ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY
65102

CHRIS KOSTER
ATTORNEY GENERAL

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

June 2, 2014

Karl Brooks
Environmental Protection Agency
Regional Administrator, Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

Dear Regional Administrator Brooks,

On April 29th, my office sent a letter requesting that EPA order testing of the historic haul routes surrounding the West Lake landfill for potential radiological contamination. Two weeks later, EPA responded that it had agreed to conduct testing at the Bridgeton Municipal Athletic Complex, but that it would not test the other areas requested because extensive sampling has already been done in those areas, and the validated data generated by that sampling raised no cause for concern.

While we recognize that the Army Corps of Engineers ("ACOE") reported no contamination above its set remediation standards in its 2005 Record of Decision for the North St. Louis County sites ("2005 ROD"), further review is needed to ensure that the data collected provides a comprehensive radiological profile of the site. Our unwillingness to rely on the 2005 ROD alone, without review of the raw data, is based on at least two concerns: (1) our experience at the West Lake landfill has shown us that radiological maps drawn using old sampling data have proven inaccurate—new sampling has turned up radiological contamination where it was previously thought to be absent, and (2) the remediation goals against which the data were measured in the 2005 ROD may be less demanding than current proposed remediation goals at West Lake.

We understand that the Missouri Department of Natural Resources informally requested that EPA or the ACOE provide the raw data relied upon

in the 2005 ROD and referred to in EPA's May 14, 2014 letter, but, thus far, neither EPA nor the ACOE has been able to produce the requested data. Therefore, my office has submitted Freedom of Information Act (FOIA) requests with EPA and the ACOE, St. Louis District, requesting information regarding the transportation route analysis that was conducted, including raw data for the 231 data samples. Courtesy copies of these requests are attached.

We ask that you expedite the review and response to these requests for information. We will, if necessary, seek to enforce the requirements and timeframes provided by FOIA in federal court.

Respectfully,

CHRIS KOSTER
Attorney General

Cc: Col. Christopher Hall, District Engineer & Commander, ACOE

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FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Request By:

Chris Koster, Attorney General of Missouri
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102
Phone: 573-751-3321

Request To:

Emily Albano
FOIA Specialist
EPA Region 7
11201 Renner Blvd.
Lenexa, KS 66219

Request for Records:

Chris Koster, Attorney General of Missouri, pursuant to FOIA hereby requests records in the possession of United States Environmental Protection Agency ("EPA"), Region 7, concerning any analysis, investigation or information generated by or for EPA concerning the transportation routes used to move soils or other materials from the Hazelwood Interim Storage Site (HISS) in Hazelwood, Missouri to the West Lake Landfill (EPA ID No. MOD079900932) in Bridgeton, Missouri.

Without limitation, this request specifically seeks all records relied upon by the EPA in preparing its May 14, 2014, correspondence to the requester.

Without limitation, this request specifically seeks all records concerning the soil sampling, including the raw data relating to the purported 231 soil

samples collected along the transportation routes from HISS to the West Lake Landfill.

A fee waiver is requested since the information is in the interest of the general public, the requester is a public servant, the requester is not a commercial interest, and the records may contribute to a better understanding of the underlying subject matter by the general public.

I am willing to pay the appropriate fees for this request up to a maximum of $250.00. If you estimate that the fees will exceed this limit, please inform me before incurring additional costs.

If you require anything further to comply with this request, please contact me at the address and phone number provided above. I look forward to your timely response in accordance with the 5 U.S.C. 552.

Date: 6/2/14

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FREEDOM OF INFORMATION ACT (FOIA) REQUEST

Request By:

Chris Koster, Attorney General of Missouri
Supreme Court Building
207 W. High St.
P.O. Box 899
Jefferson City, MO 65102
Phone: 573-751-3321

Request To:

U.S. Army Corps of Engineers
St. Louis District
Office of Counsel
1222 Spruce St,
St. Louis, MO 63101-2833

Request for Records:

Chris Koster, Attorney General of Missouri, pursuant to FOIA hereby requests records in the possession of the United States Army Corps of Engineers ("ACOE") concerning any analysis, investigation or information generated by or for the ACOE concerning the transportation routes used to move soils or other materials from the Hazelwood Interim Storage Site (HISS) in Hazelwood, Missouri to the West Lake Landfill (EPA ID No. MOD079900932) in Bridgeton, Missouri.

Without limitation, this request specifically seeks all records relied upon by the ACOE to support its conclusions regarding transportation routes from HISS to the West Lake Landfill in the USACOE September 2, 2005 *Record of Decision for the North St. Louis County Sites.*

Without limitation, this request specifically seeks all records concerning the soil sampling, including the raw data relating to the purported 231 soil samples collected along the transportation routes from HISS to the West Lake Landfill.

A fee waiver is requested since the information is in the interest of the general public, the requester is a public servant, the requester is not a commercial interest and the records may contribute to a better understanding of the underlying subject matter by the general public.

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Date: 6/2/14

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