



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 1673		DATE: 2/19/2024
COMMITTEE: Conservation and Natural Resources		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: DAWN CHAPMAN		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: dmcteacher@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/19/2024 4:59 PM
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I'm thankful to Rep. Matthiesen for bringing this Bill up for consideration. I have lived half of my life in the shadow of the West Lake Landfill radioactive Superfund Site. I have fought for over 11 years for this site to be cleaned up and the radioactive waste removed from my community as well as removed from other sites in the STL Region! The most important thing for everyone to remember is that these sites would not still be contaminated and exposing Missouri residents if this Bill had existed decades ago! Nobody can protect the citizens of this State better than the current officials elected by the people who are serving this State along with our Missouri Department of Natural Resources. Federal programs only work and protect with proper State oversight and with the States ability to investigate these sites properly. Without that you have all likely seen the outcomes, which is sites sit for decades exposing community members while Federal Agencies fail to properly investigate and document hazards on and now off of these sites. This bill has the potential to fix that and give the State regulators the ability to find the extent of the potential harm and in many cases likely prevent exposures and then the ability to finally hold these Federal Agencies accountable and force them to come in, reimburse the money for testing, and then clean up the waste.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: KORTNIE HUDDLESTON		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: kortniehuddleston@gmail.com	ATTENDANCE: Written		SUBMIT DATE: 2/19/2024 3:01 PM

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I support this bill. We must increase funding to the investigation and cleanup of hazardous radioactive waste in order to protect our communities.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: MICHAEL BERG		PHONE NUMBER: 314-456-1954	
REPRESENTING: SIERRA CLUB MISSOURI CHAPTER		TITLE: SIERRA CLUB MISSOURI CHAPTER POLITICAL DIRECTOR	
ADDRESS: PO BOX 432010			
CITY: SAINT LOUIS		STATE: MO	ZIP: 63143
EMAIL: Michael.Berg@sierraclub.org	ATTENDANCE: Written	SUBMIT DATE: 2/19/2024 1:02 PM	
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The Sierra Club supports this effort to put more resources into dealing with the terrible problem of radioactive waste contaminating Missouri communities (especially in the suburban St. Louis area).



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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: MICHAEL DREYER		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: mdreyer93@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/19/2024 3:00 PM
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WITNESS NAME		
INDIVIDUAL:		
WITNESS NAME: ARNIE C. "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE: ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written	SUBMIT DATE: 2/19/2024 11:47 PM
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I am Opposed to this Bill at this time. This issue NEEDS to be the Responsibility and a Task undertaken by Congress with these Investigations being conducted impartially by the United States Department of Energy, the United States Environmental Protection Agency and other Divisions of the United States Government. If I File for Congress Next Week, I will fight for this Funding in Washington D.C. The United States Department of Energy and Department of Defense Created this waste, dumping and leaching into the ground and other sources. So the Federal Government MUST be held Accountable to Investigate and clean up the matters as soon as possible.



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ASHLEY BERNAUGH		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: ashleybernaugh@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/19/2024 5:44 PM	

THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.

Federal radioactive waste has been knowingly left by Federal agencies, contractors, and local area businesses in the St. Louis City, St. Louis County, and St. Charles Counties without question. The need for expanded testing is required because the Federal government has failed to provide adequate testing or cleanup to remedy the public radioactive waste exposure areas located near significant community centers. If our Federal government had been forthcoming with the production of radioactive waste in Missouri the public and local lawmakers could have then mitigated exposures. Instead, the government with contracted, corporate, polluting, partners deliberately, misled the public as to increased public health risks and expansive scope of exposure areas. The policy of denial continues today. Since 2018 I have requested public data for Jana Elementary that would allow the public to understand the scope of radioactive waste contamination of a major water system, Coldwater Creek in the Florissant, Missouri area. Despite my efforts, the Federal government denied multiple requests for information and obstructed the flow of information from the publicly funded testing occurring at and nearby Jana Elementary in Florissant, MO, failing to produce sample results or maps of contamination until 2023. The federal government had testing that showed contamination, contamination they have now had to remediate and have been forced under public pressure to address since 2023 and continues to the present day. Make no mistake expanded testing for radioactive waste must be accomplished because Federal testing is inadequate and lacks necessary public scrutiny due under both State and Federal laws. Funding for testing should be made available for communities to access and should be used to support the community members' identified justifications for expanding beyond federal testing areas to better document and seek immediate remediation of radioactive waste contamination that threatens people and environments. The need for the fund is great. Missouri should stand ready to seek repayment from the Federal government for any and all testing-related expenses and to contribute to the ongoing testing and needed remediation of communities left as unauthorized, open-air holding cells for radioactive waste in 2024, since the 1940s.



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INDIVIDUAL:			
WITNESS NAME: ASHLEY BERNAUGH		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: ashleybernaugh@gmail.com	ATTENDANCE: Written	SUBMIT DATE: 2/19/2024 5:59 PM	
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Federal radioactive waste has been knowingly left by Federal agencies, contractors, and local area businesses in the St. Louis City, St. Louis County, and St. Charles Counties without question. The need for expanded testing is required because the Federal government has failed to provide adequate testing or cleanup to remedy the public radioactive waste exposure areas located near significant community centers. If our Federal government had been forthcoming with the production of radioactive waste in Missouri the public and local lawmakers could have then mitigated exposures. Instead, the government with contracted, corporate, polluting, partners deliberately, misled the public as to increased public health risks and expansive scope of exposure areas. The policy of denial continues today. Since 2018 I have requested public data for Jana Elementary that would allow the public to understand the scope of radioactive waste contamination of a major water system, Coldwater Creek in the Florissant, Missouri area. Despite my efforts, the Federal government denied multiple requests for information and obstructed the flow of information from the publicly funded testing occurring at and nearby Jana Elementary in Florissant, MO, failing to produce sample results or maps of contamination until 2023. The federal government's testing showed contamination spread far outside source sites, yet waited more than 8 decades to address the problem. Today the same contamination must be cleaned by the same Federal agencies that made the waste, but waited until 80 years of homes and schools were constructed on this same contaminated land. Today, only surcomming to massive public pressure in 2023 to remediate contaminated areas with direct public contact, but not to cleanup levels required in other states or in Missouri using the minimal protections against people and their health. Make no mistake, expanded testing for radioactive waste must be accomplished because Federal testing is inadequate and lacks necessary public scrutiny due under both State and Federal laws. Funding for testing should be made available for communities to access and should be used to support the community members' identified justifications for expanding beyond federal testing areas to better document and seek immediate remediation of radioactive waste contamination that threatens people and environments. The need for the fund is great. Missouri should stand ready to seek repayment from the Federal government for any and all testing-related expenses and to contribute to the ongoing testing and needed remediation of communities left as unauthorized, open-air holding cells for radioactive waste in 2024, since the 1940s.



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WITNESS NAME			
BUSINESS/ORGANIZATION:			
WITNESS NAME: MELISSA VATTEROTT		PHONE NUMBER: 314-727-0600	
BUSINESS/ORGANIZATION NAME: MISSOURI COALITION FOR THE ENVIRONMENT		TITLE: POLICY DIRECTOR	
ADDRESS: 725 KINGSLAND AVENUE, SUITE 100			
CITY: ST. LOUIS		STATE: MO	ZIP: 63130
EMAIL: mvatterott@moenvironment.org	ATTENDANCE: Written	SUBMIT DATE: 2/19/2024 5:20 PM	

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February 19, 2024
 Chairman Bruce Sassmann
 201 W. Capitol Ave., Rm. 305-A
 Jefferson City, Missouri 65101

Dear Chairman Sassmann and Members of the Committee,

Missouri Coalition for the Environment is a statewide, advocacy nonprofit organization that works to empower Missourians to protect their environment and health. House Bill 1673 seeks to allow the General Assembly to transfer funds up to \$300,000 into the Hazardous Waste Investigation Fund (Fund). Currently, the General Assembly can transfer up to \$150,000 into the Fund. To date, the General Assembly has transferred no monies into the Fund. The following testimony is for informational purposes only. As you may know, St. Louis is home to much of the processed uranium waste from the Manhattan Project in the 1940s that created the Atomic Bomb. Since the 1940s, tens of thousands of individuals who worked, lived, played, or went to school near the waste storage sites or creeks known to be contaminated with radioactive isotopes have been diagnosed with rare cancers and autoimmune diseases. MCE has been active with the communities impacted by this hazardous waste for over a decade and have been urging legislators and state and federal agencies to come up with solutions to the waste problem and the associated health problems the communities endure. We are grateful that the General Assembly is considering ways that they can be part of the solution to the environmental injustice occurring in St. Louis. One tool that the communities do want is the ability to test water, sediment, and soil in and near the places they live, work, and play so that they can be aware of their exposure risk. HB 1673 seeks to improve access to testing for this very purpose. However, there are several questions MCE asks this Committee to consider regarding the Hazardous Waste Investigation Fund in its current and proposed forms in order to determine how best to proceed. First, the provision being amended by HB 1673, 260.558.1, states "Upon written request by a local governing body expressing concern of radioactive waste contamination in a specified area within its jurisdiction, the department of natural resources shall use moneys in the radioactive waste investigation fund to develop and conduct an investigation, using scientific methods, for the specified area of concern." (1) The term "local governing body" is not defined in this Chapter nor anywhere currently in the Revised Statutes of Missouri despite the phrase being used in multiple other places. Several local governing bodies in St. Louis are concerned about the radioactive hazardous waste exposure and it would be wise to ensure that all such bodies can call upon the Department of Natural Resources (DNR). These include the local city councils, local school boards, health departments, and the St. Louis County Board of Commissioners. It would be important that all of these bodies and others be eligible to call upon DNR to conduct investigations. Second, 260.558.1 also states "The department shall prioritize requests in the order in which they are received, except that the department may give priority to requests that are in close proximity to federally designated sites where radioactive contaminants are known or reasonably expected to exist." (2) It is worth sharing with the Committee that radioactive isotopes have been found in locations not very

close to “federally designated sites,” as the isotopes have moved through water and soil over the last eighty years. Third, 260.558.1 also states “The investigation shall be performed by applicable federal or state agencies or by a qualified contractor selected by the department through a competitive bidding process.” (3) There have been circumstances in the past where testing conducted by the federal government or a company with which the federal government contracted resulted in statements contrary to third party test results. (4) It is important to consider the potential bias that may be present with an agency or agency contracted-entity, especially if the agency is one that is responsible for the waste’s existence. Fourth, neither current law nor the proposed changes in HB 1673 indicate which federally designated levels DNR will use to determine whether an investigation has revealed unsafe levels. For example, the federal Environmental Protection Agency (EPA) defines radiologically impacted material (RIM) as “as any waste material containing combined radium (Ra-226 plus Ra-228) or combined thorium (Th-230 plus Th-232) at levels greater than 5 pCi/g above background, or total uranium (U-238 plus U-235 plus U-234) at levels greater than 50 pCi/g above background.” (5) Whereas the U.S. Army Corps of Engineers defines contamination as: “Soil in the surface 6-inch layer will be removed if the radionuclide concentrations averaged over any area of 100 m² exceed: • 5 pCi/g of Radium-226 above background, or • 14 pCi/g of Thorium-230 above background, or • 50 pCi/g of Uranium-238 above background. Subsurface soil (soil deeper than 6 inches) will be removed where the subsurface radionuclide concentrations averaged over any area of 100 m² and averaged over a 6-inch thick layer of soil exceed: • 15 pCi/g of Radium-226 above background, or • 15 pCi/g of Thorium-230 above background, or • 50 pCi/g of Uranium-238 above background. Sediment below the mean water gradient will be removed if radionuclide concentrations averaged over any area of 100 m² exceed: • 15 pCi/g of Radium-226 above background, or • 43 pCi/g of Thorium-230 above background, or • 150 pCi/g of Uranium-238 above background.” (6) Both agencies have roles to play in the cleanup and protection of citizens impacted and their surrounding environment. Clarity on which federal standards for unsafe levels will be used would benefit the execution of this program. MCE recommends the use of the EPA-set standards across all mediums because they would be most protective for the communities impacted. Fifth, residents are those who are most exposed to and invested in determining where contamination exists in their communities. There are no provisions in the law or in the proposed changes in HB 1673 that mandate the “local governing body” bring an investigation request to DNR if a resident or multiple residents have brought concern for a particular site in the community. In other words, it is unclear when a local governing body will feel compelled to bring a request to DNR and how much or what type of input from their local constituents they must have before being compelled to act. Sixth, the Committee should consider what will occur once an investigation determines contamination at a site. Which government agency will take action to clean up the contamination? The state government cannot mandate that the federal government come in to clean up sites; there are already thousands of sites on the EPA’s National Priorities List and Superfund Alternative Approach Sites. (7) Consider dialogue with the U.S. Army Corps of Engineers’ Formerly Utilized Sites Remedial Action Program (FUSRAP) about the Hazardous Waste Investigation Fund and a potential cooperative agreement where the state will be reimbursed for any cleanup that occurs following an investigation as FUSRAP’s purpose is to clean up all Manhattan Project waste. (8) Sincerely, Melissa Vatterott, JD Policy Director Missouri Coalition for the Environment mvatterott@moenvironment.org (314) 727-0600, ext. 111(1) 260.558.1 RSMo. (emphasis added). (2) Id. (3) Id. (4) See USACE released final report on Jana Elementary School, KSDK (May 16, 2023), <https://www.ksdk.com/article/news/special-reports/radioactive/us-army-corps-engineers-final-report-jana-elementary/63-7630eb36-cdd8-4d11-b6c3-d0816802fcce> (“The report, which focused on soil sampling conducted under the Formerly Utilized Sites Remedial Action Program (FUSRAP), stated that the immediate school ground is ‘safe from a radiological standpoint.’ . . . The Army Corps began its own testing after an independent report released in October claimed to have found high levels of radioactive contamination within and around Jana Elementary.”) (5) U.S. Environmental Protection Agency, Record of Decision Amendment - West Lake Landfill Site Bridgeton, Missouri Operable Unit 1 (2008), 1 (see footnote 1), available at <https://semspub.epa.gov/work/07/30356608.pdf>. (6) Formerly Utilized Sites Remedial Action Program, U.S. Army Corps of Engineers St. Louis District Office, Record of Decision for the North St. Louis County Sites (2005), 2-78, available at https://www.mvs.usace.army.mil/Portals/54/docs/fusrap/docs/Final_ROD_linked.pdf. (7) See EPA, National Priorities List and Superfund Alternative Approach Sites National Priorities List and Superfund Alternative Approach Sites, <https://www.epa.gov/superfund/search-superfund-sites-where-you-live#npl>. (8) See U.S. Army Corps of Engineers, Formerly Utilized Sites Remedial Action Program, <https://www.usace.army.mil/Missions/Environmental/FUSRAP.aspx>.



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WITNESS NAME		
REGISTERED LOBBYIST:		
WITNESS NAME: TJ GRAVEN		PHONE NUMBER: 573-690-4525
REPRESENTING: MISSOURI DEPARTMENT OF NATURAL RESOURCES		TITLE: LEGISLATIVE LIAISON
ADDRESS: PO BOX 176		
CITY: JEFFERSON CITY		STATE: MO
		ZIP: 65102
EMAIL:	ATTENDANCE:	SUBMIT DATE: 2/19/2024 12:00 AM
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