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August 11, 2014

Karl Brooks
Regional Administrator
US EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219

Dear Administrator Brooks:

In the First Agreed Order that my Office reached with Republic Services ("Republic") over a year ago, the St. Louis County Circuit Court ordered Republic to implement a number of protective measures to control the spread of the subsurface smoldering event ("SSE"), reduce odors caused by the smoldering refuse, and separate the burning trash from the radiologically impacted material deposited at the north end of the West Lake site. While significant work has been done and is ongoing in an effort to control the fire and mitigate odors, little visible progress has been made toward constructing the isolation barrier aimed to keep the SSE from reaching radiological waste. As the construction of the isolation barrier depends on the detection and handling of radioactive material, any work on the project necessarily requires EPA oversight and approval.

We recognize that the design and construction of the isolation barrier is an enormously complicated task, and we appreciate the involvement of the Army Corps of Engineers, who bring special expertise to engineering projects of this complexity. We also understand that the implementation of any isolation-barrier design depends on the review and approval of Lambert-St. Louis International Airport ("Airport"), which is responsible for ensuring that any planned excavation or construction will not draw large numbers of birds and put air traffic at risk.

We understand that the Corps has analyzed a number of alternatives for placement of the isolation barrier. In the interest of moving this project forward in a timely fashion, we ask that EPA adopt the following schedule:

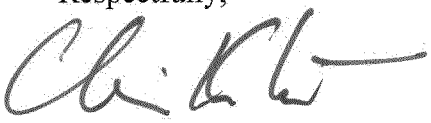
- Within 30 days, EPA, in conjunction with the Corps, presents its formal analysis of the isolation-barrier alignment alternatives to Republic and to the Airport.
- Within 45 days following Republic's receipt of the analysis, Republic submits its alignment selection to EPA and to the Airport, which must include sufficient design specifications to allow EPA, the Corps, and the Airport to evaluate the proposal.
- Within 45 days following the Airport's receipt of Republic's proposal, the Airport announces whether it will consent to the proposal in light of its concerns

regarding the risks excavation and construction at the landfill may pose to flights due to increased bird activity.

- If the Airport approves the proposal, EPA announces within 30 days of approval whether it approves the proposal.
- If the proposal is not approved, Republic submits a modified proposal to EPA, the Corps, and the Airport within 30 days, taking into account the comments and concerns raised.

As always, the health and safety of the public, including those who live and work around the landfill and those who rely on the Airport to provide safe flights, is our highest priority. We remain frustrated with the slow pace of progress thus far. It is critically important that all participants in this project move with greater dispatch to ensure that all members of the public are protected.

Respectfully,



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