

1 wondered what exactly was wrong with that and what  
2 other -- what you would propose instead as far as a  
3 location for a public hearing.

4 MR. FRIEDMAN: Well, I think for anything  
5 that pollutes to the extent of a coal burning power  
6 plant that's owned by a public utility, you have to  
7 look downwind and look at the major urban areas that  
8 are affected by the emissions. For instance,  
9 Winston-Salem, Greensboro, Raleigh or Durham would have  
10 been a much more appropriate place for those hearings  
11 to be held.

12 MR. VOGEL: Other questions? With no  
13 other questions, I would like to thank you for coming  
14 on the phone to testify for us today.

15 MR. FRIEDMAN: Thank you very much.

16 MR. VOGEL: Do we have Merrijane Yerger  
17 on the line?

18 MS. YERGER: Yes, I'm here.

19 MR. VOGEL: We're ready for you now. Let  
20 me remind you that we're taking -- we doing ten minutes  
21 for your testimony and then ten minutes for questions  
22 and answers. Also, we are recording this for audio  
23 transcripts as well as a written transcript.

24 MS. YERGER: Okay.

25 MR. VOGEL: Go ahead, please.

1 MS. YERGER: I'm not really -- I don't  
2 have a presentation prepared as what I just heard, it  
3 seems, but I'm in a grassroots movement against Entergy  
4 Louisiana in 1998, '99. And we petitioned the  
5 administration, EPA, at that time to review and  
6 intervene and do an investigation in regard to the  
7 Monroe plant. I'm in Monroe, Louisiana.

8 We started -- they have been mothballed  
9 for 11 years and the plant is right across the street  
10 from my house. And we got a ruling from Carol Browner  
11 at that time. The process that we went through was  
12 quite an eye-opening experience and I found early on,  
13 in like a matter of maybe a 24-hour, 72-hour period,  
14 that I was not going to get any results that would be  
15 advantageous to not having this power plant restart  
16 through our Louisiana DEQ.

17 We have a lot of, if you will, brick  
18 walls that we ran against in the process. So I  
19 immediately -- pardon me -- I called the EPA and I  
20 started -- I got a couple of names from a few people of  
21 attorneys and folks that could help us out and I got  
22 very good advice, but initially I worked with EPA  
23 headquarters and Region 6 after they sort of heard  
24 about it.

25 As it turned out, when we had our public

1 hearing on this issue, we had the greatest turnout I  
2 believe the EPA said they had ever seen. We had over  
3 just about 200, 250 people show up. And it was right  
4 here in the neighborhood at a high school, and it can  
5 house that many people.

6                   The process during that time, like I  
7 said, on a state level was extremely difficult. It was  
8 hard to work with them. They wouldn't give us any  
9 information. They were very vague and ambiguous, and I  
10 sort of had to pound and stomp really hard to get any  
11 results at the state level, and it wasn't until they  
12 found out that EPA headquarters was involved.

13                   In the meantime, what's happened is they  
14 got a consent order to operate just in the summers  
15 basically, and all they did mostly was tweak their  
16 instruments and they really did use it to generate.  
17 And as we found out, it was all a part of a strategy.  
18 When Entergy was going to be bought, they were being  
19 quoted by Florida Power & Light. And they wanted to  
20 sort of dust off all their old plants that weren't in  
21 operation and get them back on the asset side.

22                   Since then, in just this year, the plant  
23 has had two outstanding blowups. The transformers, the  
24 maintenance on the plants hasn't been carried forward  
25 even when they got their consent to operate. They

1 still didn't do maintenance on it. So as I'm told now,  
2 the latest is that it's highly probable and unlikely  
3 that they will renew their permit when it comes up I  
4 think this summer, coming summer.

5                   So that's pretty much, you know, my  
6 experience, and I continue to watch this plant but, you  
7 know, our state is a tough state to operate in.  
8 Entergy's pretty much got its fingers everywhere, but  
9 they have -- once they found that this wasn't going to  
10 be, you know, a viable plant to operate, they opened a  
11 new one just north of us about 20 miles about a year  
12 after this episode went on, which they knew they were  
13 going to do all along, but what occurred was, it could  
14 have gone through a lot of angst and anxiety and it  
15 opened EPA's eyes, I believe, and I've been told, to  
16 the problems we have at the local and the state level  
17 with the permit review process.

18                   And you have to fight real hard to get  
19 them to do it right, at least the way it should be  
20 done. And that's unfortunate, because I believe and I  
21 found from this the process works very well for the  
22 power companies as well as the individuals who may be  
23 challenging that. So that's pretty much, you know,  
24 what my experience has been what I have to offer about  
25 that. And if anyone has any questions, I'll be happy

1 to answer them.

2 MR. VOGEL: Thank you. Do we have any  
3 questions from the Task Force? Verena Owen.

4 MS. OWEN: Hi, I'm Verena Owen. I'm with  
5 the Lake County Conservation Alliance. I very much  
6 understand how hard it is for grassroots people to work  
7 on these issues. I have a question. You said that the  
8 permit may come up this summer. What would you need to  
9 be involved in this permitting process? If you had a  
10 wish list, what would be on top of your list?

11 MS. YERGER: Well, we wouldn't want it  
12 renewed and, you know, there will be letters sent  
13 requesting that, that it not -- that this permit on  
14 this particular plant not be -- just not be renewed at  
15 all. I mean, what's happened with this plant is our  
16 little area, it was built in 1898 for heaven sakes, and  
17 they've kept it on. We're a little, small town, about  
18 50,000 people. And as the residential area grew, it  
19 grew around this plant. So it really is in a place  
20 that it's no longer practical.

21 And so it is definitely our hope and our  
22 wish that when the permit is up again, they do not --  
23 that they do not renew it. They haven't been operating  
24 the plant in the last two years anyway, but it  
25 continues to have problems. And so I think after these

1 last two -- the first time it blew, it blew the  
2 transformers that sit right outside the building. One  
3 of them was an old one. It didn't get replaced at the  
4 time that they did some modifications on the plant, and  
5 it really -- it really shook the town because fire went  
6 across the street and it's a very public street here  
7 that we live on.

8                   People -- a lady and her children had  
9 just finished jogging by with her babies in the buggy.  
10 So I think they've come to really appreciate and  
11 realize this is not the best place for a plant to be  
12 operating.

13                   MS. OWEN: Thank you.

14                   MR. VOGEL: Carol Holmes.

15                   MS. HOLMES: Hi, this is Carol Holmes at  
16 EPA. I thought with that facility, that they actually  
17 said in the order they got from EPA that they -- or  
18 somewhere that they were going to shut down within five  
19 years. Is that the one I'm thinking of?

20                   MS. YERGER: Well, I don't remember that  
21 being in the consent order. That was always what I was  
22 told when we first took it on, that, you know, why  
23 don't you just lay back and don't worry about it, it  
24 will be three to five years, it's not going to be  
25 operational anyway.

1                   So, yeah, yeah, I think all these things  
2 about that plant that they predicted from the very  
3 get-go, which, of course, they knew from the beginning,  
4 it's converging now at this time. And I think what  
5 precipitated a real focus on it are these last two  
6 incidents that they've had. And the transformer that  
7 blew that was out there, it -- I mean, PCB went  
8 everywhere. They had a HazMat crew out there cleaning  
9 up 48 hours around the clock, so it's -- you're right,  
10 it's supposed -- I just would be really surprised if it  
11 was -- that permit was renewed.

12                   And I will be really mad, really  
13 disappointed, but I just -- you know, I don't think  
14 it's -- it wasn't like in the beginning. And it was  
15 just really too bad to see how DEQ handled it all along  
16 because they knew, they knew what the plan was from the  
17 get-go.

18                   MR. VOGEL: Question from Bob Palzer.

19                   BOB PALZER: Hi, I'm Bob Palzer with the  
20 Sierra Club. You expressed that you didn't envision  
21 you would get much support from the state and were able  
22 to elicit support from the EPA and made the state more  
23 responsive. Could you elaborate a little bit more on  
24 how you got involved, how you got EPA to be involved  
25 and what they were able to do to help you.

1 MS. YERGER: I think on my part it's just  
2 a lot of naivete and I was very naive and I just was  
3 bold enough not to know any better, and I just got the  
4 number of EPA, someone, and I dialed in. And I worked  
5 that from the top down, and I told the story and  
6 fortunately I connected -- it was like maybe the  
7 morning of the -- Entergy had invited the neighborhood  
8 to come and let's talk. This is before the public  
9 hearing business got started. And they were going to  
10 try to mitigate any problems and let everybody know  
11 what they were going to do and they were going to be  
12 good neighbors and this, that, and the other.

13 And someone -- I didn't know anything  
14 about it, so I got a number from someone who -- and got  
15 through to someone at Region 6, and he said, Well, you  
16 know, your state has five criteria that all these  
17 facilities have to meet. And I said, Well, what are  
18 they? He said, Well, you'll have to go back. And I  
19 really fought him on that. I said, If you know them, I  
20 have to meet with them today and I really want to know.  
21 I pressed him on that, and he did give them to me. In  
22 fact, he dictated them to me because I didn't have time  
23 to find them anywhere else. I had to go to the  
24 meeting.

25 And it was very interesting, when I got

1 to the meeting and asked them those five questions, had  
2 they met those, they let -- the permit was on -- you  
3 know, available to the public at the library. And  
4 someone went that night after that meeting and pulled  
5 the permit because they hadn't done some of the things  
6 and they thought they could get by with it, I suppose.

7                   And from that point on I really worked  
8 with this individual and then they -- someone else put  
9 me on to someone at headquarters. And this happened to  
10 be a power plant that came -- it was one of those times  
11 that everything came together. It was right -- they  
12 needed the issue to come up on the table for the new  
13 source review, all the things that were going on, and  
14 you had air division, and then you had the enforcement,  
15 and it was a real battle, I understand, at headquarters  
16 over this, so get -- whether this was going to get  
17 reviewed by the Browner in time, this, that, and the  
18 other.

19                   So it worked to our advantage. When  
20 you're in a state like Louisiana, I know there are a  
21 few others around that have a difficult time with their  
22 state agencies. I really held EPA in highest esteem  
23 and I remember everybody saying, what, you're crazy,  
24 and I said, no, they're actually really helping us.  
25 And I learned a lot. I mean, I got some very good

1 advice and I got pointed in directions I needed to. I  
2 had to do a lot of my own footwork and research, but I  
3 think I was the one and only first individual from a  
4 grassroots standpoint that showed up at Region 6.

5 I asked for a telephone, a desk, and a  
6 fax machine and the file, and they gave it to me and I  
7 sat there and we worked. We worked together. It was a  
8 real partnership at that point. And they kept saying,  
9 well, what would we take if -- you know, working on the  
10 consent side. I will say this, it was pretty humorous,  
11 they wanted to give us some wetlands. I said, well, we  
12 don't need any more wetlands, we got (inaudible) but  
13 that's pretty much where -- how it worked.

14 MR. VOGEL: Another question from Keri  
15 Powell.

16 MS. YERGER: Hi, Keri.

17 MS. POWELL: Hi, Merrijane. Can you hear  
18 me?

19 MS. YERGER: Yes.

20 MS. POWELL: Merrijane, just taking a  
21 step back from your experience with Entergy  
22 specifically, are there lessons learned from that  
23 experience that sort of lead to recommendations for how  
24 you think the Title V program could be implemented more  
25 effectively?

1 MS. YERGER: You know, it's hard for me  
2 to answer right now because I've been away from the  
3 process since -- I haven't tracked it as close as I did  
4 right during that period when I was working with it and  
5 I left and went away to school. So I don't -- I've  
6 lost touch, to be honest with you, and we've had a  
7 change in governor and new people have been appointed,  
8 I understand, and -- to various positions.

9 I think the -- on the -- the worst thing  
10 I hear about any of this is it doesn't matter what we  
11 may offer in terms of having a better process. There's  
12 no enforcement to back it up, so there's no real key to  
13 it, and it's pretty discouraging from that standpoint.

14 But I'm sorry, I don't have anything  
15 because I've been away and most of the -- we only had  
16 one or two other occurrences with power plant issues up  
17 here and that was right at that time. And I don't  
18 know -- I don't know where we are at DEQ with any  
19 improvements.

20 MR. VOGEL: Question from Marcie Keever.

21 MS. KEEVER: Hi, Merrijane, it's Marcie  
22 Keever from Our Children's Earth. You mentioned  
23 facility -- I think you said that it's either shut down  
24 or not operating right now and they're continuing to  
25 move ahead with the Title V renewal; is that correct?

1 MS. YERGER: That's my understanding.  
2 There's no -- the lights aren't on, no one's home.  
3 It's not operating at all.

4 MS. KEEVER: Thanks. Okay, thanks.

5 MS. YERGER: I've been told by someone  
6 with Entergy that it's highly unlikely that that  
7 will -- permit will be renewed.

8 MS. KEEVER: By the DEQ?

9 MS. YERGER: Uh-huh.

10 MS. KEEVER: Okay. So they --

11 MS. YERGER: I just don't think they're  
12 going to pursue it because these last two explosions  
13 that have occurred this year, and I think it just  
14 really has come home to them that this is not a  
15 practical, viable plant that should be in operation.

16 MR. VOGEL: No further questions. Thank  
17 you very much.

18 Do we have John Wilson on the line? Do  
19 we have anyone else on the line that would like to make  
20 a presentation? We'll wait here a few minutes for John  
21 Wilson to show up.

22 MR. WILSON: Hello, this is John Wilson.  
23 Are you there?

24 MR. VOGEL: Yes. This is Ray Vogel at  
25 EPA. How are you?