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Great Rivers Environmental Law Center and Missouri Parks Association sue over Taum Sauk

Great Rivers Environmental Law Center and Missouri Parks Association sued the Federal Energy Regulatory Commission and AmerenUE today over the reconstruction of the “Taum Sauk” hydroelectric facility in southeast Missouri in the wake of its catastrophic failure on December 14, 2005.

The suit, brought in the U.S. District Court for the District of Columbia, claims that FERC failed to evaluate most of the significant impacts of the Taum Sauk Project before authorizing its reconstruction, and that an Environmental Impact Statement is required under the National Environmental Policy Act.

The State of Missouri had previously sued Ameren for punitive damages over the 2005 disaster, alleging that the company recklessly operated the plant and put financial considerations from the sale of power over safety, maintenance and engineering. The State and Ameren have signed a consent judgment to resolve the State’s claims in which the State, subject to FERC’s authorization, requires Ameren to reconstruct the facility. Conservation groups in Missouri are critical of the settlement.

The actions of the regulatory authorities are reminiscent of what took place when Union Electric Company first constructed Taum Sauk almost 50 years ago. After completing construction, Union Electric in October, 1963 dedicated the facility, all the while engaged in litigation with the Federal Power Commission over whether it was required to obtain a federal license. In 1965, the Supreme Court found that a federal license was in fact required. The Federal Power Commission then issued the operating license, retroactive to July 1, 1960, avoiding any meaningful investigation of the project, as well as avoiding any meaningful public consideration of the impacts of the project on the surrounding resources.

Ameren and FERC contend that the rebuild is simply a repair of an existing facility and that a wider array of environmental issues may be considered during the relicensing process, which must be completed by June 30, 2010; but by then Ameren will have spent millions upon millions of dollars to rebuild the facility, making it virtually impossible for FERC to objectively evaluate alternatives to the project.

“The regulatory authorities are carrying on the Taum Sauk tradition of constructing first and evaluating the impacts later,” said Bruce Morrison, an attorney with Great Rivers.

Great Rivers is a nonprofit public interest environmental law center in St. Louis that provides free legal services to those working to promote preservation of open space, clean energy, clean air and clean water. Its web address is: www.greatriverslaw.org.