



Nuclear Hotseat
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Nuclear Hotseat #237:

Libbe HaLevy interview with Byron DeLear

Libbe HaLevy : Byron DeLear was an interview guest on Nuclear Hotseat #228, and he was so terrific in bringing us to an understanding of the political situation that is taking place there, that we decided to have him back for an update. Byron DeLear lives near the West Lake Landfill and has been involved in clean energy issues as Chairman and CEO of Energy Equity Funding. He is a columnist with Examiner.com, where he writes on nuclear issues, was founder of Global Peace solution and is currently running for State Representative. We spoke about the latest developments on-site at West Lake, as well as more on the politics behind this “nuclear hot potato”. Note that when Byron speaks about the Atomic Energy Commission, this is a reference to the agency that in 1977 was turned into the Department of Energy, under then-President Jimmy Carter.

Byron DeLear, welcome back to Nuclear Hotseat.

Byron DeLear: Libbe, thank you so much for having me. I enjoy your program immensely and you’re doing a great service for drilling down with greater detail into these issues, which we don’t normally see in the mainstream media.

LH: Well, let's get started and do that right now.

There's been a lot happening in connection with the West Lake Landfill. And we're going to range over a number of different topics. But one thing that's uppermost in my mind right now, is that in late December, a peer-reviewed study on radioactive contamination of St. Louis County by the West Lake Landfill was published in the Journal of Environmental Radioactivity. Byron, how has this report been received by the activists, and also the political powers who are involved with both the people in the area and also with Republic Services?

BD: There's been quite a lot of anticipation with regard to this report. It's been in the works for a couple of years. One of the chief authors of the report, Bob Alvarez, is a nuclear policy expert from Washington D.C. The other two authors are Marco Kaltofen and Lucas Hixson. The report is, like you mentioned, peer-reviewed, it is scientific evidence – it is independent evidence – that there is significant radiological contamination from the West Lake Landfill that is moving offsite. What's key here is that some of the agencies, for example, the EPA, don't necessarily want to admit that the presence of this radioactive material is that much of a threat to the community. In fact, in a public hearing in October, Mark Hague, who is the Regional Director of the EPA, was asked if there had been any radiological contamination moving offsite, and he said, "We don't really have evidence of that"— that may technically be true—but the problem is, is that the EPA is not doing comprehensive testing offsite of soil; and basically, if they don't look for it, they don't see it... and, I gotta tell you, I guess you could do this for a number of years, but this

community has been suffering from the presence of this radioactive material for, now, over 40 years, and people are desperate for a solution. There is a severe impact on local residents here, cancer clusters, sicknesses, illnesses— and I know that you've covered this a number of times with a number of your guests—but, needless to say, this report that has come out is only confirming a building consensus amongst independent expert observers that, indeed, the material that has been illegally dumped at West Lake is threatening the community and most likely poisoning folks.

LH: The report confirms that radiologically contaminated material at west Lake has been leaching offsite, and has been doing so, polluting the environment, for years, and most likely poisoning the nearby residents, as the recent survey that was put together by the Coldwater Creek group can attest. Let's look at the EPA for a moment. How long has EPA had any kind of mandate over this site, and what have or have not been their actions?

BD: The EPA declared the West Lake Landfill a Superfund site in 1990 —and just to kind of delve into the history here —43,000 to 48,000 tons of radiologically contaminated material that's been dumped at West Lake came from the Manhattan Project during World War II. St. Louis played an extremely pivotal role in the Manhattan Project in developing the first working atomic weapons. In essence, the “foundation stones” of nuclear weaponry itself were laid here in St. Louis and it generated hundreds of thousands of tons of nuclear waste byproducts, which have been, sadly, polluting the north county area. There are over 100 contaminated sites. All of those sites have been put under the pertinent federal clean-up program, which is by

the Army Corps of Engineers, called FUSRAP, except for the West Lake Landfill.

LH: Why is it that West Lake is not under the FUSRAP program?

BD: It's a pretty convoluted and complex, sordid tale to be sure. Essentially, what happened is, the Atomic Energy Commission, in 1962, auctioned off 125,000 tons of this material from the world's first nuclear waste dump, essentially, which was at the St. Louis Airport Site, and they sold it for a buck-a-ton, and they sold it to a small private operator called Contemporary Metals, and then there was this kind of period of nuclear "hot potato" which we covered in our earlier interview, Libbe, in which this material was exchanged from one small private entity to another private entity; and this entire time, the Atomic energy Commission is re-issuing licenses to these different entities. Eventually, Cotter Corporation acquired the materials and they sent much of the material to their processing plant in Canon City, Colorado. However, there was a significant amount still in St. Louis and they tried to find a disposal site that would take the material in, they got rejected numerous times, and eventually they decided to illegally dump it at the West Lake Landfill—*which is a site that has not been designed to hold radioactive material*. It is an unlined, municipal landfill. This material is uncontained. It's sitting on the surface. It is polluting the groundwater. It is only a mile away from the Missouri River, which is upstream from municipal water intakes. So, you can see that this is a very harrowing, threatening situation. And what's particularly interesting, Libbe, is when you start to delve into the primary source record, you find that there is potentially this agenda within the Atomic Energy Commission to sort of "off-load" the

liability for this material off of their balance sheet. And there's kind of a trail of evidence, that when you connect the dots between all these different events and motivations, it becomes very clear that the Federal Government is attempting to shirk its responsibility to ensure that the health threats associated with the nuclear weapons program... you know, that they don't want to be responsible for those health threats. And this is what's particularly criminal, in my mind—and when I say criminal, I mean violations of law. Because the licensing of this material is very dubious.

They sold this material—which was nuclear “byproduct material,” as defined in the Atomic Energy Act—they sold this material and licensed it as “source material,” and it's not source material. It is byproduct material. And there are specific protections designed within the Atomic Energy Act itself, in the event that any byproduct material is mishandled, or used in a way that's a violation of law, or used in a way that's beyond the scope of the license, the Atomic Energy Commission is instructed explicitly by the law to recall that material. And so it becomes very interesting when you start to focus in on some of these issues of liability. What we're facing now, is most likely, a \$400 million dollar clean-up tab. Ultimately, because the nuclear weapons program was designed to defend the national security of the United States, the folks that are suffering nearby the West Lake Landfill are suffering due to the defense of our nation; in essence, they are like heroes left behind enemy lines and the Federal Government has a responsibility to step in to make this community whole again.

LH: When you say \$400 million to clean this up, is that just the West Lake site and the contamination that it has created, or is it all of the sites in the Greater St. Louis area?

BD: That's just the West Lake site, and this scope of work has not been defined literally. There have been some estimates that have been posited, and that is one of the estimates. That would involve removing this threatening material from the center of a county, a densely populated county of a million people, removing this material, removing the threat, and putting it in a licensed disposal facility away from water sources and away from population centers.

LH: And that's the Holy Grail, because we really don't have anything like that. The only way that the waste control specialists down in Texas, for example, gets away with qualifying for the waste is that they have the maps redrawn as to where Ogallala Aquifer existed. The early maps showed them virtually on top of the Aquifer, and then, later maps — and there was a lot of manipulation around this — showed it as being at some distance so that they qualified for taking in more waste. There really is no place for this to go. But it can't stay where it is now.

BD: There's even more reasons why the fantasy that this material can remain *in situ* in a safe capacity, whether they put a cap on it, or whatever half-measures have been suggested—it is a complete fantasy, because the radioactivity of this landfill is only going to increase by orders of magnitude, moving forward. That's called "ingrowth." That's a kind of a technical term, a scientific term. But it refers to increasing levels of radioactivity, due to the thorium, the

uranium, the radium, that has been discovered that is dumped at the West Lake Landfill.

LH: In other words, as these materials break down, they will be releasing greater and greater quantities of radioactivity into the general environment.

BD: Correct. And one of the things that was illuminated in this peer-reviewed study — and this is kind of, sort of a “low-hanging fruit” with regard to proving that there is offsite radiological contamination — and that’s in the form of radon gas that has escaped the landfill, because what happens is uranium-thorium-radium has a decay series, and there’s a series of elements that it breaks down to over a series of years. One of the elements that uranium breaks down to, radium breaks down to, thorium breaks down to is radon gas, which has a half-life of 3.8 days, but during that time, it can move miles offsite. And then, a few other elements down the chain, after that 3.8 day period, is lead-210. Lead-210 is radioactive. It’s a highly toxic material. It is a heavy metal. In fact, radon gas is the second leading cause of lung cancer, and of course, much of it is naturally occurring, but, the point of the community is that when you have an artificial source of radioactivity that is manmade, clearly that becomes a greater health threat than what is naturally occurring. That’s why it is so necessary to remove this material so that the threat is reduced by orders of magnitude.

What the study’s authors discovered in looking at 300 samples taken all around the landfill, and also around some of the other legacy sites, including the Latty Avenue site, which is also called the Hazelwood Interim Storage Site and the St. Louis Airport Site, and also the

Downtown Mallinckrodt Chemical Works Site – what they discovered is that there was an inordinate amount of Lead-210 in these samples, and when they compared the Lead-210 to the other elements, the other members of the decay chain, they found that it was out of equilibrium, meaning it was out of balance, which means that the radon gas that eventually turned into Lead-210 originated from the West Lake Landfill.

LH: This is, of course, all extremely horrifying information. And in terms of the contamination, it may have been made worse by the recent severe flooding in St. Louis. There were even several videos that I saw — I believe you took one of them — of water that was rushing downward off the west Lake site, during the storms and immediately thereafter, that seem to be emanating from the area where we know that the radioactive material was buried.

BD: Representative Bill Otto, whose district is where the West Lake Landfill and Bridgeton Landfill are located, he took some videos, and I took a video, of a location where you could clearly see that storm-rainwater run-off was coming from the designated radioactive areas. You can see the radioactive signs on the chain-link fence, and the water was just rushing off of the hill, going into troughs, that then fed the Missouri River.

So, Bill asked the question: “How can anyone make the argument that radiological material is not moving off-site?”—when you see the floodwaters moving directly off of the radioactive site, where the area is, where the radioactive material is, and that material is on the surface in this area.

LH: Given that it's so obvious that radioactive material was most likely being flooded off of the top of the West Lake site, what does the EPA say about this run-off water and on what do they base that pronouncement?

BD: Well, there seems to be a pattern of behavior where the agencies want to minimize any perceived threat. They want to obfuscate the issue. In the case of this specific instance, the EPA spokeswoman said, "Oh no, that water isn't coming from the West Lake Landfill. That water is coming from the Bridgeton Landfill." If you look on a Google map, the Bridgeton landfill is over 800-feet away from where we were filming. So, it just doesn't hold water.

LH: [laughter]

BD: ... to make a pun.

It's really sad, Libbe, that you have a federal agency that ostensibly is designed to protect the public against health threats, against toxicological hazards, you have this agency that just seems completely, utterly tone-deaf with regard to how they are dealing with the West Lake Landfill.

That's why the public, and the *Just Moms STL* group, and different community activists, have been so outspoken on this because the situation is so dire that we're not getting *any* action on this—for *four decades* we have not gotten any action on this. Senator Claire McCaskill and Senator Roy Blunt, in a bi-partisan fit of rare cooperation, introduced legislation a couple of months ago to strip the jurisdiction of the West Lake Landfill away from the EPA and to grant it to the Army Corps of Engineers which has the capacity to execute the removal of this waste. The Army Corps of Engineers, they have

been a part of this narrative, the Manhattan Project, from the beginning. You may recall that the official name for the Manhattan Project was actually the “Manhattan Engineering District.” The Army Corps of Engineers has been at the front end of this narrative. They have the expertise, and more importantly, they have a more pointed ability to handle the issues of liability, with regard to the removal of this waste.

LH: So, legislation has been proposed. It sounds like the Army Corps of Engineers, their FUSRAP program, is the right one to handle this, because they have the experience, they have the history of dealing with it.

How is that legislation going? And where’s the support? And what, if any, pushback is there?

BD: There have been two bills that have been introduced. One in the Senate, which is Senate Bill 2306; and in the House of Representatives, by Representative Lacy Clay and Representative Ann Wagner, also a bipartisan effort, that’s House Resolution 4100. There has been an attempt to shut down this legislation by the landfill operator, the landfill owner, which is Republic Services; and they have been trying to finance citizen groups, or some refer to them as “astroturf groups” because they are really forwarding a corporate agenda to protect the status quo and to do nothing with the site. That’s the corporate agenda in this case.

They have been trying to characterize the removal of this waste as being an even greater threat than leaving it there. They’re talking to folks in rural Missouri and out-state Missouri and they’re saying, you know: “Do you want radioactive material to come through your

community?”—and they are trying to stir up this opposition, which is sort of synthetic and fake, because the bottom line is the Army Corps of Engineers, as I mentioned earlier, they have already removed over 1.2 million cubic yards which is more than 1,200,000 tons of this material has been safely removed from North County, from the other FUSRAP sites, the other Army Corps sites. And that material is put in specially constructed rail cars, and it's shipped away from the State of Missouri.

So, for Republic Services to be financing efforts to say that this is going to be a massive threat if we actually clean-up the area to make it safe for the local families and local residents that live near here—for them to say that that's going to be an even bigger problem, just doesn't pass the straight face test.

LH: How is Republic hurt if FUSRAP comes in? I mean, what could possibly be their objection to the sane and relatively safe, though this stuff is never safe, but the relatively safer handling that FUSRAP can provide when EPA is basically been going b'dee b'dee b'dee for years, for decades now?

BD: Republic Services is the second largest trash hauler in the United States. Bill Gates is a significant shareholder. It is a large conglomerate corporation, and I think that they are probably erring towards the side of predictability and stability, in regard to their preservation of the status quo. Right next to the landfill is a large trash transfer station where all the Republic Services trash trucks come, and then they consolidate the trash into larger trucks that then go to the landfills. So, there's perhaps a perception that the unknown aspects of what is really dumped at the West Lake Landfill —

because mind you, the West Lake Landfill has never been fully characterized in a grid-like manner. That is another one of the criticisms that the community is levelling at the EPA. Because, like I mentioned earlier, the EPA doesn't know about offsite radiological contamination, because they don't even look for it, really, in a comprehensive way.

LH: That's the perfect way for them to have deniability. "Well, we didn't find anything." They didn't bother to say that they're not looking for anything.

BD: And it's a sad day when citizen groups need to amplify the realities that we're facing, the sicknesses, the illnesses, the cancer clusters, and do all this discovery and all these efforts on our own, with independent, peer-reviewed scientific analysis. Missouri Attorney General Chris Koster has mounted an investigation and several months ago his experts released evidence of radiological contamination in offsite tree-core samples and also radiological contamination of groundwater.

So, it's sad that you have this kind of cross-jurisdictional "nuclear Gordian Knot," if you will, where everything is in a state of administerial paralysis, and at the end of the day, it's mothers who have lost their daughters due to brain cancer that are suffering. So there is a real trail of tears that is in the wake of the original sin of this nuclear waste that's been orphaned in the heart of St. Louis County.

LH: That was very beautifully put.

Where is the local media on this? And how aware, in general, are the people of St. Louis, of this massive problem that exists right smack-up against their city?

BD: A few years ago, some would refer to St. Louis's role in the Manhattan Project as a "best-kept" secret. However, because there's this encroaching landfill fire, which we haven't mentioned yet—there's a landfill that's right next to the radioactive waste that has had what is referred euphemistically as a "sub-surface smoldering event..."

LH: [laughter]

BD: But it's really...

LH: I love bureaucratic language.

BD: That's some techno-speak, isn't it?

You know, so this fire has been burning for nearly six years and they are just letting it burn. Like I mentioned earlier, Attorney General Chris Koster, his experts have shown evidence that the fire is moving closer to the radioactive waste, and it is about a thousand feet away. St. Louis County released emergency plans preparing for a radiological "plume" to be emitted from the landfill, should the fire meet the radioactive waste.

And so, because of the imminence of the chance of, like, a dirty bomb essentially going off in the St. Louis region, this issue has been propelled into the national mainstream media and even international news.

So, the media here is really paying attention to this issue. Sadly, it's kind of a stand-off between a corporate financed agenda with regard to their talking points on the site—that the site poses no threat, that we don't want to touch the stuff because if you touch it, then it's going

to be an even bigger threat, and that there's no radiological contamination moving offsite—these are the talking points of the corporate side of things, and even the EPA sometimes, sadly. Then, on the other hand, you have these independent experts, like this recent peer-reviewed paper, that are showing that indeed this *is* an ongoing threat, that the radiological contamination *is* moving off-site, and that you have the Attorney General's experts confirming that. So you have these two competing narratives and such is the case with politics, right? But I have to say that — and I have expressed this to the different groups when I have had the chance to talk with folks — it's a righteous cause to be calling attention to the fact that there are cancer clusters that are emerging, that are presenting in this community. The State of Missouri did an extremely narrow study of the zip code right around the landfill and discovered a 300% increase in childhood brain cancer; and that was an extremely narrow study that didn't even account for folks that moved away, etc. So, you have these illnesses and auto-immune diseases that are emerging, and you have property values that are plummeting, and so, the community has called for the removal of the waste. They have said that we need to have a one-mile buyout of nearby residents, which is about 90 homes. And then we need property protection for the different businesses and residences that are in the region, so that they're not negatively impacted by, really, a liability that the *entire* United States of America should shoulder because, like I mentioned, this radiological contamination is there due to the defense of our nation. The Manhattan Project and early Cold War years is what's

generated the hundreds of thousands of tons of nuclear waste byproducts.

We spend a ton of money on our defense industry and if we cannot clean up the mess created by the very first atomic weapons development, then what mess can we clean up?

LH: What can those of us who are listening to this narrative do to support the moms, the citizens, the ill people, the ones who live within one-mile? What can we do to help support the people of north St. Louis and beyond?

BD: Well, first of all, you can join the Facebook page “West Lake Landfill,” because that operates as kind of a central repository of all these studies, and all these news stories and all this information that’s coming out.

The next thing you can do is call your local senator or representative and ask them to support Senate Bill 2306, ask them to support House Resolution 4100, which would transfer jurisdiction of the West Lake cleanup to the Army Corps of Engineers.

These are immediate calls to action that folks can do.

(Libbe Halevy Note: At this point, I figured the interview was pretty much over except for some boiler plate at the end. But, as so often happens, our conversation veered off into a direction so informative that I would be remiss if I did not include it.)

Byron DeLear: Libbe, I find it just unconscionable that the federal agencies like the EPA or the Army Corps of Engineers or the Department of Energy, they treat the exact same wastes that are located in different parts of the country—they have different

standards of clean-up depending on where you are in the country—and it is significant, the different standards of clean-up.

This is a form of territorial discrimination. This is a form of environmental injustice that violates the civil rights of the folks that are not afforded the same level of clean-up. St. Louis is one of those areas that is not afforded the same level of clean-up.

For example, in 1983, there was an article that came out, which talked about nuclear byproduct wastes that were stored in Fernald, Ohio. Now those wastes had come from Mallinckrodt Chemical Works. They were stored at the airport site, which I've mentioned earlier, and then they were shipped to Fernald, Ohio, for storage. Those wastes had some radium in it. At an earlier date, they were perceived to have some economic value. So the Belgian mining interests that had sold the Belgian Congo Pitchblende—which was the most pure form of uranium, a freak of nature, this is ultimately what led to the success of the Manhattan Project—this pure form of uranium came to the United States, and the Belgian mining interests said: “OK, you can have the uranium in there, but we want to retain ownership of some of the other materials in there, in case, at a later date, we want to go get it.”

So they were storing it up in Ohio and the Reagan Administration, in 1983, they said: “OK, we will assume liability for this material, and clean it up, but only if you allow us to place nuclear cruise missiles in Belgium.”

You have this really dirty business dealing going on with cruise missiles being placed in Europe, and then all of a sudden, then, of

course, the clean-up can take place...but Libbe, it even gets worse, because this is where the territorial discrimination comes into play. In the agreement to clean-up those wastes in Fernald, Ohio, they say that they will either “entomb” the waste, which means full encapsulation in a disposal cell, or they will remove the wastes from the site so that it no longer threatens that community.

In St. Louis, we don’t get that. We don’t get the perspective that says that we *cannot* allow tens of thousands of tons of highly radiotoxic material to lie *in situ* in the heart of a county of a million people—this is actually considered to be.... “well, maybe it’s palatable,” maybe we can leave this material in the West Lake Landfill and just put a cap over it, which is what the EPA was trying to suggest in their Record of Decision in 2008.

I just find this actually shocking. Even the EPA spokeswoman recently said that the same wastes in different parts of the country have entirely different clean-up standards.

How does that make any sense?

How does that make any sense when you have actual people suffering due to sicknesses, disease, and death, because of the presence of this material. It is not right. It is not correct. And that’s why this issue has been propelled into the national spotlight. Because we are going to see this material removed. I have made this a pledge in my campaign for State Representative. I’m running for State Representative in the district where these landfills reside. And I have made a pledge that I will work tirelessly until we make this community whole again, by protecting this community and removing that waste.

LH: And if you were in a position where you could wave a magic wand or an executive order and take action to make certain that this would happen, what would you want to see happen? What would you do?

BD: There have been calls to the White House. In fact, I have spoken to the White House legal team about this. I have a friend and colleague who is the General Counsel to Executive Office of the President, and the President is very much aware of the West Lake Landfill. In fact, recently a local progressive hero in our community, Rabbi Susan Talve, was lighting a Menorah at the White House and she mentioned the moms that are working to clean-up the West Lake Landfill, in the White House.

If I could wave a magic wand, I would transfer the site to the Army Corps of Engineers, which is what Senate Bill 2306 does and what House Resolution 4100 does. And I would ensure that there would be property protection for the plummeting property values for businesses and residents in a 5-mile radius. And I would do a buyout of the 90 or so homes in the mile radius. And I would remove this material. It would act as a huge economic stimulus for this community. I mean, St. Louis *deserves* this recompense. St. Louis deserves the protection that the Federal Government promised Mallinckrodt in the original secret contracts for the Manhattan Project. The Federal Government said that they would assume the liability for any health threats associated with the process of generating and purifying this uranium for the Manhattan Project. Those promises need to follow through.

Like I mentioned in our first interview, Libbe, the Atomic Energy Commission that sold this material, 125,000 tons of it for a buck-a-ton, that that was a violation of law; when they called it “source material,” to bypass the protection provisions within the Atomic Energy Act, that was a violation of law; and those aspects need to be brought to light, so that the Federal Government will only have one course of action available to them, which is making this community whole again, and protecting this community.

That’s the only thing left for them to do.

Sadly, sometimes in democracy, you have to eliminate all the other games of distraction that are going on by corporate interests—by agencies that just want to kick the can down the road—you have to eliminate all those different options so that there’s only one singular course left, which is a light at the end of the tunnel, which shows this community being made healthy and that health threat being removed from St. Louis County, from Bridgeton, Missouri.

LH: From your mouth to somebody’s ears.

Byron, thank you again for an extremely articulate and passionate telling of the story of what’s going on, including all of the political details you were able to include. And know that Nuclear Hotseat’s going to stay on this story. We will continue to report what’s going on. I consider you a valuable source. And for now, thank you so much for being my guest again this week on Nuclear Hotseat.

BD: Thank you, Libbe.

LH: That was Byron DeLear. Byron’s earlier Nuclear Hotseat interview ran in episode #228. Other programs which featured West Lake interviews include #230, #232, and our full length special #227,

which is where I spoke with Dr. Helen Caldicott on the health issues, former White House nuclear advisor Bob Alvarez on the history of the site, and West Lake Landfill Facebook Administrator Dawn Chapman. Be sure to check those episodes out.

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