

## An Open Letter to the People of Missouri Regarding the Bridgeton Landfill Smoldering Event

January 10, 2015

My name is Dan Norris. I am a former employee of the Missouri Department of Natural Resources (DNR), having worked there for 8 years. In the 8 years I spent in Missouri, I have grown to love it far more than I ever imagined I would. The people of Missouri have a diverse mix of backgrounds, the scenery is remarkable, and the rivers and recreational opportunities abound.

In my role with the DNR I worked on a number of issues involving public safety, as well as human and environmental health. My work led me to a unique situation. I directed the the air sampling efforts around the Bridgeton Sanitary Landfill for the DNR from 2012 to January 2014. Along with the help of a number of my colleagues, I developed and implemented the air sampling plans for the Bridgeton community. I built data systems, worked with contractors, created maps, conducted sampling, and coordinated with the landfill owners and property owners in the area surrounding the landfill.

During the heavy construction activities in 2013 I lived in the community around Bridgeton. I put up with odors in the hotel I stayed at and personally experienced what life was like for those who lived or worked around the landfill. I was one of the only DNR staff who lived in the community during this time frame. I was even there for the tornado that hit the community on May 31, 2013. Besides my time living there, I spent a substantial amount of time in the community conducting and overseeing air sampling activities. I had a very good working relationship with a number of people in the community during my work there and am quite understanding of the different points of view and concerns that citizens in the community had regarding the landfill.

Growing up in a family that made a living from the pharmaceutical and petrochemical industries, I am always mindful of our need for industrial goods and services. There are many facets of any issue and one must be careful to not judge an issue on a single of these factors. Unfortunately, in the balance of factors, political forces appear to dominate above many of the other factors in Missouri.

The subsurface oxidation event, subsurface smoldering event, suspect fire, or whatever other name you wish to assign it, has been going on for 4 years now and it could very well continue on for many years to come, based on the amount of waste at the site and how similar events around the country have progressed. While the landfill owner has spent considerable money and resources to addressing some of the effects of the event, conditions are still far from ideal. The area involved in the smoldering has increased in size since the start of the event, there is still no solid isolation plan, groundwater continues to be contaminated, and soil gas migration continues to pose a potential risk to nearby structures.

In 2012, a number of conceptual options were discussed for isolating the event from the radioactive material. One option was a trench. Concerns with this approach included the potential impacts this could have on the community (odors, nuisance, potential impacts to Lambert International Airport, dust, asbestos, and other air pollutants). An alternate isolation strategy was to install a cooling wall or freeze barrier, which might be less impacting on the community. To my knowledge, the landfill owner

has only implemented a very minimal cooling system. Instead, owner pushed strongly for installing a trench, similar to how the Countywide Landfill event in Ohio was handled. This necessitated a radiological material investigation at Bridgeton/Westlake, which identified that radiological materials went beyond the area previously thought to encompass them. Rather than continuing the radiological investigation to find a possible area to install a trench, the investigation was terminated. If a plan to install a trench does move forward, it is imperative that all of the potential impacts on the community are taken seriously by conducting an appropriate investigation to design removal actions and that proper monitoring is conducted to ensure community safety.

Based on my experience, lack of communication is one of the biggest challenges that face those working on the project. There were many instances where DNR staff were not informed by landfill owners of a situation involving the site until seeing it firsthand or being informed by members of the community. Equally challenging was the lack of political appetite within DNR to pursue this case to its fullest. There was also a lack of information sharing among some DNR staff at times.

Although the degree to which this event has had an impact on the community is unprecedented, there exists an overall cozy relationship between owner and DNR. For a while in 2012-2013, the landfill owner referred to themselves and DNR staff involved with the landfill as “Team Bridgeton”. As an example of this relationship, in 2011 the landfill owner pushed for the DNR to release a financial assurance instrument held to address problems at the landfill and requested that DNR change the status of the facility from inactive to closed. In lieu of the closure financial assurance instrument, the landfill owner proposed a corrective action financial assurance instrument in the amount of \$690,000<sup>1</sup>. Few people within DNR have the fortitude to stand up to the political pressures of the system, but they successfully did in this instance and DNR did not approve the release of the financial assurance instrument. Owner has since documented over \$100 Million in expenses related to remediation and monitoring of the site, far overshadowing the \$690,000 instrument offered<sup>2</sup>.

The political problems related to this site were exemplified in 2014 when state Senator Kurt Schaefer offered Amendment 4 to Missouri Senate Bill 731. This amendment would change some existing state nuisance provisions. Specifically, it attempts to require an owner to live within 1,200 feet of a nuisance to claim damages and attempts to prevent nuisance actions against facilities that are complying with an order issued by the Missouri DNR, US EPA, or the Missouri Attorney General's Office<sup>3,4</sup>. Senator Schaefer is a partner in Lathrop & Gage, a law firm which represents landfill owners<sup>5</sup>. I'll leave it to you to judge whether the landfill that his law firm represents would stand to benefit from this legislation. Families and workers have been in this community for decades and expect to have a right to live without long-term nuisance impacts.

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- 1 November 9, 2011 Corrective Action Financial Assurance Instrument proposal for Bridgeton Landfill. Prepared by Aquaterra for Republic Services.
  - 2 Republic Services October 30, 2014 quarterly report (10-Q) to the U.S. Securities and Exchange Commission. Retrieved from <https://www.sec.gov/Archives/edgar/data/1060391/000106039114000061/rsg930201410-q.htm> on January 10, 2015.
  - 3 Senator Kurt Schaefer amendment 4 to Senate Bill No. 731. Offered March 25, 2014. Retrieved from [http://www.senate.mo.gov/14info/BTS\\_web/amendments/5065S02.04S.pdf](http://www.senate.mo.gov/14info/BTS_web/amendments/5065S02.04S.pdf) on December 1, 2014.
  - 4 Missouri Senate Bill No. 731 (2014 session) full text. Retrieved from <http://www.senate.mo.gov/14info/pdf-bill/tat/SB731.pdf> on December 1, 2014.
  - 5 Lathrop & Gage webpage. Biography of Kurt U. Schaefer. Retrieved from <http://www.lathropgage.com/kschaefer> on December 1, 2014.

As with most political issues, money seems to drive a lot of what goes on. Missouri Ethics Commission records indicate that Republic Services contributed over \$97,000 to Missouri political campaigns in 2014 alone, including \$25,000 to the Missouri Senate Campaign Committee, \$25,000 to the House Republican Campaign Committee, and \$20,000 to the Missouri Democratic State Committee<sup>6</sup>. Missouri Ethics Commission records also show that Lathrop & Gage, has made sizable contributions to political campaigns in Missouri. This includes a \$10,000 contribution to a campaign associated with Chris Koster and a \$5,000 contribution to a campaign associated with Senator Kurt Schaefer's run for Attorney General<sup>7</sup>.

In many instances, the potential impacts of the Bridgeton situation have been marginalized by the owner and in some cases have been sensationalized by environmental groups using overblown scare tactics that aren't supported by science. Meanwhile, the situation has largely been glossed over by state and federal political entities. Public agencies have engaged in a game of bureaucratic finger-pointing, while none have assumed the lead and taken a strong position as a public regulator of the landfill. What is needed in a situation such as this is pure science, unimpeded by money, politics, or mindsets. That is what I believed our role at the DNR was supposed to be and it is what the people of Bridgeton deserve.

There is a larger systemic problem with governance in general in Missouri. Rather than asking questions like how a given action will benefit or impact the people of the state, decisions are often made on the basis of how the action will respond to a given legislator, lobbyist, or company that has political pull. So, in many but not all cases, we are left with a management structure who is dedicated to catering to said political pressures, while there remains an office full of scientific staff who know what should be done in the interest of the citizens at large and who are losing their minds because they are fighting their own management structure to simply enforce the laws/regulations that exist and fulfill the very purpose of the department.

The response to the news media under the current Governor's administration has shifted drastically from when I started working for the DNR. Whereas in the past, technical staff who were experts in what they do were able to speak directly to the media, DNR employees are now threatened with consequences if they speak to the media (and in some cases to the public). This policy became increasingly restrictive in 2010 and ever more restrictive since.

The current office of public information at DNR and the Governor's Office is nothing short of information control. News is constantly spun in a manner to try and make everything look good. While there is a fair amount of good news to report on, many of the aspects that a regulatory agency deals with are simply not that cheery or uplifting. It is an insult to the intellect of the public to try and paint a positive picture out of something that just isn't positive. In many cases, public information just doesn't happen anymore if the news is bad. We should not allow ourselves to live in a society where public officials are impeded the free flow of information to the public who they are supposed to represent. Yet, that is where we find ourselves today.

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6 Missouri Ethics Commission search for donations provided by Republic Services in 2014. Retrieved from [http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF12\\_ContrExpendResults.aspx](http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF12_ContrExpendResults.aspx) on December 1, 2014.

7 Missouri Ethics Commission search for donations provided by Lathrop & Gage in 2014. Retrieved from [http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF12\\_ContrExpendResults.aspx](http://www.mec.mo.gov/EthicsWeb/CampaignFinance/CF12_ContrExpendResults.aspx) on December 13, 2014.

Individual departments and management structures at DNR and other state agencies in Missouri also suffer from entrenched processes that are overly-bureaucratic. This slows decision making and results in internal and external inefficiencies. Just as one example of how bureaucratic things have gotten, shortly before my departure from DNR, we were forwarded an e-mail informing us that the Missouri Office of Administration had prohibited us from spreading salt at the entrances during icy conditions<sup>8</sup>. Rather than look out for the immediate safety of ourselves and our co-workers, we were instructed to inform someone who would call someone else to tell that person to send someone to come put salt on the sidewalk.

The direction of the current Governor's administration and the degree of bureaucracy in state government has left many dedicated employees on both sides of the political spectrum looking for the exit or counting down the days until they are eligible to retire. Part of my decision to leave my position in Missouri with DNR is because of overall disappointment with how we were able to perform our job and anger at the degree to which bureaucracy was consuming day-to-day progress. During my time in Missouri there have been political pushes resulting in disproportionate power for industry, while reducing the rights and power of individual citizens. Politics and fear are, unfortunately, more powerful than science and reason. I wish all Missourians the best in regaining their voice and obtaining a governance structure that represents the diverse interests of the state as a whole, rather than just those with political power.

Sincerely,

A handwritten signature in blue ink that reads "Dan Norris". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Dan Norris

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<sup>8</sup> E-mail from HWP director on December 17, 2014, referencing OA requirement that employees not use ice melt.