that you will give Ameren, give us time.

18 The economy will come back,
19 and I think it will be with a vengeance, and we need
20 to be ready for that.

21 So thank you very much, and
22 you have a difficult decision. Thank you.

23 HEARING OFFICER WEBB: Thank you.

24 Tab Walker?

1 MR. WALKER: I'll just leave this
2 here. It gives us a little information about our
3 place.

4 MS. ROCCAFORTE: Thank you.

5 MR. WALKER: My name is Tab Walker.

6 I probably have a little
7 different testimony than anybody else in this room.
8 I'm not an Ameren employee. Don't have anything
9 against anybody else in here either. I'm an
10 independent business owner that built a fishing and
11 hunting lodge with the Newton Ameren plant right in
12 my backyard. I've lived there pretty much my entire
13 life, and I know I could go on and talk about all
14 the economic things for the community and all that
15 sort of thing but I know a hundred other people are
16 going to do that same thing so I'm going to
17 primarily just talk about what it means to me.

18 For these guys, it's a job.
19 For me, it's my entire existence. I built this
20 lodge with basically every penny I had on earth
21 eight years ago. The reason why I did it was
22 because the Ameren Energy Plant warms this water all
23 year long, and it made for one of the best bass
24 fisheries in the country. I know that sounds like a

1 byproduct but you guys are doing good over there.

2 Because of that, over eight
3 years time, we've become more successful all the
4 time. We've done 43 television shows with all the
5 biggest fishing names in the country. We have
6 thousands of people from other states that visit our
7 facility.

8 We have busy times. With the
9 fishing season, it's busier sometimes more than
10 others, and actually right now during our slow
11 season, contractors from Ameren are staying with us.
12 In fact, we have six guest cabins and five of them
13 are filled with Ameren contractors right now, so I
14 don't think I need to tell you how that affects our
15 economy. It's pretty obvious.

16 If the Ameren plant were to
17 leave at any point in time in the near future, you
18 know, these guys are talking about losing their job,
19 I'd lose every penny I had in the world, so if that
20 gives you some indication of how important it is to
21 me, and again, I'm as impartial as anybody in this
22 room. I don't work there.

23 I took an electric car for a
24 drive a week or two ago, but guess what, even if I

1 got that, these guys right here would have to make
2 more electricity for me to drive that thing.

3 HEARING OFFICER WEBB: Patty Rykhus
4 (R-y-k-h-u-s)?

5 MS. RYKHUS: Hi. I'm Patty Rykhus,
6 and I live in rural Taylorville, Illinois, and I'm
7 speaking here today as a private citizen. I'm a
8 retired immunohistochemist and also a business and
9 systems analyst.

10 I want to thank the board for
11 offering me the opportunity to speak today.

12 I hadn't planned on speaking
13 today. I researched and just thought I was going to
14 sit in the back row and just kind of listen to
15 everybody's opinions, but the longer I sat back
16 there and listened, it just became apparent to me
17 that this situation was foreseeable. The company
18 chose to be here today at this time, and I feel
19 they're taking a calculated risk.

20 There's no question that the
21 company needs to make capital investments and
22 improvements period. I think that's pretty much
23 nonnegotiable. Also, it appears to me that they
24 needed to take significant steps over six years ago

1 to move their company forward.

2 I know the variables in the
3 market affect them. However, the choices they made
4 showed that they actually let that steer their
5 decisions.

6 The whole situation reminds me
7 of my boys when they were young adolescents. I was
8 awoken by them one morning, early hours, about
9 4:30 a.m. to have my oldest one who was 11 at the
10 time tell me that he needed two dozen chocolate chip
11 cookies homemade. And I said, okay, when? He goes
12 today. I asked him how long ago he'd committed to
13 me making these cookies, and he said, oh, a couple
14 weeks ago.

15 Well, to make a long story
16 short, the Cub Scouts did not get homemade chocolate
17 chip cookies that day. I ended up getting both boys
18 up. We went to a 24-hour store. We purchased store
19 bought cookies, and I accompanied my boys to their
20 Cub Scout meeting after school and after I got off
21 work and had them explain to the Cub Scouts why they
22 didn't get their homemade cookies, that the boys had
23 forgotten to inform me and at the last minute we did
24 our plan B.

1 Not only did we do plan B but
2 our plan C was I had both of my boys join me in the
3 kitchen later. We made three different kinds of
4 cookie doughs, froze them in little balls, put them
5 in containers in the freezer.

6 What does this have to do with
7 Ameren? Well, I think there has to be some
8 consequences to some poor decisions, and I asked the
9 board to make sure that happens.

10 You may ask how does this
11 affect me. Living in Taylorville, I am downwind of
12 Dominion and the City Water Light and Power. The
13 precedent of allowing yet another extension to
14 Ameren could have a very direct impact on my air
15 quality too as well as everybody else in the state.

16 I think it's time for Ameren
17 to compete on a level playing field with other
18 electrical suppliers in the state and that an
19 extension to Ameren sends a very poor precedent.

20 Mercury, SO₂...

21 HEARING OFFICER WEBB: Ma'am, could
22 you begin wrapping up?

23 MS. RYKHUS: ...levels in our air
24 should not be negotiable.

1 HEARING OFFICER WEBB: Thank you,
2 ma'am.

3 Gary Washburn?

4 MR. WASHBURN: My name is Gary
5 Washburn. I live in Effingham. I work for the
6 Newton Energy Center. I've had the privilege to
7 work there 32 healthy years, and we have some of the
8 best fishing in the State of Illinois.

9 I've been setting back there
10 trying to think what am I going to say when I get up
11 there, but Ameren means a whole lot to me. I have
12 raised five children. I have one now attending
13 DePauw University. He's an assistant professor at
14 the University of Illinois-Chicago. He's not there
15 because I wasn't doing anything. He's there because
16 I was working for Ameren.

17 Ameren means a lot to my
18 family. It means a lot to the community, and I hope
19 that you support the variance.

20 Thank you.

21 HEARING OFFICER WEBB: Thank you.

22 Ed Worthey (W-o-r-t-h-e-y)?

23 MR. WORTHEY: My name is Ed
24 Worthey. I work for Ameren at Newton, Illinois, and

1 I just want to say that I am for this variance.

2 I have a daughter that I put
3 through school, and she's the principal there at the
4 grade school, and I also have a son-in-law that
5 works for the high school.

6 When this news come out that
7 Ameren may shut their doors, first thing they did,
8 they called me and said dad, do you know what kind
9 of impact in Jasper County this will have? Yes,
10 Amy, I know.

11 So this could impact
12 everything in Jasper County, all surrounding
13 counties. Please think about the variance.

14 Thank you.

15 HEARING OFFICER WEBB: Thank you.

16 Andy Bloemer (B-l-o-e-m-e-r)?

17 MR. BLOEMER: Good afternoon. My
18 name is Andy Bloemer. I work for the Newton Energy
19 Center. I've been there for almost four years now.
20 I'm a mechanical engineer there.

21 As far as an engineer goes,
22 I'm just getting my feet wet as far as getting into
23 some of the technologies we have there.

24 The comments have been made

1 that we haven't done anything since 2006. We put a
2 scrubber on two of our Coffeen units. We put a
3 scrubber on Duck Creek unit. We're currently
4 working on the one for our two Newton units. We're
5 just asking for more time to get there.

6 The economy has changed since
7 then. We've had a plan. We did have calculated
8 risk, and we were working toward that plan and the
9 economy went in the tank. We carried through to
10 last year finishing up our scrubbers, and here it's
11 2012, four years after the economic crash, and now
12 we're to where we have to ask for help and hope that
13 we can approve the variance to get us to the other
14 side.

15 HEARING OFFICER WEBB: Christine
16 Nannicelli (N-a-n-n-i-c-e-l-l-i-)?

17 MS. NANNICELLI: Good afternoon.
18 Thank you for the chance to speak today.

19 My name is Christine
20 Nannicelli. I'm an Illinois resident, and I'm with
21 the Sierra Club which is the largest grassroots
22 environmental organization in the nation.

23 I'm here very simply today to
24 represent the 2,124 Illinois residents who are

1 submitting public comments to the board asking that
2 you reject Ameren's petition for a variance.

3 Let me just read you a quick
4 sample of what the comments look like.

5 In 2006, Illinois made history
6 by passing a leading air pollution reduction
7 standard. The original agreement included new clean
8 air standards for mercury, sulfur dioxide and
9 nitrous dioxide which create acid rain and smog as
10 well as many health-related problems.

11 Ameren committed to a schedule
12 for reducing its SO₂ and NO_x pollution in return for
13 more time to make its mercury pollution reductions.

14 The state upheld its side of
15 the deal but now Ameren is trying to solve cleaning
16 up its coal plants like it promised to.

17 Please reject the company's
18 request for a variance and hold the company to the
19 standard passed in 2006. The agreement to reduce
20 air pollution is vital in protecting public health
21 and the environment throughout Illinois and the
22 Midwest. This is critical for my health, our
23 environment and the Midwest future.

24 Thank you. And again this is

1 on behalf of 2,124 Illinois residents from all over
2 the State of Illinois.

3 Thank you.

4 HEARING OFFICER WEBB: Thank you.

5 Chris either Hankins or
6 Hawkins?

7 Hang on a second. I'm sorry.

8 Christine, did you just drop
9 this off?

10 MS. NANNICELLI: I did.

11 HEARING OFFICER WEBB: Okay. I
12 need to either -- well, just see me at a break,
13 okay, and I'll discuss what I need.

14 MS. NANNICELLI: We're going to
15 submit some in Chicago as well.

16 HEARING OFFICER WEBB: Are you
17 going to file it with the clerk of the Board?

18 MS. NANNICELLI: Absolutely.

19 HEARING OFFICER WEBB: Okay. So
20 this is just a copy so I don't need to do anything
21 with this. I'm going to write copy on it.

22 Is it Hawkins or Hankins.

23 MR. HANKINS: Hankins

24 (H-a-n-k-i-n-s).

1 HEARING OFFICER WEBB: Hankins.

2 Okay. Chris Hankins.

3 MR. HANKINS: My name is Chris
4 Hankins. I live in Newton, work at the Newton Power
5 Station as a fuel handling operator.

6 I've been with the company
7 three and a half years. I've got about 30 more to
8 go. I'm hoping that you will consider this. I do
9 stand with Ameren on this of course. I want to
10 continue my career and maybe get to retirement.

11 Thank you.

12 HEARING OFFICER WEBB: Thank you.

13 Gerod Briggs; G-e-r-o-d.

14 Briggs is B-r-i-g-g-s.

15 MR. BRIGGS: My name is Gerod
16 Briggs. I work at the Newton Power Station.
17 Previously worked at the Hudsonville Power Station.
18 It closed. That gave me an opportunity to go to
19 Newton, and now we're hearing this, so I would
20 really appreciate if you would consider giving them
21 their variance.

22 Thank you.

23 HEARING OFFICER WEBB: Thank you.

24 John Marschewski

1 (M-a-r-s-c-h-e-w-s-k-i)?

2 MR. MARSCHEWSKI: Hi. My name is
3 John Marschewski. I live in Effingham, Illinois,
4 and I worked at the Newton Energy Center for five
5 years. I'm in the electrical department, and I
6 moved to central Illinois specifically for that job.

7 I'm here to show my support
8 for Ameren's request for a variance mainly due to
9 the potential economic impact not only to myself but
10 to my family and to the entire area of Newton,
11 Effingham, the whole three- or four-county area.
12 That's the main reason I'm here.

13 I just want to make a couple
14 comments about things that have been said because
15 I'm not going to say anything new that you haven't
16 already heard so I do appreciate you letting me
17 speak at least.

18 I would comment on the fact
19 that Ameren has done more than nothing. I live it
20 every day. I've worked on the equipment that's been
21 put in in the five years. I've been there for
22 activated carbon, calcium bromide, not to mention
23 the precipitators that remove particles from our
24 effluent. I'm constantly working on that and

1 developing ways to make it better and keep it on
2 line.

3 The only other comment I would
4 make is I'm for green energy just as much as anyone
5 else, but what everybody has to realize is it's not
6 free. It does take money to create the green
7 energy, and with the economy the way it's been,
8 that's why we're in the situation we're in where
9 this variance is being requested, so I would
10 appreciate your consideration.

11 Thank you.

12 HEARING OFFICER WEBB: Thank you.

13 Travis Blake?

14 MR. BLAKE: Hi. My name is Travis
15 Blake, and I live in the Newton area. I've been
16 employed at the Newton Power Station for eight years
17 as a certified welder, and I'd like to ask you to
18 support this variance for Ameren.

19 Thank you.

20 HEARING OFFICER WEBB: Thank you.

21 Roland Chapman?

22 MR. CHAPMAN: Hi. I'm Roland
23 Chapman. I work at the Newton Power Station, have
24 for five years, repairman, and I just live north of

1 Newton, and if this power plant would close, it
2 would be devastating for the school system, the
3 community, and for the small businesses.

4 Thank you.

5 HEARING OFFICER WEBB: Thank you.

6 Kenny Johnson?

7 MR. JOHNSON: Hello. My name is
8 Kenny Johnson. I'm also from the Newton Power
9 Plant. Been there about 12 years; with the company
10 about 17.

11 You know, I've heard a lot of
12 people talking here, I've heard a lot of opinions,
13 and I guess some of the stuff is just what I think
14 or what this person said. You know, power plants
15 isn't who's doing everything. We've got a lot of
16 cars in the cities. You know, some people are from
17 Chicago. You know, that hurts. That hurts. We've
18 got a lot of pollution from other things other than
19 power plants. I mean, I hope the board looks at
20 this, and sees that this is not the only thing
21 that's hurting the air. It's not. It's just a
22 small, small portion of it.

23 So, you know, it's going to
24 affect our life, our families, and I wish you would

1 support Ameren in their variance and help us out
2 here.

3 Thank you.

4 HEARING OFFICER WEBB: Thank you.

5 Twyla Harvey?

6 MS. HARVEY: My name is Twyla
7 Harvey, and I work at the Newton Power Station, and
8 I've been there for 32 years, and during that time,
9 I've raised a family and I've put my daughter
10 through school. She's a PA in Aurora in cardiology,
11 and I have a grandson now, and as employees at
12 Newton Power Station and the other Ameren plants, we
13 do care about clean air and what's going on in and
14 around our counties.

15 For Jasper County, it would be
16 devastating. Our plant pays 50 percent of the
17 property taxes that are paid in Jasper County, and
18 it would devastate the schools. Over half of our
19 taxes go just to support the Jasper County schools.

20 So I ask the board to please
21 consider granting the variance.

22 Thank you.

23 HEARING OFFICER WEBB: Thank you.

24 Paul Hardiek (H-a-r-d-i-e-k)?

1 MR. HARDIEK: Thank you.

2 My name is Paul Hardiek. I
3 work at the Newton Energy Center. I'm production
4 superintendent there, and I've worked there for 15
5 years and very proud to work there, very proud of
6 our environmental stewardship and economic
7 development we've done in that area from the time
8 I've been there.

9 I'm a professional engineer as
10 well. I went to school to solve problems, look at
11 big pictures. I see a lot of narrow-mindedness in
12 this room, and the big picture is jobs and
13 environment, and we're supporting a solution to
14 that, and I ask the board for that support.

15 Thank you.

16 HEARING OFFICER WEBB: Roger Bass?

17 MR. BASS: Hi. My name is Roger
18 Bass. I've been at Newton Power Station now for 36
19 years including part of the construction of that
20 plant. When you talk about the old outdated power
21 plants, that's me because I've been there since it
22 was built.

23 You know, there's been a lot
24 said that Ameren hasn't done much for the

1 room uses it. Green energy, it's the wave of the
2 future. Somewhere in between, we've got a big
3 transition of years, and, you know, the bottom line
4 is coal is still the most abundant source of fuel
5 that we have for our electricity created right now,
6 so the question is or the trick is how can we burn
7 it cleanly.

8 Ameren has been a good steward
9 in the 32 years that I've been working there. They
10 have spent millions upon millions of dollars
11 investing in state of the art equipment to help
12 bring down the pollution, so I ask the board to
13 grant Ameren's variance.

14 Thank you.

15 HEARING OFFICER WEBB: Thank you.

16 Art Meyer?

17 MR. MEYER: Hi. My name is Art
18 Meyer, and when we look at the variance to grant it
19 or not to grant it, I would like to point out that
20 when we look at possible deaths from air pollution
21 that economists estimate the value of a human life
22 somewhere between two and ten million dollars. That
23 sounds cold-hearted but economists would use that in
24 any type of calculation, and you're trying to do a

1 cost benefit type analysis on granting this
2 variance.

3 I heard everybody is cognizant
4 of the fact that mercury is a neurotoxin, and sulfur
5 dioxide causes health problems, so I would just ask
6 you to enter that into, if you're doing any kind of
7 cost benefit analysis, to make sure that you enter
8 that in, the value of human life.

9 The other brief points that I
10 want to make would be that I don't want to see a
11 race to the bottom. It was mentioned here that we
12 could ignore -- that there's a tradeoff between
13 regulation and job. Well, where do you draw the
14 line. If you deregulate in Illinois or you grant
15 variances, then in order to bring jobs, keep them
16 from going to another state, then if that state then
17 retaliates with also granting a variance, then
18 you've got a race to the bottom, and that's what
19 happened with the banks and the financial fiasco
20 that we had with the financial crisis. It was a
21 race to find the most lax regulator that they could.
22 So I don't want to see a race to the bottom.

23 It was mentioned that in the
24 great recession, sales were down; therefore,

1 corporations were hurting. I think it is a fact
2 there that even though their sales were down, their
3 profits were up at the same time. That's a matter
4 of public record. Anybody can check that.

5 I'm against granting the
6 variance. I just don't think that the benefits of
7 granting the variance outweigh the cost. I think
8 the costs outweigh the benefits because how precious
9 human life is.

10 HEARING OFFICER WEBB: Thank you.

11 Lindell Wenthe; L-i-n-d-e-l-l
12 W-e-n-t-h-e.

13 MR. WENTHE: Lindell Wenthe.

14 I'm a lifelong resident of
15 Effingham County, Jasper County. I started at
16 Newton Energy Center 34 years ago. I live about
17 four miles from the plant. I think I live in God's
18 country. Now, that's opinion.

19 As an engineer, I like to let
20 the data speak for itself. I've worked there 34
21 years. Each and every year, Newton Energy Center
22 has met or exceeded all emission standards.

23 AER is a great environmental
24 steward. AER spent over a billion dollars for

1 emissions controls. Newton Energy Center has spent
2 hundreds of millions of dollars on our scrubbers.
3 AER could not have forecast the steep decline of
4 market prices we've seen over the last couple of
5 years.

6 Please grant this variance.

7 HEARING OFFICER WEBB: Thank you.

8 J. D. Weaver?

9 MR. WEAVER: Chairman, ladies and
10 gentlemen of the Pollution Control Board, thank you
11 for giving us this opportunity to present today.

12 You know, coming up here
13 today...first of all, my name is J. D. Weaver. I
14 work at the Ameren facility in Duck Creek. Prior to
15 that, I worked at the Dynegy plant in Havana,
16 Illinois. In '94 I was laid off from there due to
17 the economic conditions shutting units 1 through 5
18 down. Six years later, I was fortunate enough to be
19 employed with Ameren and have worked there for 12
20 years.

21 Coming up here today, I didn't
22 really think -- I'm not really a person to do public
23 speaking but I thought I'd probably be remiss if I
24 didn't give my 5-year-old boy a chance to say I did

1 everything I could to remain gainfully employed, and
2 in doing that, I didn't really want to come up here
3 with an "us versus them" mentality, but coming at
4 the decision upon us from a team approach, at
5 Ameren, we use the TEAM concept and use the acronym
6 TEAM as "Together, everyone achieves more," and in
7 doing so, I wanted to try to put together maybe a
8 common theme or some type of analogy that most
9 people in this room can relate to or will relate to
10 in their lives, and that is, all of us at some time
11 will get a job or have a job and when they go out,
12 they find their house of their dreams, whether it be
13 in the city, a farm. They go to the bank. They
14 borrow the money to help finance that dream, the
15 American dream, and in doing so, they build, they
16 upgrade, they fix up their house to make it the
17 prettiest house on the block, the prettiest farm,
18 the most productive farm, but sometimes there's
19 circumstances that come about that are out of
20 people's control. The person may be in an accident.
21 That's not their fault. A person may get a
22 debilitating illness and a person may lose their job
23 because their company moves, all of which are
24 circumstances that they could not foresee or was out

1 of their control.

2 If that happened to that
3 person, they would do the prudent thing. They would
4 go to the bank, to the loan officer, and they would
5 try to restructure that loan, that debt obligation
6 that they agreed to in order not to affect their
7 credit rating, to do what's right, to do what you
8 would do with integrity.

9 From a banker's standpoint,
10 they would try to work with that person and try to
11 maybe restructure the loan, try to work with him on
12 his payments because they don't want that house in
13 an economy which they wouldn't be able to sell. So
14 in that case, working together was a win-win
15 approach.

16 This is really not about home
17 ownership. It's really about the situation we have
18 at Ameren. At Ameren in our coal-fired facilities,
19 we build our houses in Canton, Illinois, Duck Creek,
20 Bartonville, E. D. Edwards, Newton, Coffeen and
21 Joppa. We've upgraded those facilities. We've
22 built that house. We've made it the best we can
23 make it by spending over a billion dollars.

24 HEARING OFFICER WEBB: Sir, could

1 you maybe summarize?

2 MR. WEAVER: Exactly.

3 In doing that, we're not
4 trying to -- we've done our part. We've tried to
5 meet our obligations, and we're not skirting the
6 issues. We know our environmental obligation.
7 We're trying to achieve it, and for the people of
8 the board, we're just asking you to be the banker;
9 to just give us the time so that the market can
10 recover so the power prices that we're facing can
11 get the cash flow to where we can afford to finish
12 the scrubbers.

13 Thanks for your time and God
14 bless.

15 HEARING OFFICER WEBB: Thank you.

16 Brad Beisner (B-e-i-s-n-e-r)?

17 MR. BEISNER: My name is Brad
18 Beisner. I live in Robinson, Illinois. I work at
19 the Newton Power Station. I've worked for Ameren
20 about 13 years. I worked at their Grand Tower Power
21 Plant, their Hudsonville Power Plant, and their
22 Newton Power Plant for about the last ten and a half
23 years.

24 I've heard a lot of statements

1 today on varying opinions. I've got to agree with
2 one individually. This is a very big picture. It's
3 kind of a tangled web of a lot of different views,
4 but you guys have a really big decision to make, and
5 I hope that you at least consider the variance
6 simply for the fact of this is a company that has
7 spent since 2006 over a billion dollars to do this,
8 but you can't squeeze blood from a turnip. If they
9 don't have the money, they don't have the money.

10 That's kind of a hard thing
11 for me to say because I am the chairman of that unit
12 which is represented by IBEW Local 702 out of West
13 Frankfort, Illinois, so you don't ever want to say
14 that, well, I agree with these guys that they
15 probably don't have the money. They've already told
16 you they've already spent over \$230 million at
17 Newton alone.

18 They're not asking you to
19 suspend it indefinitely; a variance of five years.
20 If you don't like the five years, suggest something
21 else. Suggest three, two, something.

22 You've got to find a
23 compromise somewhere because if you hold a hard
24 stance and they hold a hard stance, you could be in

1 a worse position, the state, the local communities
2 affected by these three power plants, in a worse
3 position than what you started if the plant is shut
4 down. Somebody made the comment earlier, you're
5 still going to get the electricity but it won't be
6 from Illinois, so you can have the strictest
7 standards you want and strive for excellence and if
8 you shut the companies down, there's going to be a
9 company in a different state that doesn't have this
10 standard.

11 So I ask that you consider the
12 variance strongly and approve it.

13 Thank you.

14 HEARING OFFICER WEBB: Thank you.

15 Skip Moore.

16 MR. MOORE: Hello. My name is Skip
17 Moore. I'm a certified welder for Newton Power
18 Station. I've been there for 20 years. Previous to
19 that, I was a boilermaker for 15 years, so I've been
20 around a little while, and in those 35 years there's
21 been a lot of changes, I mean a lot environmentally.
22 Millions and millions of dollars spent to make this
23 a greener earth and a better place to live, so I'm
24 here to support this variance for Ameren.

1 And I'd like to also tell you,
2 I do have asthma but I figured the good Lord give
3 that to me. It wasn't something that was man-made.

4 Thank you.

5 HEARING OFFICER WEBB: Thank you.

6 Mitch Seibert (S-e-i-b-e-r-t)?

7 MR. SEIBERT: My name is Mitch
8 Seibert. I'm from Newton Power Plant. I live in
9 Teutopolis which is a small town close to Effingham.
10 I've been with the company about ten years. Didn't
11 work in a power plant before then. Worked several
12 different jobs. Heard a lot of stories about power
13 plants, a lot of stories about pollution. I learned
14 a lot when I went to work for a power plant.

15 We pay very close attention to
16 our pollution every day. As has been said, we spend
17 a lot of money. We also plan on spending more
18 money. We're just asking for an opportunity to get
19 more time so we can stay cash positive in a very bad
20 economy.

21 I would request that the board
22 give us the variance so that we can get what they
23 want and what everybody else wants. We want to meet
24 compliance.

1 I thank the board for giving
2 me the opportunity to speak.

3 Thank you.

4 HEARING OFFICER WEBB: Thank you.

5 Is there a Doug from Tazewell
6 County? I cannot make out the last name.

7 No Doug? Okay.

8 I have called all the names
9 that are on my list. Are there any more names back
10 there, Connie?

11 There were some people who may
12 have left the room.

13 Hi. You're Joyce, right,
14 Joyce Blumenshine? Come on.

15 MS. BLUMENSHINE: Thank you.

16 My name is Joyce (J-o-y-c-e),
17 last name Blumenshine (B-l-u-m-e-n-s-h-i-n-e).

18 I thank the Illinois Pollution
19 Control Board, and I apologize I had to leave for
20 another meeting and I came back.

21 I am the chair of the Heart of
22 Illinois Sierra Club centered in Peoria although we
23 have 17 counties which include Peoria County and
24 Fulton County. E. D. Edwards power plant is south

1 of Peoria, and our nearly 900 members in Heart of
2 Illinois Sierra Club as part of the Greater Illinois
3 Sierra Club are concerned about this plant.

4 I think a concern here that
5 hasn't been mentioned is our worry in Peoria about
6 possible nonattainment from additional pollution
7 from E. D. Edwards, and also Duck Creek is in an
8 adjacent county, in Fulton County. We are downwind
9 of there also.

10 The greater Peoria economy
11 would suffer incredibly due to added sulfur and
12 pollution if for some reason we were forced out of
13 attainment. It's not just the jobs at Joppa. It
14 could be jobs for the whole Peoria metro area if
15 this variance would mean added pollution for us, and
16 I hope that the scientists at the Pollution Control
17 Board would look at the greater picture for what
18 other communities have at risk from this variance.

19 Certainly, Ameren's economic
20 statements appear inadequate and self-serving to
21 those of us in Peoria who see it just focused on
22 their plans and not the greater picture of the
23 economic survival of other companies and communities
24 that could be harmed from this pollution.

1 Similarly, the health impacts
2 did not seem to receive any attention, and that was
3 outstandingly of great concern this morning hearing
4 the leading spokesman for Ameren not address health
5 concerns at all.

6 For the Peoria area, the
7 problems from asthma, heart attacks, etc., have been
8 talked about by others speaker. I won't go into
9 that, but those are very real. Those are social
10 costs that are shouldered by the public and have
11 been for decades upon decades, and it's not fair.
12 It's a cost that private companies get the profits
13 and our entire social concerns for our people, we
14 pay those costs.

15 Finally, a concern for our
16 immediate area is the concern that Ameren claims for
17 reducing sulfur dioxide. During the variance seems
18 strange to me. I'm not a scientist. I do again ask
19 that the Pollution Control Board scientists please
20 carefully evaluate that.

21 My understanding is that
22 sulfur dioxide is most impacted within one hour.
23 The short term exposure is the greatest health
24 concern. I don't understand how averaging tens of

1 thousands and shifting this all around will actually
2 help us who breathe that air.

3 Thank you very much. I hope
4 this variance is denied.

5 HEARING OFFICER WEBB: Thank you.

6 I understand -- what's your
7 name, sir?

8 MR. SKATES: Chris Skates.

9 HEARING OFFICER WEBB: Would you
10 please spell your last name? You can come speak. I
11 just want to get your name.

12 Are you signed up?

13 MR. SKATES: I signed a paper. I
14 don't know what happened to it.

15 HEARING OFFICER WEBB: Okay. Your
16 name is Chris what?

17 MR. SKATES: Skates.

18 HEARING OFFICER WEBB: S-k-a-t-e-s?

19 MR. SKATES: Yes.

20 HEARING OFFICER WEBB: Okay. Go
21 ahead.

22 MR. SKATES: My name is Chris
23 Skates, a chemist at Electric Energy in Joppa,
24 Illinois, Joppa Generating Station. I've been there

1 18 years.

2 This is not a choice for the
3 board to make between those who like clean air and
4 those who want their jobs and like dirty air.
5 That's a false premise. We want to keep our jobs
6 but we also care about clean air.

7 I've got two children also. I
8 like my children to be healthy also. My son has a
9 respiratory problem, and he is outside. We live
10 within range of the plume of plant. As a chemist, I
11 would never expose my son to something I thought was
12 going to harm him with his respiratory condition,
13 but there's a far cry from saying that chemical is a
14 toxin and saying it's a toxin at the levels that
15 we're emitting.

16 IEPA is a group of
17 professionals. They don't set the limits at the
18 bare minimum so if we go over it by one tenth of a
19 part per million people start to die. They put a
20 lot of cushion there so that they know the people
21 are protected.

22 So we're already meeting a
23 limit that's safe for people, so it's sort of a
24 false premise to say people are going to get massive

1 cases of asthma.

2 Likewise, these things are
3 based on scientific studies and theories. They may
4 be very good theories supported by very good data,
5 but that doesn't automatically make them a direct
6 connection between our emissions and asthma. If I
7 thought that it did, I would not be working at the
8 plant. I would not be exposing my own children to
9 those pollutants.

10 Also, the scrubbers as several
11 have already said, we made this agreement on these
12 rules based on earnings potential at that time. The
13 earnings potential changed in an unforeseen manner,
14 and certainly the level that they changed was not
15 foreseen, so now we're asking for an extension of
16 that.

17 I do ask that you would
18 support the extension, and I thank you for allowing
19 me to speak.

20 HEARING OFFICER WEBB: Thank you.

21 Your name, sir?

22 MR. PIERSON: Mike Pierson

23 (P-i-e-r-s-o-n).

24 HEARING OFFICER WEBB: Michael?

1 MR. PIERSON: It's Mike. I'm a
2 group supervisor of mechanics in maintenance
3 services at Joppa Energy Station. I've been
4 employed for around eight years. I live in Karnak,
5 Illinois. Everyone has heard about the economics of
6 it. I have a special needs child also.

7 We're not, like everyone has
8 said, we're not here to deliberately do anything
9 wrong. We do everything we can. Every morning of
10 every day we meet and see what can we do, what can
11 be better. We meet the standards, and we
12 continually strive to be even better than the
13 standards. That's just the way we are, and I hope
14 you vote positive on this.

15 Thank you.

16 HEARING OFFICER WEBB: Is there
17 anybody else here who would like to speak?

18 I don't see anyone so I
19 believe we're finished with public comment but we're
20 not quite done. Let's go off the record for a
21 moment.

22 (Whereupon an off-the-record
23 discussion transpired at this
24 time.)

1 HEARING OFFICER WEBB: Let's go
2 back on the record and we'll finish up here.

3 Ameren has advised us that --

4 MS. ANTONIOLLI: Carol, could we
5 wait for one second and just talk about scheduling
6 for the post-hearing briefing?

7 HEARING OFFICER WEBB: Sure. Let's
8 go off the record.

9 (Whereupon an off-the-record
10 discussion transpired at this
11 time.)

12 HEARING OFFICER WEBB: We'll go
13 back on the record.

14 Ameren has agreed to get us an
15 expedited transcript in three business days.

16 As soon as the board receives
17 that, we will get it linked on our website as
18 quickly as possible.

19 The public comment deadline
20 has been extended to August 10th. Public comment
21 must be filed in accordance with Section 101.628 of
22 the board's procedural rules.

23 Petitioner's brief is due by
24 August 15th, and the respondent or EPA's brief will

1 be due by August 20th.

2 The mailbox rule will not
3 apply, and documents filed electronically are due by
4 4:30 p.m. on the due date.

5 Would Ameren like to make any
6 closing statement? Would the Agency like to make
7 any closing statement?

8 MR. RODRIGUEZ: No.

9 HEARING OFFICER WEBB: At this
10 time, I will conclude the proceedings.

11 We stand adjourned, and I
12 thank everyone for their participation and patience.

13 (Which were all of the
14 proceedings held at this time.)

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1 STATE OF ILLINOIS)
)SS.
2 COUNTY OF SANGAMON)

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CERTIFICATE

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I, Laurel A. Patkes, Certified Shorthand Reporter in and for said County and State, do hereby certify that I reported in shorthand the foregoing proceedings and that the foregoing is a true and correct transcript of my shorthand notes so taken as aforesaid.

I further certify that I am in no way associated with or related to any of the parties or attorneys involved herein, nor am I financially interested in this action.

Dated August 2, 2012.



Certified Shorthand Reporter

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