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DAILY NEWS

Missouri Lawmakers Seek To Remove EPA Control Over Radioactive Site

Posted: November 25, 2015

Missouri's congressional delegation has introduced legislation that would compel EPA to transfer its cleanup authority for a controversial landfill in Missouri containing radioactive waste to the Army Corps of Engineers, making the landfill part of the Corps' Formerly Utilized Sites Remedial Action Program (FUSRAP).

The lawmakers' push may build momentum for a long-running effort by citizen activists and state and federal lawmakers who for years have urged EPA to hand over control of the cleanup to the Army Corps, dissatisfied with the agency's oversight.

The Missouri congressional delegation -- comprised of Sens. Roy Blunt (R-MO) and Claire McCaskill (D) and Reps. Ann Wagner (R) and William Lacy Clay (D) -- introduced legislation to transfer EPA's remediation authority to the Army Corps for the landfill site. Blunt's office did not respond by press time to a request for a copy of the Senate bill, S. 2306. Text of the House bill, H.R. 4100, was not yet available at press time.

One long-time citizen activist says the legislation, if passed, could set a precedent in terms of Congress mandating a shift in jurisdiction from one agency's cleanup oversight to another agency.

At issue is a Superfund site in Bridgeton, MO, outside of St. Louis that consists of two adjacent landfills -- the West Lake Landfill, which contains radioactive waste from the Manhattan Project, and Bridgeton Landfill, a solid waste landfill where an underground fire has been burning over the past four years. Nuclear waste was illegally dumped during the Cold War at West Lake. And the underground fire in the solid waste landfill has been migrating toward the nuclear wastes.

The site's cleanup is currently being conducted by Republic Services, a national trash collection and waste disposal services company that currently owns the property, with regulatory oversight by EPA.

"The EPA's unacceptable delay in implementing a solution for the West Lake landfill has destroyed its credibility and it is time to change course," Blunt said in a press statement Nov. 19.

"The Corps has the knowledge, experience, and confidence of the families living near the site," he said, contending that a transfer into its hands will "help move the process forward."

Lawmakers point out that other sites with similar Manhattan Project nuclear waste in the St. Louis area are overseen by FUSRAP.

Under FUSRAP, the Army Corps assesses and cleans up sites -- typically Manhattan Project sites with low-level radioactive waste -- in accordance with a memorandum of understanding with the Energy Department (DOE), according the Corps' website. Following cleanup and site closure, the sites are transferred back to DOE, which oversees long-term surveillance and maintenance, it says.

EPA Action

Residents have long sought greater action from EPA at the site, particularly pursuing headquarters interest, but the agency has often deferred to its Region 7 office.

Environmentalists have for years advocated for the removal of all the radioactive waste from West Lake, arguing that leaving the waste in place would set a bad precedent for nuclear waste disposal standards. Activists have compared the radioactive contamination to that at the Shattuck Superfund Site in Denver, where EPA in 1997 decided to leave the

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contaminants in place, only to later admit that the remedy had failed and required the Corps to remove the material.

Local and national community advocates have also over the past year unsuccessfully sought meetings with EPA Administrator Gina McCarthy to respond to the alleged health threats at the site, asking the agency to use its Superfund authority to relocate residents in up to 500 nearby homes.

"USEPA has been more negligent at this site than almost any other that I have seen in my 35-year career," said Lois Gibbs, long-time Superfund activist and founder of the national environmental organization Center for Health, Environment and Justice (CHEJ).

In an interview, Gibbs said the legislation comes after efforts by activist groups and lawmakers failed to gain McCarthy's attention on the matter. In July, the same lawmakers now sponsoring the bill wrote to Energy Secretary Ernest Moniz, asking DOE, in concert with the Corps, to reevaluate inclusion of West Lake into FUSRAP.

Gibbs said that the highest-level official at EPA willing to speak to the groups, which included CHEJ and the local group Just Moms St. Louis, was EPA waste chief Mathy Stanislaus, who, she said, told the groups that EPA would not move the site to FUSRAP, nor would it relocate nearby residents.

Waste Removal

A Nov. 19 press release from Blunt's office stresses that the legislation would not alter the liability of potentially responsible parties at the site. Gibbs noted that means Republic Services, as site owner, would remain liable.

The legislation would force EPA's hand, she said, noting groups believe the main difference between the existing remedy and a move to the Army Corps program would be the latter would lead to the removal of the radioactive waste.

"This legislation is not a silver bullet, and will take far longer than we'd like to resolve the many issues surrounding this site, but this is a concrete, positive step forward in a process that's been stagnant for far too long," McCaskill said in the press release.

CHEJ lists several benefits to transferring the site to FUSRAP, namely it will mean transferring to a "responsible entity" for protecting public health and the environment after EPA's mistakes; negating alleged significant influence from private-sector potentially responsible parties at the site; taking advantage of the Corps' technical expertise at radioactive sites; obtaining better worker protections and compensation; and having a local office run by the Corps address the cleanup, making it more accessible to the community than the current setup.

An EPA spokeswoman did not respond by press time to a request for comment on the legislation. -- *Suzanne Yohannan* (syohannan@iwpnews.com)

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