ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

P.O. Box 899
(573) 751-3321

March 18, 2014

Karl Brooks
Regional Administrator
Environmental Protection Agency
11201 Renner Blvd.
Lenexa, KS 66219

Dear Administrator Brooks,

One year ago, my Office filed a lawsuit against Republic Services alleging a series of environmental-law violations relating to events at the West Lake landfill complex. The suit seeks to accomplish two primary objectives. First, the suit aims to hold Republic responsible for the alleged violations of applicable environmental laws. Second, and more importantly, the suit aims to compel Republic to move swiftly in preventing the subsurface fire in the south quarry of the Bridgeton landfill from migrating northward and reaching the radioactive material deposited in Operable Unit 1 (OU-1). Over the past year, Republic has taken steps to slow the spread of the fire, but recent developments suggest that these measures do not address the entire problem. It now appears that radioactive material from OU-1 may be spread more widely than originally thought and may be present in the north quarry of the Bridgeton landfill. Republic and EPA must act aggressively to address this apparent relocation.

Last fall, after initial reports indicated that radioactive material was found in sections of OU-1 that were previously thought to be unaffected by radiological deposits, EPA agreed to order a comprehensive survey of the area to determine the true boundary of radioactive contamination. We understand preliminary tests have found radioactive material not only outside the originally identified "radioactive perimeter," but beyond the southern edge of OU-1 itself, into the north quarry of the Bridgeton landfill.

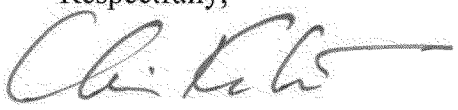
Expedited radiological testing: The possible relocation of radioactive material from OU-1 into the Bridgeton landfill highlights the need for EPA and Republic to accelerate their surveying and engineering efforts to ensure the fire in the south and radioactive material in the north never meet. In particular, the need for a comprehensive remapping of the West Lake site to definitively identify the extent of OU-1's radioactive contamination has never been clearer. We ask that EPA and Republic expedite their work to complete this project as quickly as possible.

Federal authority over OU-1's radiological deposits: The entire West Lake / Bridgeton landfill complex was long-ago designated a Superfund site under federal control. To date, EPA has limited its exercise of regulatory jurisdiction to the defined Operable Units at West Lake, and it deferred its oversight of the remainder of the Bridgeton landfill to the Missouri Department of Natural Resources. But the developing information indicating the spread of OU-1's radioactive material suggests this division of legal authority may require a change. EPA expressly deferred its legal authority regarding solid-waste facility closure and post-closure of the Bridgeton landfill to the State only because that portion was thought to be untainted by OU-1's radioactive waste. It is the federal government—whether EPA exclusively or EPA working in conjunction with the Army Corps of Engineers—that is vested with the legal authority and the resources to direct remediation of sites containing OU-1's radioactive waste. If radioactive material from OU-1 is confirmed to be located in the Bridgeton landfill, legal authority over the contaminated site must shift back from the State to the federal government.

Rapid construction of isolation barrier: Last September, Republic announced its intention to build an isolation barrier to separate the radiological material in OU-1 from the smoldering fire in the southern part of the Bridgeton landfill. Over six months have passed, yet construction of the barrier still has not begun. Although we acknowledge that essential surveying is still underway, the ongoing site testing need not prevent construction from commencing, at least in part. As EPA completes its radiological profile of the site, we ask that it also finish its review of Republic's proposed plan to construct the isolation barrier and, upon identifying a sound design, direct that construction begin without delay.

The State's highest priority is to protect the health and safety of its residents. Even if circumstances require that EPA reassert its legal authority over the entire West Lake site, the State will continue its work in validating data, offering comments to remedial plans, and providing whatever other support may be needed. We look forward to working with EPA and Republic in taking the steps necessary to isolate the radioactive waste from the landfill fire and thereby give the people in Bridgeton and its surrounding communities the security and peace of mind they deserve.

Respectfully,



CHRIS KOSTER
Attorney General

cc: Bill Beck, General Counsel, Republic Services