

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE DIRECTOR  
P.O. Box 170, Jefferson City, MO 64402-0170, USA

January 12, 1996

Mr. David G. Adler, Site Manager  
Former Site Restoration Division  
Department of Energy  
Oak Ridge Operations Office  
P.O. Box 2001  
Oak Ridge, TN 37831

Dear Mr. Adler:

I am writing in response to your letter to the Missouri Department of Natural Resources. Robert Geller, Federal Facilities Section Chief, dated November 28, 1995. You inquired about the potential disposal of radioactive waste in a Missouri sanitary landfill. As the General Counsel of the Missouri Department of Natural Resources, I have reviewed the legal perimeters of our regulation. The analysis below should make it clear why our laws provide that you may not take the action which you proposed in your recent letter.

Missouri Solid Waste Management Law and Regulation prohibits the disposal of any radioactive waste into a landfill. The following Missouri Solid Waste regulation provides, in pertinent part, that wastes are to be excluded from sanitary landfills:

Regulated quantities of hazardous waste, radioactive materials, explosives, polychlorinated biphenyls (PCBs), bulk liquids, highly flammable or volatile substances, septic tank pumpings, major appliances, waste oil, lead acid batteries, waste tires as provided by 10 CSR 80-8, yard waste and infectious waste as provided by 10 CSR 80-7.010 are excluded from disposal at a sanitary landfill.

10 CSR 80-3.010 (3) (a).

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It is plain that this regulation prohibits the disposal of any radioactive waste (among other listed items) into a sanitary landfill. An interpretation that the prohibition applies only to NRC regulated radioactive waste is incorrect. The term "Regulated" applies only to hazardous waste.

My legal review is not intended to answer your inquiry with respect to any other state -- it only applies to the State of Missouri. In accordance with our previously established position, we hope you will continue to review the legal and technically sound solutions to the cleanup of Department of Energy sites. These solutions may be found, as mentioned before, in local areas in Midwestern states or known destinations such as Utah.

I would expect that any future questions by the U.S. Department of Energy involving legal interpretations of Missouri environmental laws and regulations to be directed to David A. Shorr or my office. Thank you for your attention to these matters.

Best regards,

DEPARTMENT OF NATURAL RESOURCES

*Melissa Manda*  
Melissa Manda  
General Counsel

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~~Enclosure~~

c: David A. Shorr, Director, Missouri Department of Natural Resources  
Sally Price, Chairperson, St. Louis Site Task Force

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Formerly Utilized Sites Remedial Action Program (FUSRAP)

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# ADMINISTRATIVE RECORD

for the St. Louis Site, Missouri

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U.S. Department of Energy

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