To: Gartner, Lois[Gartner.Lois@epa.gov]
From: U.S. EPA
Sent: Fri 3/21/2014 2:44:52 PM
Subject: CORRECTED - EPA News Release (Region 7): EPA Regional Administrator Brooks Responds to Missouri Attorney General Koster on West Lake Landfill Site

U.S. Environmental Protection Agency, Region 7

11201 Renner Boulevard, Lenexa, KS 66219

Iowa, Kansas, Missouri, Nebraska, and Nine Tribal Nations

EPA Regional Administrator Brooks Responds to Missouri Attorney General Koster on West Lake Landfill Site

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Environmental News

FOR IMMEDIATE RELEASE

(Lenexa, Kan., March 21, 2014) - EPA Regional Administrator Karl Brooks today sent the following letter to Missouri Attorney General Chris Koster:

March 21, 2014

The Honorable Chris Koster

Attorney General of Missouri

P.O. Box 899

Jefferson City, MO 65102

Dear Mr. Koster:

I valued the opportunity to speak with you last week about the need to ensure continued protection of public health at the West Lake Superfund site through effective federal-state partnership. The State of Missouri and the Environmental Protection Agency have been using our respective regulatory and oversight powers to keep holding the responsible parties to their duties: controlling the SSE at Bridgeton Sanitary Landfill, separating the West Lake Landfill from the SSE, and completing selection and implementation of a protective long-term Superfund remedy at West Lake.

As we discussed, Region 7's team of experts continues taking several decisive actions at the West Lake Superfund site. The EPA intends soon to conclude an agreement with the United States Army Corps of Engineers to enlist Corps construction expertise for the isolation barrier to separate West Lake from the SSE. I will keep you and the Missouri Department of Natural Resources closely informed about the status of this project. And I concur with your recommendation that you and I promptly take that opportunity to inform the community about isolation barrier construction activities before they begin.

EPA's jurisdiction under the Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund, covers release of hazardous substances wherever they have come to be located. EPA is committed to taking actions that compel the West Lake/Bridgeton PRPs to bear the costs legally required to contain and manage radiologically impacted material (RIM) resulting from the disposal of leached barium sulfate, regardless of where it is located at the site.

EPA's jurisdiction extends to wherever hazardous substances are located within the landfill complex. We will of course, closely cooperate with your office and the MDNR to align CERCLA work with PRP duties compelled by your Order at Bridgeton. I assure you that EPA work at the West Lake/Bridgeton NPL site will respect state authority while ensuring consistent site evaluations and appropriate allocation of federal and state responsibilities.

The Order your Office established in the Circuit Court of St. Louis County exercised State environmental-protection authorities which EPA considers complementary to our CERCLA powers. The State's lead in compelling the PRPs to control the subsurface smoldering event better enables this agency to compel the PRPs to isolate Bridgeton's SSE from West Lake. I believe that continuing to coordinate state and federal work will best accomplish our mutual goal to keep the public protected from environmental contaminants and nuisances, no matter their origin within the NPL site.

We will continue to coordinate and communicate with you and your colleagues in the State of Missouri as we work to accomplish our shared goal of protecting the health of all Missourians.

Sincerely,

Karl Brooks

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