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April 29, 2014

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

Dear Administrator Brooks:

Last fall, my office called upon the Environmental Protection Agency ("EPA") to direct a comprehensive radiological survey of the Westlake landfill complex, after new tests suggested that previous assumptions about the boundaries of the radiologically impacted area were incorrect. Since then, ground sampling has revealed that radiological material appears to be present in portions of the Bridgeton landfill that, just months ago, were thought to be uncontaminated. Having a complete, accurate understanding of the radiological profile of the area is essential to efforts by state and federal regulators and the potentially responsible parties ("PRPs") to safely and effectively address the challenges at the site.

While EPA and the PRPs have made some progress in ascertaining the extent of radiological contamination within the perimeter of the Westlake complex, your work cannot stop at the fence line. As you know, the public has become increasingly concerned that radiological material intended for disposal at Westlake may be present at locations outside the site itself.[1] The history of the Westlake site provides a foundation for these community concerns and warrants further investigation by EPA and the PRPs.

The radiologically impacted material at Westlake was not created there—in the early 1970s, an estimated 43,000 tons of contaminated material was transported from a storage facility on Latty Avenue in St. Louis to the Westlake landfill. It is not uncommon for haul routes used to transport radiological material from one site to another to be evaluated by EPA and the Army Corps of Engineers to determine whether sites along the routes may have been contaminated. Such an evaluation is required here.

To accomplish this, EPA need not abandon its existing plans and orders. The EPA can direct the PRPs to undertake this additional investigative work as part of the Supplemental Feasibility Study under its existing Administrative Order on Consent. The work plan should

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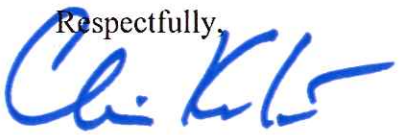
[1] *See, e.g., High Levels of Radiation Found in Soil at Bridgeton Municipal Athletic Complex* (St. Louis Post Dispatch, April 25, 2014).

include sampling based on a historical analysis of the haul routes, the type of trucks used for transport, etc., to permit assessors to evaluate the probability that radiological material was lost during transport. If the haul routes are determined to be a source of contamination, EPA should incorporate those routes into the Westlake Landfill Superfund site, which PRPs are responsible for cleaning up.

As always, the health and safety of the community is our top priority. Please respond by May 14, 2014 to confirm that EPA will order the PRPs to investigate the haul routes as a source of possible radiological contamination. If we do not receive a favorable response by that date, the State will consider its legal options in federal court to ensure that this important testing is done.

Respectfully,



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