



2015 0057

6 of 6 PDF letter**Meghan Belaski** <meghanbelaski@gmail.com>

Tue, Sep 16, 2014 at 1:25 AM

To: warren.smith@state.co.us, jeannine.natterman@state.co.us

My name is Meghan Belaski and I have submitted 342 pages of documentation (6 PDF's) related to the public comment period concerning Cotter Corp., in Canon City, Colorado. I would like all of the documents in the 6 PDF's I've sent made public at this time.

Most of the documents I've submitted were obtained through the work of my father and his role with CCAT many years ago. While I am not personally affiliated with CCAT, I'm personally invested in the community and decided to submit these documents for review after digging through my dad's old boxes. And because this story must be told.

The proposed settlement is absurd and offensive and is no where near good enough to address the public health crisis that festers in Canon City, Colorado from both Cotter and the State of Colorado's failures to uphold the interest of public health and well-being over future plans and profit. Not to mention the lack of any semblance of environmental justice for the humans or the earth under this agreement state status that Colorado has operated under, and abused, for decades upon decades. Enough is enough.

The State of Colorado should have its agreement state status withdrawn by the NRC due to the deliberate and likely criminal conduct that has occurred in an apparently corrupted process. The State of Colorado and Cotter need more oversight than what the EPA Region 8 could possibly offer at this time, and none of these entities should be making decisions in any capacity about the Cotter facility, or its terms for the proposed settlement, which is why I have asked the NRC, the FBI and the Senate sub-committee for the Environment and Public Works and Superfund to intervene on behalf of my friends and family who still live in Canon City and have been lied to by the entities we are told will keep us safe.

Sincerely,

Meghan Belaski

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which is
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surprise
just further
evidence of
the lack of due process here.

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2015 0057

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October 27, 2014

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RE: CCAT's Combined Comments on a Package of EPA and CDPHE Proposed Agency Actions Regarding Lincoln Park Superfund Site, Canon City, Colorado, and Cotter Uranium Mill Tailings

These comments are submitted on behalf of Colorado Citizens Against ToxicWaste, Inc. ("CCAT") to address three overlapping and intertwined agency actions involving the overlapping regulations at the Lincoln Park Superfund site and the Cotter Cañon City Milling Facility.

- Radioactive Materials License, Amendment 54
- Agreement Regarding Licensing and Remedial Requirements ("1988 CD/RAP Amendment")
- Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study

Because each proposal depends on terms from the other, this unified set of comments is provided to CDPHE pursuant to its Radiation Control Act ("RCA") authority and EPA under its Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA" or Superfund) authority as well as EPA's direct authority and regulations promulgated under the Uranium Mill Tailings Radiation Control Act ("UMTRCA"). In addition to the specific procedures and substantive standards in the RCA, CERCLA, and UMTRCA, the proposed package of agency actions contravenes law and basic principles of agency decisionmaking and are therefore arbitrary, capricious, and contrary to the state and federal Administrative Procedure Acts. 5 U.S.C. §§ 701, et seq., C.R.S. §§ 24-5-101, et seq.

I. Regulatory and Site Background

The Lincoln Park Superfund site involves controversial but complete exposure pathways between the contamination source - the Cotter uranium milling wastes - and CCAT members who live in the Lincoln Park neighborhood near, downwind, and downgradient from the mill. The Cotter mill contains multiple unclosed byproduct material impoundments that are not subject to a current, valid RCA license. None of the impoundments have entered the closure phase, as no closure plan has been prepared or approved.

A natural resources damage suit brought by Colorado against Cotter resulted in a 1988 consent decree and remedial action plan (1988 CD/RAP) being entered over EPA and community objections. The 1988 CD/RAP purported to resolve some issues involving contamination and release of hazardous substances as between PRPs Colorado and Cotter. However, the judicially-approved CD/RAP has not been implemented faithfully and judicial approval has not been sought to update the CD/RAP, resulting in an ineffective CERCLA response and ongoing groundwater contamination at the site and in the Lincoln Park neighborhood.

UMTRCA and RCA require that uranium tailings closure costs are the sole responsibility of Cotter and that foreseeable closure and remediation costs must be covered by a current financial surety payable to Colorado in the case that Cotter is unwilling or unable to carry out closure. Based on the entirety of the administrative record for the site, including the historical documents submitted in comments by Meghan Belaski, Cotter has proven both unable and unwilling to conform with timely closure requirements. CCAT brought many of the same issues faced today to the attention of the Colorado Attorney General, EPA, and CDPHE in 2002/2003, as confirmed by Meghan Belaski's records, but little progress has been made in the past decade on addressing the leaking impoundments and ongoing groundwater contamination.

CERCLA contemplates clean-up paid by Potentially Responsible Parties ("PRP"), which includes contributors of waste to the site, current or former owners, and operators. The list of PRPs likely includes Cotter, General Atomics, Commonwealth Edison, the State of Colorado, the United States, and others. To date, it appears that CDPHE and EPA have based decisions on the false assumption that Cotter Corporation, an entity with no visible income from ongoing activities, is the only PRP at the site. EPA and CDPHE have both concealed the identities of PRPs from the public, with CDPHE's Assistant Attorney General asserting in open court that other Colorado agencies, not CDPHE, would shoulder the burden of Colorado's PRP liability.

An undetermined number of Cotter's tailings impoundments are actively receiving byproduct materials, including soils, mill demolition materials, and contaminated liquids that are being actively retained by a notoriously leaky pump-back system. Groundwater contamination is found throughout the mill site, extending outward into the Lincoln Park neighborhood through a variety of contamination vectors. No attention appears to have been given to the need for clean up of the documented mill tailings disposal that has occurred over the years directly into the deep coal mine shafts at the site. Neither EPA nor CDPHE has approved a plan for the closure and perpetual care of Cotter's uranium tailings. Instead, the tailings impoundments continue to leak and the groundwater remains contaminated, with no concrete plans or enforceable milestones required by state and federal laws.

The joint proposal, negotiated in secret by EPA/CDPHE/Cotter without input from the federally appointed Special Master, attempts to avoid an array of RCA, CERCLA and UMTRCA requirements and violations. The proposal, read as a package, contravenes the substantive and procedural requirements of duly adopted statutes and a complex regulatory scheme meant to protect the public from the mismanagement and delayed closure and final disposition of uranium mill tailings. For example, paragraph 2 of the CD/RAP Amendment unlawfully releases Cotter and Colorado from obligations imposed by the 1988 Consent Decree based on conflicts with the package presented for comments. This coordinated effort contradicts federal law and the terms of the Consent Decree itself, which require judicial approval of changes to the consent decree. *See e.g.* Section XXIII of the Consent Decree.

The package deal may appear convenient for CDPHE and EPA regulators faced with multiple violations and the licensee's vigorous opposition to necessary and costly closure and remediation requirements. The package deal may also appear to benefit potentially responsible parties (PRPs) Colorado and United States. However, the public interest is not served by putting Cotter in charge of a set of investigations, while simultaneously releasing Cotter from licensing requirements of RCA and EPA UMTRCA regulations and the 1988 CD/RAP. Cotter has a clear interest in minimizing and avoiding the costs of clean-up that must be borne by all PRPs, including those not yet publicly announced. The coordinated package of agreements serves as an unlawful amendment to existing law where EPA and CDPHE propose to abandon the public disclosure and hearing opportunities in the RCA and CERCLA in favor of a new CERCLA RI/FS process where only a public comment period after RI/FS and proposed or preferred remedies are identified.

The financial interests of Cotter (General Atomics), Colorado, United States, along with a long list of other operators, owners, arrangers, and contributors, appears to have driven an *ultra-vires* bureaucratic re-write of state and federal law as applied to the Cotter mill and associated contamination that extends into the Lincoln Park neighborhood. Although CDPHE, EPA and Cotter may perceive existing law as an obstacle, CERCLA, UMTRCA, RCA, 1988 CD/RAP and state/federal APAs provide important procedural and substantive requirements that cannot be revoked or contravened by a package of agreements between PRPs.

The settlement and agency actions under review, individually and together, are "inappropriate, improper, or inadequate" under controlling federal and state law, and cannot be finalized as proposed. 42 U.S.C. § 9622(i). The proposed settlement cannot be approved based on the scant information provided by EPA. See *Utah by Department of Health v. Kennecott Corp.*, 801 F. Supp. 553 at 572 (D. Utah 1992) (denying approval on the basis that proposed consent decree is "not just and fair or consistent with the purposes of CERCLA."). The interrelated license amendment and agreement between Cotter and CDPHE violates CERCLA standards, the 1988 CD/RAP, and state and federal law, including EPA's UMTRCA regulations applicable to Agreement State' regulation of radon emissions and groundwater contamination. 40 C.F.R. Part 192.

II. The EPA Settlement Agreement is Not in the Public Interest

A. Substantive Issues

CCAT adopts and joins the comments on all documents submitted by the Lincoln Park Community Advisory Group members.

B. Putting the Lead PRP in Charge of the Investigation is Not in the Public Interest

Although EPA has maintained a veil of secrecy around the identity of other corporate and governmental PRPs, there is no question that each of the parties to the RI/FS Settlement agreement are among the parties with liability that flows from contribution, arrangement, operation, and/or ownership interest in the Cotter site. Although relative financial contribution of each EPA-identified PRP cannot be confirmed due to EPA secrecy, the limited record indicates that Cotter and its current and past owners and operators will shoulder the burden of the CERCLA costs. Although UMTRCA and RCA require Cotter to shoulder all of the costs of

closing the mill and tailings, these laws contemplate that state and federal agencies will carry out the investigations and analysis.

The history of the site confirms that putting Cotter in charge of the RI/FS is not in the public interest. At every historical turn, Cotter has acted as an adversary to the community requests and has disputed information that confirms the poorly designed and constructed impoundments are ineffective at containing the tailings, temporarily or in perpetuity. Quality control has plagued the Cotter mill, with ongoing disputes over the quality of Cotter's ongoing monitoring and reporting. The disputes between CDPHE and Cotter over unreliable data gathering and methodologies confirm that Cotter's role in the RI/FS should be limited, not expanded as is proposed.

Ongoing spills related to the failing pumpback system are part of ongoing and potentially expanding groundwater contamination. The SCS dam and pumpback system is designed to intercept only a portion of the ongoing groundwater contamination plume and pump the contaminated liquids back into evaporation ponds and eventual disposal of the 11e2 byproduct material into one of the supposedly inactive, closed impoundments.

The low quality of Cotter's data gathering, narrow scope of analysis, advocacy against past investigations, and recent repeated failures of the pumpback system confirms that the public interest is not served by putting Cotter in charge of the RI/FS. After decades of delays and resistance, it is time to bring in a team of professional investigators that do not have a financial interest in the outcome of the RI/FS. There is no legal or practical reason such professionals cannot commence the RI/FS before determining whether Cotter/General Atomics will pay all expenses under RCA/UMTRCA full-cost recovery mandate, or whether other PRPs will contribute.

C. Requesting Comment on pre-signed Decision Documents Does Not Allow Informed, Meaningful Public Comment

EPA and CDPHE have not met their respective reasoned decisionmaking and public comment obligations where EPA and CDPHE have already entered into agreements with Cotter and the agencies have not provided the necessary rationale for taking the proposed agency action. CERCLA settlements require meaningful public comment, and submittal to the district court with ongoing CERCLA jurisdiction at Lincoln Park pursuant to the 1988 CD/RAP. 42 U.S.C. § 9622(i). Similarly, the proposed Colorado licensing action requires an application, agency environmental documentation, and opportunity for public hearing. 6 CCR 1007-1 Part 18. ("The requirements of this part apply to byproduct material that is located at a site where milling operations are no longer active [...]. Id. at 18.1.3.). Cotter did not file a Part 18 application or environmental report.

CDPHE did post a document titled "Decision Analysis for Amendment 54 of Cotter License, 369-01." However, CDPHE provided no application or Environmental Impact Analysis, and provided no notice of an opportunity to request a hearing on the license application. The Decision Analysis contains a series of snippets and conclusory statements, none of which are supported by any data or analysis of the conditions at the site or the consequences of the proposed amendments. There is no question CDPHE ignored Part 18 of its own regulations.

The Federal Register notice is also devoid of information necessary to determine whether the settlement package is reasonable. 79 Fed. Reg. 50908. Relevant CERCLA factors involve

whether the decree is in the public interest and upholds the objectives of CERCLA, whether the decree is technically adequate to accomplish the goal of cleaning the environment, and whether the agreement reflects the relative strength or weaknesses of the settling party's position. *See United States v. Kerr-McGee Corp.*, 2008 WL 863975, at *5 (D. Colo. Mar. 26, 2008); *WildEarth Guardians*, 2011 WL 4485964, at *4. Neither EPA nor CDPHE addressed the most important factors: whether the consent decree is in the public interest and upholds the objectives of CERCLA's resource damage provisions, chief among which is the "restoration or replacement of natural resources damaged by unlawful releases of hazardous substances." *New Mexico v. General Elec. Co.*, 467 F.3d 1223, 1245 (10th Cir. 2006)). The CERCLA settlements cannot be entered where EPA has not satisfied CERCLA's requirement for meaningful public comment on proposed settlement agreements (42 U.S.C. § 9622(i)) and CDPHE proposes to amend the 1988 CD/RAP without adhering to its procedural provisions, which includes judicial approval. *Utah by Department of Health v. Kennecott Corp.*, 801 F. Supp. 553 at 572 (D. Utah 1992)(setting out substantive and procedural standards of CERCLA settlements and denying approval on the basis that proposed consent decree is "not just and fair or consistent with the purposes of CERCLA.").

None of the relevant factors are addressed by EPA or CDPHE, despite RCA and CERCLA provisions. For each of the proposed agency actions in the package deal, neither agency provided environmental analysis or documentation of the impacts and alternatives to the proposal. Neither agency provided a statement of the basis and purpose for the proposed agency action. Where the intermixed actions of EPA and CDPHE have failed to inform the public and allow comment and hearing on the basis, purpose, and impacts of these actions, the public comment requirements have not been satisfied. Any action taken on the procedures used for the proposals is arbitrary, capricious and not in accordance with law. 5 U.S.C. §§ 701, et seq., C.R.S. §§ 24-5-101, et seq.

III. Colorado's Licensing Actions and Private Agreements are Ultra Vires and Contrary to Law

A. Proposed RCA License Amendment No. 54 Violates State and Federal Law

The proposed Amendment 54 would grant Cotter an UMTRCA license of unlimited term by which Cotter may "possess, store, and dispose of" 11e2 byproduct materials. Proposed License at 10B. The proposed license does not conform to Colorado's license application and review procedures, as set out in the RCA and implementing Part 18 regulations. Substantive comment is futile where CDPHE has not specified whether Cotter has applied for a new license or an amendment/renewal of the license which expired January 2012. Public comment is made futile where Cotter has not filed the application required by Part 18 of Colorado's radiation control regulations. CDPHE has purportedly been regulating according to default regulatory provisions, but has made no effort to prepare the Environmental Impact Analysis required by Part 18.

Colorado's 1982 Agreement State Amendment provided the state with delegated federal statutory authority to license the possession and disposal of byproduct materials. The present proposals ignore the Part 18 regulations that set out the procedural requirements applicable to byproduct licenses. Part 18 licensing requires an application and an analysis by the agency of the impacts and alternatives. 6 CCR 1007-1 § 18.4.1 ("or each license application or application to amend or renew an existing license to [...] possess, [...] byproduct material as in definition (2) of 1.2.2 which will have a significant impact on the environment, the Department shall prepare a written analysis of the impact of the licensed activity on the environment, which shall be

available to the public and for review by the NRC at the time of public notice of hearing..."). By contrast, the proposed Amendment 54 effectively revokes the Udall Compromise contained in Part 18, which ensures that the agencies prepare a NEPA-like analysis in carrying out their delegated UMTRCA authority. To CCAT's knowledge, CDPHE has never prepared an Environmental Impact Analysis for a Cotter license, renewal, or amendment. CDPHE cannot lawfully consider or approve Amendment 54 without preparing an Environmental Impact Analysis.

Although records reveal that Cotter has requested termination of its license, CDPHE correctly recognizes the Colorado license cannot be terminated until NRC issues a perpetual care license and DOE takes control of the facility. The need for a Part 18 byproduct license with 5-year renewals recognizes that CDPHE does not have indefinite jurisdiction over mill tailings, and CDPHE jurisdiction at the site is limited to the reasonable period necessary to close the facility and transfer the remaining tailings to DOE. By dispensing with the renewal requirement, CDPHE effectively repeals the UMTRCA provisions adopted in response to the ineffective state regulation of uranium mill tailings in Colorado and elsewhere.

CDPHE effectively proposes to provide a "life of operation" license that ignores the 5-year renewal requirements of the Radiation Control Act. Where the proposed license contains an indefinite term of effectiveness, it is clear that CDPHE has unlawfully strayed into the exclusive realm of federal authority over perpetual care of tailings cells. The license, albeit creative, runs contrary to the statutory schemes applicable to uranium tailings.

The significance of the proposed changes to the license and 1988 CD/RAP requires Cotter to file a renewal application, complete with an Environmental Report, followed by CDPHE notice of hearing based on an agency-prepared Environmental Impact Analysis. 6 CCR 1007-1 Part 18. Although CDPHE has repeatedly violated the licensing procedures at other sites, and does not have a current EIA for the Cotter site, prompt compliance with the applicable statutory scheme is necessary to inform the public and the relevant decisionmakers of the impacts and the alternative means to achieve a prompt clean-up. The requirement for an Agreement State to comply with disclosure and analysis requirements of federal law is known as the Udall Compromise, and cannot be discarded by an agreement created between a limited group of PRPs, for the perceived benefit of the PRPs.

B. Uncertainty Does not Preclude Surety for Cotter's Removal Estimate

The License proposes to forego bonding for final disposal costs on the basis that required decommissioning and closure plans have not been prepared. CDPHE reasons that bonding is not required where plans do not exist. EPA simply ignores bonding for full disposal and remediation in its settlement agreement, leaving the question of financial assurance for known contamination to some uncertain date after the RI/FS is complete. SOW at para 82.

Both EPA and CDPHE ignore that Cotter has in fact provided a cursory, initial estimate for groundwater remedy that involves moving the tailings from the current impoundments into a sound, modern disposal facility. Cotter presents an initial estimate that this remedy would cost in excess of \$800 million, which would presumably be paid by General Atomics where Cotter has no apparent source of income other than funds provided by the defense contractor's ongoing activities. Although \$1 billion is a large sum, and may have been inflated by Cotter overstating volumes and transport costs, when this is viewed in context of General Atomics' nuclear programs and the scarcity of water, a \$1 billion surety is reasonable and appropriate to the

current knowledge of this and other sites where actual costs far exceeded Colorado and company estimates.

A similar action is under way at Moab, Utah, where, after Atlas' proposed cap-in-place proposal failed and the company went into bankruptcy, the federal government took over the clean-up. 10 C.F.R. § 7912. Popular estimates put the cost to excavate, transport by train, and dispose of the Atlas tailings at Crescent Junction, Utah at approximately \$1 billion. The volume at Moab is larger than that at Cotter, but Cotter is also serviced by a train line that may eliminate the need for dual loading and off-site trucking. CDPHE's license renewal, coupled with an oft-repeated cap-in-place preference, leaves the Colorado and federal taxpayer without a surety to cover the foreseeable cost of a Moab-style closure that many in the community believe is required due to the inadequate construction and poor performance of Cotter's leaky impoundments.

Where Cotter has estimated that it could cost in excess of \$800 million to isolate its milling wastes from the groundwater by removing them to a competent impoundment, and the groundwater remediation cost for the site and the Lincoln Park neighborhood has not yet been estimated by EPA or CDPHE, a \$1 billion financial surety is reasonable under these circumstances. Although the 1988 CD/RAP allows the surety for CERCLA and RCA to be accomplished through a single instrument, the regulatory scheme requires adequate bonding for all reasonably foreseeable closure, reclamation, and remediation activities. The package deal ignores that bonding for the alternative outlined in Cotter's estimate would provide an incentive to avoid the ongoing delay of implementation of CERCLA and UMTRCA requirements since the 1980s.

C. Federal Radon Limits apply During CERCLA Remediation and RCA Closure Activities

CDPHE's statement of basis erroneously claims that "during the closure phase, there is no regulatory limit for the direct radon release from the impoundment and no annual monitoring requirement." Read as a whole, state and federal law requires compliance with the 20 pCi/m²s radon flux standard during all phases of tailings creation and disposal. 6 CCR 1007-1 Part. 18, Criterion 5 ("40 CFR Part 192, Subparts D and E (48 FR 45926; October 7, 1983) [...] apply during operations and prior to the end of closure.").

During closure, which has not yet commenced on an approved closure plan with enforceable milestones, the tailings remain subject to the 20 pCi/m²s radon emissions limits in EPA's Part 192 Subpart D regulations. 40 C.F.R. § 192.32(a)(3)(ii) ("The Nuclear Regulatory Commission or Agreement State may approve a licensee's request to extend the time for performance of milestones if, after providing an opportunity for public participation, the Nuclear Regulatory Commission or Agreement State finds that compliance with the 20 pCi/m²s flux standard has been demonstrated using a method approved by the NRC, in the manner required in 192.32(a)(4)(i). Only under these circumstances and during the period of the extension must compliance with the 20 pCi/m²s flux standard be demonstrated each year."). Where CDPHE does not even know it has violated EPA's UMTRCA regulations by failing to approve a closure plan that imposes milestones, by failing to demonstrate compliance with the radon flux standards, and by failing to require emplacement of a permanent radon barrier, annual radon monitoring must commence immediately.

Despite these explicit requirements of EPA's Part 192 Subpart D regulations, the proposed license and other documents in the CDPHE/EPA package do not contain milestones for

implementing the closure plan required by state and federal law. 40 C.F.R. § 192.32(a)(3)(i) ("Uranium mill tailings piles or impoundments that are nonoperational and subject to a license by [...] an Agreement State shall limit releases of radon-222 by emplacing a permanent radon [...] as expeditiously as practicable [...] after the pile or impoundment ceases to be operational[...]in accordance with a written tailings closure plan (radon) to be incorporated by the [...] Agreement State into individual site licenses." The EPA/CDPHE proposal does not include any requirement to monitor and limit radon emissions and even though the Cotter mill has allegedly entered closure, EPA and CDPHE have ignored their own violations and those of Cotter where the mill has not operated at all since 2006.

Where Colorado has not adopted a closure plan with enforceable milestones, as required by EPA regulations and RCA regulations, the EPA settlement agreement is part of an absurd and illegal situation where CDPHE, perhaps accurately, states its actions are okay because allegedly, "there is no regulatory limit for the direct radon release from the impoundment and no annual monitoring requirement." Where radon flux testing has not taken place for years, and the regulatory scheme requires radon testing where the placement of the cover has been delayed by years, CDPHE amendment of the license to purposely and indefinitely avoid radon testing is contrary to federal law. 40 C.F.R. Part 192 Subpart D *accord* 6 CCR 1007-1 Part. 18, Criterion 5 (confirming EPA regulations "apply during operations and prior to the end of closure.").

Moreover, the impoundments at Cotter are indeed actively receiving additional 11e2 byproduct material and as such, are subject to Clean Air Act Subpart W regulation. EPA has clarified this in previous communications with Cotter, but has failed to take any enforcement action. CCAT reserves the right to seek remedy of what appears to be an ongoing violation of the Clean Air Act and UMTRCA regulations should EPA Region 8 continue its pattern of inaction and deferral to incorrect CDPHE interpretations of the RCA and federal law.

D. The Agreement Regarding Licensing and Remedial Requirements ("CD/RAP Amendment") is Invalid and Ultra Vires

First, the so-called "agreement" between Cotter and CDPHE staff purports to amend the 1988 RAP and Consent Decree entered between Cotter and Colorado, without engaging the dispute resolution process and judicial approval required by the Consent Decree. The Consent Decree recognizes the public interest involved by requiring the use of a federal Special Master when resolving disputes between Colorado and Cotter. Retired Judge Richard Dana of the Judicial Arbiters Group has served as Special Master for numerous uranium mill clean-ups, but was inexplicable excluded from the rewrite contained in the Cotter/Colorado Amendment. See Section XXIII of the Consent Decree.

Without engaging in an open process, CDPHE staff proposes a CD/RAP Amendment to alter the terms of the RAP and Consent Decree by replacing its terms with those in the EPA settlement, which are the product of a negotiation among a select group of PRPs that have made little progress in addressing issues in the 1988 Consent Decree. The PRP status of Colorado and Cotter helps explain why both have maintained an adversarial relationship with the communities, pushing at every turn to avoid active clean-up of groundwater contamination and ignoring community requests to address the source of contamination – including the leaking tailings impoundments and the disposal of radioactive waste into the deep coal mine shafts at the site.

As such, the proposed CD/RAP amendment, like EPA's proposed CERCLA settlement, is not the result of an open, arms-length negotiation that provided non-parties with the ability to

Criminal act

explain to the court why the modification of the CD/RAP is not in the public interest. Where the court-approved settlement agreement contemplates Special Master oversight of the CDPHE/Cotter disputes, and none took place during the preparation of the CD/RAP Amendment, the federal and state APA prevents its adoption, as does federal common law that recognizes federal consent decrees have *res judicata* effect that cannot be altered without the involvement and approval of the federal court that approved and entered the consent decree in the first instance. See *United States v. Kerr-McGee Corp.*, 2008 WL 863975, at *5 (D. Colo. Mar. 26, 2008); *WildEarth Guardians*, 2011 WL 4485964, at *4, *New Mexico v. General Elec. Co.*, 467 F.3d 1223, 1245 (10th Cir. 2006)).

E. Proposal Unlawfully Delays Corrective Action Plan for Groundwater Exceedances

Groundwater contamination in exceedance of groundwater standards has been identified and confirmed at the Cotter site for numerous constituents, including uranium, molybdenum, and others. However, neither agency's proposal contains the corrective action program or permits required by EPA radiation regulations at Part 192 Subpart D. 40 C.F.R. § 192.33("If the ground water standards established under provisions of § 192.32(a)(2) are exceeded at any licensed site, a corrective action program as specified in § 264.100 of this chapter shall be put into operation as soon as is practicable, and in no event later than eighteen (18) months after a finding of exceedance."). EPA and CDPHE are simply not authorized to revoke this timeliness provision of this regulation by their private agreement with Cotter.

Like EPA's UMTRCA regulations, CERCLA's more generally applicable regulations are meant to prevent indefinite delay in remediation that characterizes Cotter and the other pre-UMTRCA uranium mills. As the administrative record and consent decree confirms, groundwater exceedances have been occurring for decades. However, the outcome of the agencies' proposal is more delay and more years without remedial action.

IV. Conclusion

The package of agency actions proposed by EPA and CDPHE based on secret negotiations with Cotter Corporation violates state and federal law. Individually, each proposed action would violate state and federal law. As a whole, EPA and CDPHE ignore community concerns in favor of nebulous proposals that continue a thirty-plus history of leaving Cotter in charge of the contamination emanating from its uranium mill and tailings impoundments.

Respectfully Submitted

s/Travis E. Stills

Travis E. Stills

Attorney for Colorado Citizens Against ToxicWaste

- aka - badass :)



Meghan Belaski <meghanbelaski@gmail.com>

EPA-HQ-OW-2011-0880

23 messages

Meghan Belaski <meghanbelaski@gmail.com>

Fri, Nov 14, 2014 at 8:07 PM

To: ow-docket@epa.gov

WOTUS1.pdf

WOTUS2.pdf

WOTUS3.pdf

WOTUS4.pdf

WOTUS5.pdf

WOTUS6.pdf

WOTUS7.pdf

Please take the following 7 attachments, including various newspaper articles, internet sources with attached website references, and Google and Bing maps, as my public statement to the critical and necessary role of why the EPA and the Army Corps of Engineers must address **Waters Of The US** for the health of our environment and not the health of the wealthiest in the world.

Our "1000 year" flood event in September 2013 made everything navigable. Please see photos.

The NRC Agreement state status held by Colorado since the 1960's, and the announcement by US Defense Secretary, Chuck Hagel, today, November 14, 2014, regarding the fragile state of our US nuclear military infrastructure, is somewhat related to the WOTUS issues I've raised in this public comment to the EPA, and I would like all 7 WOTUS attachments to this email made public at this time.

I would also like the Department of Health and Environment and the Department of Natural Resources for the State of Colorado to explain to the public, and hopefully a DOJ prosecutor, how state and federal employees, some elected, some appointed, with privileged information related to the security of our country, can seemingly years later use the privileged information to benefit financially.

A big thanks to the State of Colorado for looking the other way all these years. Hope I get the chance to pay it forward to you someday. All of it.

Sincerely,

Meghan Belaski

2015 0057

WOTUS1.pdf
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Meghan Belaski <meghanbelaski@gmail.com>
To: intern_co@bennet.senate.gov

Mon, Nov 17, 2014 at 2:57 PM

From: Meghan Belaski
Sent: 11/17/2014 2:37 PM
To: intern_co@bennett.senate.gov
Subject: FW: EPA-HQ-OW-2011-0880

*re-sent to Bennet & went
in person to Fort Collins
office - several times*

This forwarded email contains material submitted to the EPA on 11/14/14 and the open public comment opportunity regarding proposed changes to the definition of Waters of the US.

These documents highlight certain hydrological features in Colorado that appear, under the "Halliburton Loophole", to discharge radioactive materials into the Cache La Poudre from several sources, and the old FUDS (Formerly Used Defense Sites) adjacent to them.

This is also related to the fact that the State of Colorado has been an ongoing participant with private industry in a decades long abuse of its Agreement State status with the Nuclear Regulatory Commission and has failed to protect the people of Colorado time and time again.

Please see forwarded emails following this email regarding the Superfund disaster in Canon City, Colorado, and subsequent use of the materials I submitted for public comment by attorney Travis Stills in Durango, Colorado this September 2014. These are serious allegations against the State of Colorado and contain only documents I wanted public at this time.

Colorado needs a Congressional investigation into these matters. Enough is enough. We need a senator to say screw the pipeline, incentivize energy innovation, reign in the fracking mania in Colorado, and demand answers and possible federal prison terms for anyone with a role in these matters.

I strongly disagree with the Congressional Democrats reported intent to pass the Keystone Pipeline legislation tomorrow. Please rethink this position and start raising hell for the people of Colorado. I certainly intend to and would prefer the representative I voted for to as well. Thank you for your time.

From: Meghan Belaski
Sent: 11/14/2014 8:07 PM
To: ow-docket@epa.gov
Subject: EPA-HQ-OW-2011-0880

 WOTUS1.pdf

2015 0057

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, DC 20555-0001
OFFICIAL BUSINESS

Ms. Meghan Belaski
1212 Southridge Drive
Fort Collins, CO 80521

7014 1200 0000 0751 0134



CERTIFIED MAIL™
PLACE STICKER ON THE FRONT OF THE MAIL

Sent
350
pages
of
documentation
to NRC
in Sept.,
2014 -

x NRC
response to
Sept., 2014
request
to investigate
emerging
health
crisis in
Canon City
and failures
of CDHE/EPA
to do their
jobs for
decades as
agreement
state.

2015 0057





UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D.C. 20555-0001

November 18, 2014

Ms. Meghan Belaski
1212 Southridge Drive
Fort Collins, CO 80521

SUBJECT: The Concern You Raised to the U.S. Nuclear Regulatory Commission (NRC)
Regarding Oversight of the Cotter Uranium Mill – FSME-2014-AS-0005

Dear Ms. Belaski:

This letter is to acknowledge and respond to concerns that you provided to the U.S. Nuclear Regulatory Commission (NRC) on September 16, 2014 in a letter specifically regarding the Colorado Department of Public Health and Environment's (CDPHE) oversight of the Cotter Uranium Mill near Cañon City, Colorado.

The NRC's Office of Nuclear Material Safety and Safeguards (NMSS) staff and Office of General Counsel (OGC) staff have reviewed the 342 pages you have submitted. They determined that the materials provided were documents relating to the Cotter Uranium Mill dated to the time frame of 2000 to 2004. After reviewing the documents the staff was unable to identify any shortcomings in CDPHE's regulatory oversight of the uranium mill. The staff could not substantiate, based on the information that you provided, your claims that a public health crisis exists in Cañon City, Colorado as the result of actions from either the managers of the Cotter facility or CDPHE.

The staff identified that a number of the documents were related to the possibility of soil and radioactive material from Maywood, New Jersey being transferred to the Cotter Uranium Mill site. It is our understanding that the site in Maywood, New Jersey has been fully remediated and the waste has been disposed of at the Energy Solutions facility in Clive, Utah. Also, it is our understanding that the Cotter facility is no longer operational and is in decommissioning with the possibility of being considered for a full Comprehensive Environmental Response, Compensation, and Liability Act clean-up. Thus, there is no possibility of any material being transferred to the Cotter Uranium Mill site.

The NRC periodically reviews the State's radiation control program through the Integrated Materials Performance Evaluation Program (IMPEP). Colorado's next IMPEP review is scheduled in 2018. One of the IMPEP review components evaluates how the State handles oversight of the uranium facilities that fall under its regulatory purview. The result of the State's last IMPEP review in 2014 is available on the NRC website (<http://nrc-stp.ornl.gov/reviews.html>).

CERTIFIED MAIL 7014 1200 0000 0751 0134
RETURN RECEIPT REQUESTED

sending
to TO
of NRC
too

let
the
CDC
look
at
this

False

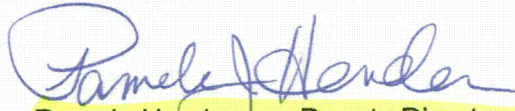
see
Cotter
spills
2010,
2014

this public comment - again - same docs were
sent to Congress
& Cotter public
comment period

False and disgusting statements by NRC
These docs go back to the 1970's and some included with

Thank you for informing us of your concern. Should you have any additional questions, or need further assistance in this matter, please contact Stephen Poy at (301) 415-7135 or email stephen.poy@nrc.gov.

Sincerely,



Pamela Henderson, Deputy Director
Division of Material Safety, State, Tribal, *
and Rulemaking Programs
Office of Nuclear Material Safety
and Safeguards

left
Stephen Poy
a message
at the end
of Nov. 2014
telling him
that the NRC
were as
negligent
and liable
for these
illegal and
criminal acts

as the CD PHE & EPA
and that this response
was unacceptable.

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12/3/14

NRC Burying Docs Linked To Trade Secret Raid, Sens. Say

By Jimmy Hoover

Law360, New York (December 03, 2014, 1:54 PM ET) -- Sens. Edward Markey and Barbara Boxer accused the chair of the U.S. Nuclear Regulatory Commission on Wednesday of blocking access to the agency's review of a Chinese worker exchange program accused of allowing five Chinese military members to pilfer nuclear trade secrets from Westinghouse Electric Co.

At a hearing on the commission's implementation of post-Fukushima safety implementations, things veered off script when Markey, D-Mass., demanded outgoing NRC Chairwoman Allison Macfarlane hand over documents that approved a Westinghouse program giving various Chinese nationals supervised access to six...

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Companies



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Meghan Belaski <meghanbelaski@gmail.com>

Additional Information

1 message

Meghan Belaski <meghanbelaski@gmail.com>

Wed, Jan 28, 2015 at 2:10 PM

To: scheduling@warren.senate.gov

Good afternoon,

I sent 3 attachments the other day regarding some activity in Colorado that I believe your office would be interested in, as well as a request to meet with Senator Warren regarding steps I intend to take as a private citizen, and the ones I believe are worthy of a Congressional investigation.

I wanted to direct the attention of Senator Warren's staff to the fact that the Nuclear Regulatory Commission should be investigated for corruption and conflict of interest in consistently failing to report legally required disclosures to the public regarding toxic and hazardous waste release and contamination, possible criminal cover-up of nuclear power plant/milling infrastructure deficiencies, and for failing to revoke Agreement State Status from states like Colorado that have never been forthright with the public.

Colorado is responsible for protecting the public health and well-being under its Agreement State Status all while permitting and licensing the entities they collude with behind the scenes that are the worst offenders. NRC's response to my public comment on Cotter's proposed settlement, and the approx. 350 pages of documentation I sent in September 2014, to the Senate Sub-Committee for the Superfund for the Majority (at the time), as well as the NRC, regarding Cotter in Canon City, CO, bears witness of the failure of the NRC to continue allowing Colorado to maintain an Agreement State Status. This status should be revoked as soon as possible and without delay as lives are literally at stake.

Additionally, The State of Colorado needs to be investigated for multiple offenses. Because of some of these offenses, I am seriously considering challenging the Supreme Court *Citizens United* decision and may consider asking for a reversal of decision based on the fact that elected officials from the State of Colorado, who received a "benefit" from one of the same entities who committed fraud on my property, have corrupted the process and turned Colorado into something that resembles RICO run enterprise that has unjustly robbed me of my constitutional rights to due process, personal property rights, and an expectation that once I have petitioned my government for a redress of my grievances, I could expect a result according to the law.

That never happened. I complained multiple times in writing, by phone, and in person to the Attorney General for Colorado and never heard a word otherwise. How is it that the CFPB can have the same material in "litigation assessment", receive an RMBS acknowledgement letter from the SEC OWB, yet never hear another word from the State of Colorado about the same issues? It's not possible. Colorado and its interests failed.

Because the State of Colorado Departments of Health and Environment and Division of Natural Resources have been corrupted by nepotism, favoritism and insider "trading" information, a decision to revoke the Agreement State Status Colorado currently maintains would be the ultimate loss to the criminal enterprise that is running my state. And I should know. My dad was federal prison warden and my mom a SIS officer at the SuperMax Federal Prison in Colorado when she retired. I know criminals and these people are criminals no doubt.

Colorado is playing fast and loose with the health and environmental responsibilities it has as an Agreement State, and public safety is at stake from the corrupted relationship it has with the uranium industry it oversees for Colorado. The Halliburton Loophole seems as if it was designed to cover up the fact that the toxins in the fracking fluids we are all focused on are actually already in the ground and groundwater. The industry "proprietary secrets" mantra is a red herring to keep the truth buried; the toxins are already buried or in the groundwater from years of nuclear testing, missile silo sites, and nuclear power generation from the "cradle to the grave" activity, including improper nuclear and

hazardous waste disposal they now intend to take advantage of using in-situ uranium mining. This is no accident. They knew for a long time what they were doing and appear to have intentionally polluted the groundwater in certain places in Weld County in order to extract the uranium from it later. Much later.

I've included a few more details that I think the staff for Senator Warren might enjoy. I can't say 100% for sure that there is a connection in the images I've sent with this attachment, but the similarity is uncanny. Senator Warren should find out if the Republicans know why the Keystone Pipeline seems to follow the same path...

Thanks again,

Meghan Belaski

 **Additional Info for Senator Warren staff.pdf**
10592K

2015 0057



Meghan Belaski <meghanbelaski@gmail.com>

WOTUS 7

1 message

Meghan Belaski <meghanbelaski@gmail.com>
To: Wendy Highby <weldairandwater@gmail.com>

Fri, Jan 30, 2015 at 9:25 PM

I've also asked for a Congressional investigation of the Nuclear Regulatory Commission and how it has allowed Colorado to maintain its Agreement State Status as it concerns the Superfund site at Cotter in Canon City, Colorado since 1968, and ultimately all radioactive material throughout the state.

My father is a retired federal prison warden and fought Cotter long and hard after he retired. I have all of his research and the CDPHE is nothing short of a criminal enterprise that has undermined the health and well-being of its citizen for decades.

 WOTUS7.pdf



2015 0057

Meghan Belaski <meghanbelaski@gmail.com>

CDPHE Plutonium disclosure failure

1 message

Meghan Belaski <meghanbelaski@gmail.com>
To: Wendy Highby <weldairandwater@gmail.com>

Thu, Feb 5, 2015 at 1:12 PM

Hello,

I sent some documents the other day related to the proposed changes of Waters of the US and their particular relevance in Weld County. I apologize for a few typos in my emails...I have been really sick the past several days and on cold medicine which is not a good combination with a rage fueled fury.

You may wonder about my intent asking for a Congressional investigation into the role of the CDPHE and the NRC in perpetrating environmental fraud in Colorado and the basis for my allegations other than sending you my WOTUS documents which are obviously vague.

There are 2 attachments to this email related to the failure of the CDPHE and NRC to acknowledge or investigate testimony under oath and scientific evidence indicating that illegal and criminal plutonium incineration occurred under the watch of the CDPHE and NRC at the Cotter Superfund site in Canon City, CO several years ago. Unfortunately for all of us plutonium has a half life of way longer than you or I.

I mentioned my father was a retired federal prison warden that helped lead a fairly effective fight against Cotter until his own lung cancer diagnosis in late 2003. The 2 attachments to this email are the basis for my contempt and disdain for the CDPHE, and why the NRC response to the documentation and my request to them in November 2014, is inappropriate and negligent and further evidence of an ethically questionable relationship between the NRC and Colorado that must not be ignored any longer considering what is now happening in Weld County. *-and Canon City!*

In combination with the documents I've made public to the EPA and WOTUS, as well as the documents I recently made public for the proposed Cotter settlement, it does not take too much digging in public records to find the connections between the decades of activity in Canon City at the Cotter site, with the decades of activity in Weld County, sometimes by the very same entities at the very same times, and the role of Colorado as an Agreement State as licensed by the NRC since 1968. *NRC*

As some of you know, some radioactive waste is deemed "construction waste", and is purposely meant to evade public scrutiny of radioactive waste "remediation", handling and disposal. And that Weld County certainly received aquifer exemptions for fracking wastewater disposal in Greeley in 2011 and 2012. Near the poorest people on earth. Literally. By the homes that many of the refugee families from East Africa and Burma are living in. It's highly questionable that no one from the public protested the COGCC's request for the aquifer exemption to the EPA. It's statistically impossible and should be publicly questioned by organizations like yours. *-key to whistleblower info*

The CDPHE is a gatekeeper entity for oil, gas and the nuclear industry, and have failed time and time again to protect the citizens of Colorado per their simple job descriptions. These attached plutonium documents say it all. My dad has often said he thought the State of Colorado was invested in backroom deals with Cotter, and thought it was indicative of criminal activity, he just couldn't prove it back then and then he got sick.

Please pay attention to: Severance drinking water 2011-2012. Why did the CDPHE only do 1 SAMPLE when the MCL for the 1 SAMPLE indicated that it had met the recommended level for the MCL in radiation exposure from the surface water? Wouldn't that result alone demand additional tests be run?

How does a non-tributary "closed loop" water right terminate in the Poudre River per the 2006 Town of Windsor development plan via the Halliburton facility at the old Kodak Great Western site?

2015 0057

Did you notice any discrepancies in the reported townships, sections, range, PM etc.?

Are you aware that old Army Corp of Engineers documents indicate that there is a closed loop groundwater system that is oversaturated at the surface in several areas that appears to run underground at the Atlas 12 missile site across the Poudre river in Windsor? Flows several miles NE per the Army Corps records. FYI-I heard a rumor from a very good source that the high end homes to the north of Severance, just off to the right before HWY 14, and just a little south of the Black Hollow Reservoir, have had "flooding" problems for over a year now and that all of the ditch managers and engineers have come out and said it's not their issue, and no one can determine where the water is coming from...

That's all I can offer at this time...best of luck to you Weld Air and Water Folks! Let me know if you need anything at all. Thanks again for your hard work.

All the Best,

Meghan Belaski

 CDPHE PLUTONIUM 1.pdf
12152K



2015 0057

*legislative aide to Colorado House speaker***Plutonium Problem cont.**

4 messages

Meghan Belaski <meghanbelaski@gmail.com>

Thu, Feb 26, 2015 at 1:20 PM

To: Todd Faulkenberry <todd.faulkenberry@gmail.com>

The Colorado Department of Health and Environment is a bad actor. Likely a criminal one too. They have never been forthright with the public (for a reason) and were willing to lie about plutonium incineration in Canon City (for a reason). There is some rampant nepotism at work in these circles. FYI...and the same applies to the fracking "regulation" and "oversight" in Colorado. The Colorado Department of Health is nothing more than an industry backed group that has the full authority as an Agreement State to oversee all nuclear materials handling and production.

NASA is a big part of the uranium/plutonium conundrum too, as is Russia. Think about the private space industry groups here in Colorado and what their future plans entail; includes a private spaceport launch facility right near DIA. When you get a chance check out the creepy DIA conspiracy theories and actual landmarks and paintings at DIA...WTF? I especially like the time capsule that the "New World Order" Airport Commission and Lockheed Martin buried inside the terminal and will open in 2094. Good times.

*aka
Martin
Marrietta* **PLUTONIUM 2.pdf**
15498K

Meghan Belaski <meghanbelaski@gmail.com>

Wed, Mar 11, 2015 at 3:59 PM

To: meghan belaski <meghan.belaski@gmail.com>

From: Meghan Belaski**Sent:** 2/26/2015 1:20 PM**To:** Todd Faulkenberry**Subject:** Plutonium Problem cont.

The Colorado Department of Health and Environment is a bad actor. Likely a criminal one too. They have never been forthright with the public (for a reason) and were willing to lie about plutonium incineration in Canon City (for a reason). There is some rampant nepotism at work in these circles. FYI...and the same applies to the fracking "regulation" and "oversight" in Colorado. The Colorado Department of Health is nothing more than an industry backed group that has the full authority as an Agreement State to oversee all nuclear materials handling and production.

NASA is a big part of the uranium/plutonium conundrum too, as is Russia. Think about the private space industry groups here in Colorado and what their future plans entail; includes a private spaceport launch facility right near DIA. When you get a chance check out the creepy DIA conspiracy theories and actual landmarks and paintings at DIA...WTF? I especially like the time capsule that the "New World Order" Airport Commission and Lockheed Martin buried inside the terminal and will open in 2094. Good times.

PLUTONIUM 2.pdf
15498K



2015 0057

Meghan Belaski <meghanbelaski@gmail.com>

"CO2 WELLS" FW: CDPHE's Plutonium Problem

3 messages

Meghan Belaski <meghanbelaski@gmail.com>

Wed, Mar 11, 2015 at 4:53 PM

To: RGFO_Comments@blm.gov

Good day,

I am writing briefly to ask the BLM to deny any current or future permitting to any party seeking to tap any type of "CO2 wells" for energy production in Colorado at this time. It seems the State of Colorado cannot handle its past or current responsibilities regarding public health and environmental stewardship, and certainly could not meet the demands of the responsibilities that come along with CO2 sequestration, now, or in the future.

Per NASA, the 4 Corners area near Durango, Colorado, currently has a massive methane cloud the size of Delaware situated right near where some of these proposed CO2 sequestration wells/pipelines will likely sit. This haphazard proposal will only make things worse as far as air quality and water quality are concerned. And we cannot afford anymore toxins in our air, water, soil, rocks and bodies in Colorado. We're overwhelmed already.

Colorado is 1 of 5 states in US that has recently been reported to have some of the highest levels of toxic and poisonous gases emitting from the wells linked to hydraulic fracturing in Western and Northern Colorado. Hundreds of dangerous "high priority" wells in Colorado have never been inspected by the same regulators charged with overseeing the activities associated with CO2 capture here in Colorado.

Lastly, I am forwarding 2 emails I recently sent to a legislative aide to the speaker of the house here in Colorado. I have been researching these issues for some time now based on personal experiences with the CDPHE and the Superfund facility in Canon City, Colorado, as well as the FUDS sites in Northern Colorado. These emails were intended to be a one-on-one dialogue between the recipient and myself, but at this time, I could give a rat's ass considering the implications. These people are either so clever they think they'll never get caught, as they always have a plan C, or are so narcissistic they have blinded themselves with their nepotistic and inbred ambitions, and cannot see clearly anymore. Clearly.

Please read the attached documents regarding plutonium incineration and contamination in Canon City, Colorado, that indicated a background 10,000 times higher than the average fallout ratio worldwide. Much of this was deposited in the mountains near Westcliffe and near the proposed CO2 well site in Gardner, Colorado. Given the half-life of plutonium in soil, one must ask what else these bastards intend to sequester.

Thank you kindly,

Meghan Belaski

From: Meghan Belaski



2015 0057

Meghan Belaski <meghanbelaski@gmail.com>

FW: Information

1 message

Meghan Belaski <meghanbelaski@gmail.com>

Thu, Mar 12, 2015 at 1:35 PM

To: "weldairandwater@gmail.com" <weldairandwater@gmail.com>, "intern_co@bennet.senate.gov" <intern_co@bennet.senate.gov>, "scheduling@warren.senate.gov" <scheduling@warren.senate.gov>, "james_thompson@bennet.senate.gov" <james_thompson@bennet.senate.gov>

The info you all received from me some time ago was sent in its entirety recently to a helpful person by the name of Todd Faulkenberry in Speaker Hulinghorst's office. I believe he had a fairly strong grasp of the situation which also includes the SEC Office of the Whistleblower portion of the disclosure some of you knew about in fragmented pieces.

The whistleblower info I sent the SEC, DOJ and OIG for the EPA in early spring 2014, details oil and gas and water rights fraud attached to LIBOR rates on mortgage notes through additions of fee simple estates added to appraisals for re-finances issued in the pre-crisis era. I know because I have oil, gas and water rights in Weld County. On the wrong rate for the note as it's publicly recorded today. That showed up in an appraisal. 10 years ago...

This was all non-public info I sent to the SEC in February 2014...and then the Commodities Futures Trading Commission in April 2014. Using my mortgage documents (which are vast) and recorded Weld County property records (which are shocking) I was able to rationalize that the Halliburton Loophole exists not to protect proprietary info about fracking fluids, but the already contaminated soil and groundwater that could be tapped via "fracking" for all kinds of radioactive materials and thusly explaining why the Navy, Halliburton, Chevron, Koch, Southland Corp. etc., were at or near my future address in the 1940's. And the connection of the activities in Weld County to the superfund disaster known as Cotter in Canon City, Colorado, is apparent in the announcement of the resignation of Tisha Schuller, the CEO of the Oil and Gas Industry Association in Colorado. Please see forwarded email below.

Anna in Colorado Springs from Senator Bennet's called last week and left a message that she would get in touch with me after she got back into town, but I would like you all to be aware of these issues now.

From: Meghan Belaski**Sent:** 3/12/2015 12:38 PM**To:** Todd Faulkenberry**Subject:** Information

Hi Todd. It's Meghan Belaski. I hope you are well. I Sent you some info a couple of weeks ago. Do you have a direct phone number you could give me so we can catch up on a couple of things? I have some new info your office could raise publicly at this time, and probably should for the sake of public health and well-being.

It has to do with the current CEO of the Colorado Oil and Gas Industry Association resigning. Her name is Tisha Schuller. Look at her background and you will see a company called Greystone, and

another called Tetra Tech she's worked for in the past. Both are significant government contractors. Tetra Tech has international development contracts with USAID.

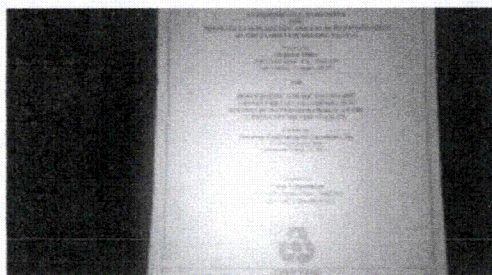
Attached is a picture of a document I have in my possession related to the Cotter Corp., in Canon City, Colorado from 2003. It's the same company that hid plutonium incineration #'s from the public with the help of the CDPHE; forwarded in the documents I sent to you recently. My computer shut down so I have to send a pic for now. Apologies.

Please note in 2003 the company Greystone is listed as a contributor to the assessment for Cotter, as is a person named Shepard Miller. The address for Mr. Miller is the same address and suite # for Tetra Tech in Fort Collins today. This is not a coincidence. Neither is the fact that the "Miller's" are part of the nepotistic crew I mentioned before (it's literally "Miller Time"), or that Greystone is now called Arcadis, and is the same company currently bringing radioactive waste from out of state to the Weld County Landfill...that then flows from the landfill through a "ditch" called John Law, past a couple of odd fracking operations and then through the Halliburton Loophole/facility at the old Kodak site directly into the Poudre River. All of which pass through, under, and over, Formerly Used (nuclear) Defense Sites via the John Law and Loup Reservoir System.

I would like to hear what your thoughts are, and what, if anything, your office can do with the information I've sent you. Thanks again for your time.

Best,

Meghan Belaski



WP_20150311_17_39_42_Pro.jpg
258K

* see Canon City, CO, Cotton docs, and plutonium contamination testimony, unrelated to Pu-238 levels 10,000 times higher than world fallout ratios...

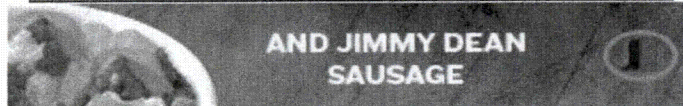
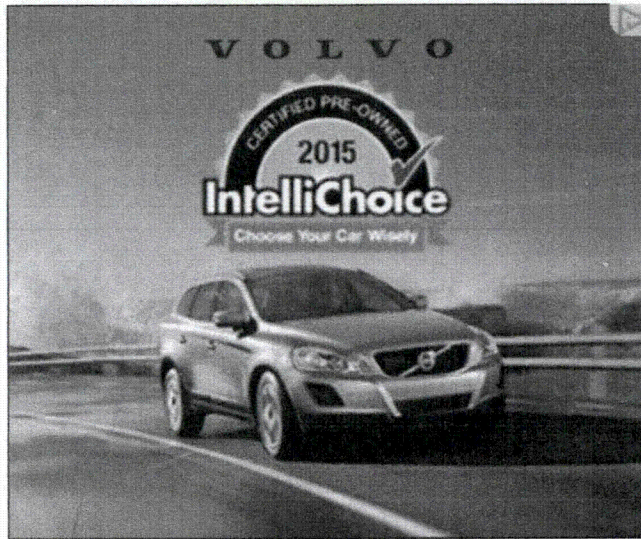
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NASA Running Out of Nuclear Fuel For Batteries

by Staff Writers
Moscow (Sputnik) Mar 23, 2015



The radioactive material NASA uses to power spacecraft for its deep space missions is now in short supply. The Agency says it only has enough to power three more batteries, leaving the future of American space exploration in jeopardy.



Pu-238, plentiful in the Cold War era, has become harder to come by in the age of nuclear non-proliferation, which has stemmed the stockpiling of the fuel.

* Plutonium-238 (Pu-238), a hot radioactive isotope that's a byproduct of the process of

making nuclear weapons, is in short supply. NASA has access to only about 77 pounds of the material, with only 37 pounds of that being of a high enough grade to be useful in its Multi-Mission Radioisotope Thermoelectric Generator (MMRTG), a kind of battery that the Energy Department makes for the Agency.

Pu-238, plentiful in the Cold War era, has become harder to come by in the age of nuclear non-proliferation, which has stemmed the stockpiling of the fuel.

Batteries containing the isotope have powered missions for the Voyager crafts, Cassini, Curiosity, and New Horizons.

NASA does have another nuclear battery design that conserves the the amount of Pu-238 used: the Advance Stirling Radioisotope Generator (ASRG), which can supply a spacecraft with the same amount of power as the MMRTG, but uses less than a quarter of the Plutonium-238 needed for the MMRTG. The sticking point? NASA closed down the ASRG project last year.

NASA has decided against nuclear power for Discovery's next mission, scheduled for December 2021.

As for New Horizon's next project, "We have not made a decision whether radioisotope power supplies will be offered," NASA spokesman Dwayne Brown wrote in a February 20 email.

NASA will be using one of the three remaining MMRTGs to power a voyage to Mars in 2020. Plans for the other two batteries are as yet unknown.

Source: [Sputnik News](#)

2015 0057
Meghan Belaski <meghanbelaski@gmail.com>**Mineral rights fraud in Weld County**

2 messages

Meghan <meghanbelaski@gmail.com>

Fri, Apr 24, 2015 at 5:08 PM

To: "attorney.general@state.co.us" <attorney.general@state.co.us>

Joining the lawsuit with North Dakota and Wyoming against the BLM is a waste of time and taxpayer money. What you should be concerned about is the fact you think Colorado regulators are doing a good job as is; that is patently false. They are criminals. And I can prove it. Starting with Robert Frick and Tischa Schuller.

I've been contacting the relevant regulatory authorities letting them know about the mineral and water rights fraud, in addition to the mortgage and foreclosure fraud that has occurred in Weld County on my property which includes the SEC Office of the Whistleblower, the Commodities Futures Trading Commission, The Office of the Inspector General for the EPA and the IC for the Nuclear Regulatory Commission as well as the Department of Justice Division of Natural Resources. Over a year ago. With thousands of pages of succinct and detailed documentation spelling out YEARS of fraud committed at the behest of the state and industry via the corrupted regulatory oversight you are calling "good enough" as is. What a joke. Without federal law in place in regards to fracking regulations, you take away the power of people like me to file false claims against entities like Bank of America, Halliburton, JP Morgan, the Towns of Windsor and Severance, PDC Energy, the U.S. Navy, Colorado State University, Cotter, Military Veterans Affairs, the Broe Group, Great Western, PetroCanada, the JOHN LAW RESERVOIR GROUP, The State of Colorado, etc., etc...and that's just the oil, gas and uranium piece of the puzzle.

Wait until you hear how this is related to Weld County, WATERS OF THE US, and nuclear material. And my drinking water. That's what you should be spending taxpayer money on. Meeting the obligations the state can't even get straight now. Incomplete water records, oil and gas applications granted without the proper permitting information in place, 1 inspector for every 2000 wells is doing a good job? In places like Garfield County where over 200 high risk pollution wells have never been inspected? Dead babies and high rates of birth defects? Where oil and gas operators are required by law to remediate the land after a well is developed and we have thousands that have been abandoned? In what world is this doing a good job? This is ridiculous and there comes a point in time when false information delivered to the public becomes a criminal liability. That's where we are now. Your office is fighting a battle they won't win when it comes to the fracking rules and the BLM because I am prepared to sue your office for obstructing justice. Repeatedly. First with the mortgage and foreclosure fraud, and then in the royalty right and water rights and failing to uphold the letter of the law for years. Your state regulators are liabilities and it will not go unpunished that they operated a massive fraud against the citizens of Colorado.

I am just getting started. Been waiting to see how massively Colorado would screw this up and now I know. And I for one am not standing for it anymore and will see you all in a courtroom somewhere soon. Looking forward to finally telling my story to the public and asking for all of you to be removed from your positions of public service. You don't belong in public service. You belong in prison.

Sincerely,

Meghan Belaski

Sent from my iPhone

Meghan <meghanbelaski@gmail.com>

Wed, May 6, 2015 at 8:26 AM

To: director@blm.gov

From: COGCC Complaints dave.kulmann@state.co.us
Subject: COGCC Complaint Received
Date: June 2, 2015 at 10:57 AM
To: Meghan Belaski Meghan.belaski@gmail.com

2015 0057

COGCC Received your Complaint

Column	Value
Date of Complaint	6/2/2015
Your Name	Meghan Belaski
Your Address	1212 Southridge Dr.
Your City and State	Fort Collins, CO
Your Zip Code	80521
Location of Concern	<p>Very concerned about the fact that this authority for oil and gas in Colorado, adheres to the notion there is no such thing as "local control" or local regulation of oil and gas activity, yet it is the same "local control", say in the form of a city council, that makes the final decisions to permit oil and gas and uranium recovery in places like Fremont County, Colorado, in places like the Florence Oil Field, halfway between the superfund disaster site Cotter, with known nuclear groundwater contamination and migration off site for decades by the State of Colorado and Cotter, and the SuperMax, a federal prison in Florence, CO, which maintains the highest level of security of any federal prison in the United States, due to the fact it is housing the worlds most dangerous terrorists. Seems to me as the Colorado Oil and Gas authority for the State of Colorado, you have shot yourselves in the foot so to speak, with a locally controlled decision so egregious, and one you all apparently have no issues with, that the argument against local control is null and void by these facts. As well, the commission is not addressing sound science by failing to address and publicly acknowledge that fracking activities are causing earthquakes, that Cotter documents from 2 decades ago that the state maintains as an Agreement State with the Nuclear Regulatory Commission, indicate magnitude 5 and greater earthquakes have been recorded in Southern Colorado for decades, prior to the modern day fracking industry dominating any and every space they could, and with the higher earthquake risk now associated with fracking through sound science, and state and federal laws which require proper disclosure to the public when a "normal" activity carries a higher risk of a dangerous outcome, why none of the people who are charged with upholding public interest and the health and well-being of the public per their job descriptions as public servants, are raising hell when decisions like these are being made? Because of this poor decision and lack of oversight, obviously, I posed the same questions to the Bureau of Prisons, and their parent, the Department of Justice in the last week to try and figure out what in the hell is going on in Colorado since apparently it's not a big deal to possibly cause an earthquake by a federal prison with the worlds most dangerous terrorists inside. That the lack of oversight here is mind blowing to say the least, and begs the question of the legitimacy in the regulatory authority for the State of Colorado at this time.</p>
Do you know who the oil and gas company is? If so, please specify and if	

you contacted them already please indicate that and who you talked with.	Austin Exploration is but 1 of many shell companies in this particular Florence Oil Field.
Email Address	Meghan.belaski@gmail.com
Would you like to answer additional optional questions related to the issues you are experiencing? If so, click the appropriate issue from the below list. If not, click "NO". Then click "Continue".	NO -- I JUST WANT TO SUBMIT NOW
Is it happening right now?	,
Is it happening right now?	,
Detailed description of the issue or issues.	,See above. Also see Tischa Schuller and Robert Frick bio's as it concerns their roles for the nuclear materials industry, and what appears to be several significant conflicts of interest in Fremont, Weld and Larimer Counties.
Type of Complaint (Click all that apply)	Ground Water/Water Well, Property Damage, Federal Prison Infrastructure
Detailed description of the issue or issues.	,See above. Also see Tischa Schuller and Robert Frick bio's as it concerns their roles for the nuclear materials industry, and what appears to be several significant conflicts of interest in Fremont, Weld and Larimer Counties.
Have you contacted	



Meghan Belaski <meghanbelaski@gmail.com>

Message from Contact Us Section - www.dcpssc.org

2015 0057

2 messages

websupport@psc.dc.gov <websupport@psc.dc.gov>

Fri, Jun 5, 2015 at 9:32 AM

To: Meghan.belaski@gmail.com

Cc: mbriggs@psc.dc.gov, bwestbrook@psc.dc.gov

This E-mail was sent from the Contact Us section of the PSC website.

Meghan Belaski
1212 Southridge Dr (home)
Fort Collins Colorado
7194299939 (home)
Meghan.belaski@gmail.com

Subject

=====

Exelon Pepco Merger

Message

=====

Just writing briefly from Colorado to ask that the DC Public Service Commission do the public a great service by not approving the proposed Exelon Pepco merger. If approved, you take the power of many and once again, deliver it to the few. You will obliterate innovation and access to the market in a fair and just manner. Exelon can't even provide the public details on their financial status, or ensure the safety of the public in their power plans, which includes decades of nuclear power generation "cradle to the grave" activities with little to no oversight of their facilities in places like Canon City, Colorado, operating for years as Commonwealth Edison. Commonwealth Edison has left the town my parents currently live in, a nuclear waste cesspool that is destroying lives. Lymphomas, brain cancers, liver cancers, lung cancers, bone cancers etc., are the norm in Canon City. In young people...I just lost a 39 year old friend down there to cancer. I know of 25 year olds with lung cancer in Canon City. 18 year olds with thyroid cancer. And what's so problematic with these statistics is that companies like Exelon are never held accountable, and then are given a free pass on decades of criminal activity when mergers like these are approved. If this merger is approved, you are in essence, justifying the activities of Exelon's past and that quite frankly is unacceptable. No matter the outcome here, this is not over by any means as I intend to hold Exelon accountable for the murders in my town, and unfortunately, your customers will pay the price of more bad decisions if this merger is approved as they will be paying on the debt Exelon has left my town, my friends, and my family to recover, because I intend to sue them for everything they are worth. And then some. Thank you for your time.

This message is from IPADDRESS: 98.245.168.36

Referrer: <http://www.dcpssc.org/contactus/contactus.asp>**websupport@psc.dc.gov** <websupport@psc.dc.gov>

Fri, Jun 5, 2015 at 9:33 AM

To: Meghan.belaski@gmail.com

Cc: mbriggs@psc.dc.gov, bwestbrook@psc.dc.gov

This E-mail was sent from the Contact Us section of the PSC website.

Meghan Belaski
Ward 1

[Quoted text hidden]

2015 0057
Meghan Belaski <meghanbelaski@gmail.com>**NISP EIS Northern Colorado concerns**

2 messages

Meghan Belaski <meghanbelaski@gmail.com>

Thu, Sep 3, 2015 at 7:16 PM

To: nisp.eis@usace.army.mil

WOTUS1.pdf

WOTUS2.pdf

WOTUS3.pdf

WOTUS4.pdf

WOTUS5.pdf

WOTUS6.pdf

WOTUS7.pdf

*NISP comments
to Army Corp of
Engineers*

Please see the United States Department of Justice, The Environmental Protection Agency and the Office of the Inspector General for the EPA Office of the Whistleblower, the Securities and Exchange Commission, and Commodities Futures Trading Commission, both for the Office of the Whistleblower, The Bureau of Land Management, and Department of the Interior, as well as The Federal Bureau of Investigation, for their potential roles investigating complaints levied in early-mid 2014, in-part, against the Attorney General's Office for the State of Colorado, The Colorado Department of Health and Environment, as well as the Division of Natural Resources for the State of Colorado, The Colorado Oil and Gas Conservation Commission, The Towns of Windsor and Severance (among others), The Nuclear Regulatory Commission, as well as numerous other individuals and entities performing duties as employees in the public sector, while operating as agents for private industry, for their roles in perpetrating water fraud in the State of Colorado, and fraud on its citizens.

Attached are public comment documents related to the proposed Waters of the United States rules submitted to the EPA in November 2014 that are directly connected to the whistleblower information that has not been made public in its entirety regarding the allegations of water fraud in Weld and Larimer Counties. Please consider the recently acknowledged contamination issues at the Atlas 4 site in Cheyenne, Wyoming, by the Army Corps of Engineers, that Timnath Farms in Colorado became an owner of the Atlas 4 site in Wyoming in 1976, and that the missile sites near Windsor and Fort Collins, Colorado, have been largely left out of the public discussion regarding potential public health impacts of a job poorly done, and the potential impact to any proposed reservoirs for storage at this time on top of a job poorly done.

Thank you for your time and attention addressing these issues promptly.

Sincerely,



2015 0057

Proposed changes to Colorado Radiation regs

Meghan Belaski <meghanbelaski@gmail.com>
To: cdphe_radiationstatutesandregs@state.co.us

Wed, Sep 16, 2015 at 11:54 PM

Good evening,

I am writing this evening, September 16, 2015, to let the Colorado Department of Health and the EPA, and likely the Nuclear Regulatory Commission, that the proposed changes to the Colorado Radiation Standards are a few years too late, and likely an attempt to obstruct justice at this time. And that I am prepared to take this fight as far and long as it needs to go to hold those accountable that have knowingly broken the law time and time and time again.

I informed the DOJ, the SEC Office of the Whistleblower, the IG for the EPA Office of the Whistleblower and the Commodities Futures Trading Commission Office of the Whistleblower, in early 2014, about a significant radiation contamination issue that crosses many counties in Colorado, involves "Cotter" and interestingly, seems to touch on many of the (recent) proposed changes to the 2015 radiation standards in Colorado. After-the-fact

I believe it's actually called accessory-after-the-fact, and quite frankly, this is as shameful as it gets.

Please see Colorado Speaker of the House, Dickey Lee Hullinghorst's legislative aide, Todd Faulkenberry, to find out when I informed their staff of the ongoing and in-depth fraud committed at the behest of Cotter, the EPA, the NRC, and the State of Colorado, and ask them how likely they are to interfere with a federal law enforcement investigation involving most of the issues that this "regulatory authority" has proposed to the Board of Health, and ultimately the Colorado State Legislature, into changing in order to protect those who have committed crimes involving radiation contamination.

I feel at this time you can't back me any further into a corner, I have no other choice than to reveal some of this information to the public so they can finally wrap their heads around who the scoundrels are that have been running this operation, and ruining lives with these decisions.

See the Attorney General of Missouri for information related to the current radioactive contamination issues in the St. Louis area, and its direct relationship to Cotter in Canon City, Colorado.

Sincerely,

Meghan Belaski

Meghan Belaski <meghanbelaski@gmail.com>
To: attorney.general@ago.mo.gov, Todd Faulkenberry <todd.faulkenberry@gmail.com>, james.jarvis@state.co.us

Thu, Sep 17, 2015 at 12:54 AM

Hello,

Please see the following email addressed to the Colorado Department of Health, concerning proposed changes to Colorado State radiation regulations/standards. An additional email with attachments will follow this email, and connects some of the dots in the Canon City, Cotter, St. Louis debacle. I can be reached via email or on my phone at 719-429-9939 if you have any questions.

2015 0057

Nov 13th deadline link to "silt" build-up letter etc

Meghan Belaski <meghanbelaski@gmail.com>

Fri, Nov 13, 2015 at 11:58 PM

To: jennifer.opila@state.co.us

Hello,

This "informal" public comment is intended to communicate that I believe the link provided on behalf of the CDPHE, establishing "requirements for environmental data collection", with a November 13, 2015, deadline, actually provides a date connected to a December 7, 2015, deadline, and letter for public response to the "silt" build-up plan, and the Nov., 13, 2015, connection to the silt build-up letter/plan, and deadline for "environmental data collection", is poorly communicated and should be addressed.

The link to the proposed Quality Assurance Project Plan for the CDPHE, and pending Cotter decommissioning plan, offers a deadline at the top of the link for Dec., 7, 2015, but does not leave the reader with the impression that the necessary information for the November 13, 2015, deadline, and pertinent information/documentation, is relevant to the statement, and I would respectfully request that the deadline (today), for the "environmental data collection" plan, be extended to the connected link provided by the CDPHE, to the additional date of December 7, 2015.

Even if that deadline is not extended, it should be understood by all interested parties, that this issue far exceeds with Colorado health officials are capable of addressing, or should be addressing based on conflict-of-interest laws, and the Colorado "Cotter" connection to an emerging nuclear waste emergency in St. Louis, which includes mounting evidence of a massive contamination in urban neighborhoods and smoldering landfills in St. Louis, from activity directly connected to the Manhattan Project, to Cotter in Colorado, formally known as Commonwealth Edison, aka GE, aka GA, etc., etc., and currently known as Exelon, et al.

I believe this means material from Department of Defense projects, no matter the era, and the state vs federal roles in hiring negligent, privatized, sub-contracted entities to "manage" these sites, in addition to employing wayward state and federal employees of years past acting outside the scope of public interest, together, have left these sites and communities to waste, and have caused undue harm to past, present, and future generations as evidenced by the cancer cluster under investigation in St. Louis, and the cancer cluster the CDPHE, EPA and NRC have failed to acknowledge and investigate in Canon City. An emerging cancer cluster that cannot be ignored any longer no matter how many laws are broken or backdated not to be broken. See CDPHE Public Rule Making Hearing December 16, 2015, Parts 1, 3, and 18, and proposals for a decade of backdated (and lowered) radiation standards of exposure through mining, milling, storage, transportation, shipping, in use as construction material, etc.

Highly enriched uranium, plutonium, and other unknown nuclear materials have gone unaccounted for, decade after decade, across state borders, ie., interstate and federal, as by-products of activities directly connected (and documented) to the Manhattan Project, and the Cotter sites in both Colorado and St. Louis; which are currently under investigation in Missouri by the Centers for Disease Control, the Department of Energy, the Army Corp of Engineers, and the Attorney General of Missouri. Quite frankly, the scope of research, investigation, and public disclosure in Missouri makes me question the motives of our state leadership and health department as the CDPHE is currently trying to backdate our issues and failing to disclose the significance of the long-standing and current issues at Cotter in Colorado, to the current radiological hazard in St. Louis at the same time. Odd.

No entity with Colorado/St. Louis/Cotter connections, including the irrelevant joke of a "regulatory authority", the NRC, should be making any plans for Cotter in Colorado at this time. The Army Corp of Engineers, the CDC, and the DOE need to take over the planning for Cotter in Canon City. Anything less is unacceptable. I don't expect our Attorney General to do anything other than prepare herself for the tv cameras, and to hire a good attorney specializing in public corruption.

Page 2 of 2

2015 0057

DENVER

State: No link to drilling and rash of prenatal anomalies in Garfield County

POSTED 1:13 PM, MAY 2, 2014, BY CHUCK HICKEY, UPDATED AT 01:39PM, MAY 2, 2014

DENVER — The Colorado Department of Public Health said Friday there were no common underlying causes to 22 reported anomalies in unborn children in Garfield County late last year.

**Project Rulison is cause...*

"Our investigation looked at each reported case and concluded they are not linked to any common risk factors," said Dr. Larry Wold, the department executive director and chief medical officer.

RELATED: Read the full report

Epidemiologists looked at more than two dozen factors in the anomalies, which included cardiac and chromosomal deformities, that were reported by two clinics in Glenwood Springs in prenatal ultrasounds, including proximity to active oil and gas wells and drinking water sources. Garfield County has the second-most oil and gas wells in the state, after Weld County.

- over 200 high risk wells in Garfield have gone uninspected

"While there were different risk factors identified for individual cases, no pattern emerged to suggest a common risk factor for the reported anomalies," the report said.

The state's birth defects registry mainly tracks defects after children are born, making this study of looking at unborn children unique.

"A number of additional factors should be considered, including the limitations of the ultrasound as a diagnostic tool, observer variability, and the timing of the ultrasound," the state said in a release. "It is possible one of these variables may have accounted for an impression that there is a higher number of anomalies. In addition, because prenatal ultrasounds are not typically monitored by the state, there is no way to know if these cases represent a higher number than normal."

2015 0057

Added Wolk: "There is no state or federal registry of pre-birth anomalies that would show whether the cases referred to the department are greater or less than the number of cases occurring in the general population. While some may have expected the investigation would identify one or two risk factors that link these cases, no such link was found. It is natural to look at even a single birth anomaly and ask why. But sadly, birth anomalies do occur."

It's called Project
Pulison - and when
fracking operations
are injecting fluids
into nuclear warhead
detonations it
adds up —

2015 0057

From the Denver Business Journal

:<http://www.bizjournals.com/denver/stories/2009/12/21/daily10.html>

Report: BLM OKs plan to drill near Colorado nuclear-blast site

Dec 21, 2009, 2:07pm MST

The federal Bureau of Land Management has agreed to Noble Energy's plan to drill 79 natural-gas wells in western Colorado near the site of an underground nuclear blast 40 years ago, according to a news report Monday.

The Grand Junction Daily Sentinel reported that Noble Energy will drill the wells over the next three to five years, and that gas produced by the wells will be tested for radioactivity.

In 1969, a federal test called Project Rulison was conducted to determine if nuclear blasts could be used to retrieve natural gas deep underground. A nuclear device was set off about 8,400 feet underground near Rulison, Colo. - aka... Garfield County

The experiment was discontinued when the gas freed by the explosion proved to be radioactive. Since then, there has been no commercial drilling near the blast site, the Daily Sentinel reported.

The Noble Energy wells will be drilled no closer than half a mile from the Project Rulison site, and the U.S. Department of Energy would have authority to sample any wells for radioactivity. - Good job DOE...

The project still requires approval by White River National Forest because pipelines and a stretch of access road would cross forest land.

denvernews@bizjournals.com

Project Rulison part of Operation Plowshare

* See 2014 report indicating over 200 "high-risk" wells in Garfield County have never been inspected... by CDOTHE...

High number of cancer cases near St. Louis prompts concern

NORTH ST. LOUIS COUNTY, Mo. -- An unusual number of rare cancers has the Centers for Disease Control and Prevention taking a close look at a community outside St. Louis, Missouri.

"You'll never forget the moment they tell you, 'We found lesions on your lung and your liver,'" said Mary Oस्कso, who has stage 4 lung cancer.

CBS News met with Oस्कso and six of her neighbors, all of whom lived in the same north St. Louis suburbs. Every one of these people either has cancer, or lost a parent or child to it.



Mary Oस्कso (center, in scarf) and several of her neighbors are suffering from cancer which may be linked to radioactive waste stored nearby.

CBS News

The neighborhood park where they played growing up is now padlocked, while

construction crews remove radioactive waste discovered beneath the topsoil.

Denelle Wright was one of the first neighbors that noticed the common illnesses, when former classmates started re-connecting on Facebook.

"If we did not have social media, if Facebook did not exist, we would never have put these pieces together," she said.

The group put together a map showing more than 2,700 instances of cancers, autoimmune disorders and brain and thyroid tumors.



"Within a six-house radius, I knew four people with brain cancer, one a child, one a young professor," Wright told CBS News. "And I just thought, 'This is really odd.'"

The area where they lived is called North County, which includes Hazelwood and Florissant. Coldwater Creek runs thru the towns.

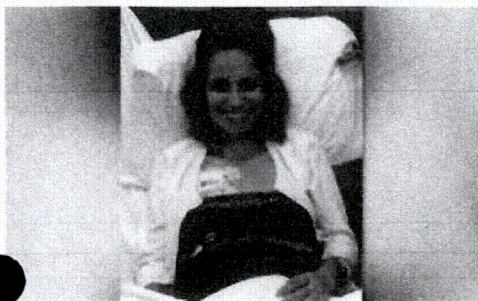
New breast cancer screening guidelines

For decades, two sites near the creek were used to store radioactive waste from America's nuclear weapons program.

The waste came from St. Louis's Mallinckrodt Chemical Company, which the government hired to process uranium.

- see Cotter testimony in Dodge v Cotter (Canon)

Tens of thousands of barrels of nuclear waste, many open to the elements, contaminated the soil at the sites and the nearby creek.



"What you see is an environmental health disaster unfolding slowly over decades," said county health director Dr. Faisal Kahn.

Khan said identifying a true cancer cluster is very difficult, but that what's happening in North County needs long-

Precision treatment holds
promise for cancer patients

term study.

"The rates of appendix cancer, for instance, which is relatively rare -- we see about 800 cases across the nation per year," Kahn said. "To find seven or eight cases in one zip code or one small geographic area is rather unusual."

Currently, engineers are testing the soil along the rest of the 15 mile creek. It will take years to complete -- years Mary Oscko doesn't have.

"My husband and I had to sit down at night and discuss whether I want to be cremated or buried," she said. "I don't want to be buried in North County, that's the one thing I told him -- I do not want to be buried where this soil is."

Several residents have filed a class action lawsuit against Mallinckrodt and other companies that handled the uranium.

It's very early in the legal process. In a statement, Mallinckrodt told CBS News "The company worked under the direction of the U.S. government and at no time did Mallinckrodt own any uranium or its byproducts." - see St. Louis raffinates

The atomic energy commission which hired the cleanup companies no longer exists, so CBS News is seeking comment from the Department of Energy. testimony

2015 0057

Bridgeton Landfill: How the current situation came to pass

BRIDGETON (KMOV.com) -

Concern and controversy over the Bridgeton and West Lake landfills continues to swirl as nearby residents demand nuclear waste dumped at West Lake be removed.

How did we get to this point? Below is a timeline of events:

Site was a farm field before 1939

- sounds familiar...

1939: Site of landfills is converted to quarry

1950s: Converted to a landfill

1973: Radioactive waste from the Manhattan project is dumped at the site. St. Louis was one place where uranium and radium were refined for the atomic bombs that were eventually dropped on Japan. A private company eventually bought the waste from the US government in the 1960s to extract minerals.

The waste was eventually crushed like rocks or dirt. The company later mixed the material with five parts of top soil to dilute it. 48,000 tons of contaminated soil was trucked to the landfill and presented as clean fill dirt for spreading on trash. All of this was done at a time when environmental regulation were lax compared with today.

1974: West Lake Landfill closes

1990: Site becomes an EPA superfund site. The EPA had a plan to put a permanent cap on the site, but people began to complain about burning eyes and felling nauseous.

2005: Bridgeton Landfill closes

2008: Republic Services buys the landfill

- Bill Gates et al.
Yes, that Bill Gates...

2010: Smoldering underground garbage is discovered and as the hot spot grew, so did complaints about a bad smell.

In 2013, Missouri Attorney General Chris Koster sued Republic Services saying it violated environmental laws, and did little to get rid of the stench and underground fire. Republic Services has spent around \$150,000,000 on the landfill.

Present: Koster recently said the hot spot is moving quickly towards the radioactive material, and the two could meet in three to six months, a claim experts later backed off of. The EPA says two the are 1,000 feet apart; Republic claims there is 2500 feet between the two.

Nearby schools districts recently sent out a letter parents about emergency plans if the fire hits the radioactive waste. Nearby residents want the Army Corps of Engineers to take over the site and remove the radioactive waste.

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ST. LOUIS POST-DISPATCH

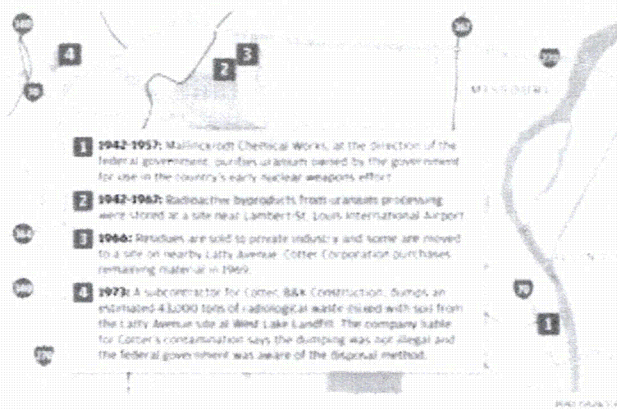
2015 0057

Exelon

2015 0

Pointing fingers: Exelon says feds knew radioactive waste was being dumped at landfill

A RADIOACTIVE JOURNEY



14 HOURS AGO • BY JACOB BARKER

During three months in 1973, dump trucks carrying more than 40,000 tons of dirt made their way from a site near the airport to a landfill on the western edge of St. Louis County.

The truck owners didn't have to pay to dump their loads; what they delivered was billed as clean fill dirt that the landfill operator could use to cover other refuse.

But it wasn't clean fill.

The dirt came from Latty Avenue, which was used as a storage site for radioactive materials purchased from the federal government. The materials were owned by a Colorado company, Cotter Corp., which was looking to squeeze what value remained in wastes left behind from uranium processing that supplied the nation's nuclear weapons buildup.

Except for what those dump trucks took to the landfill, Cotter shipped much of what was stored at Latty Avenue to its facilities in Colorado, according to official reports.

In the spring of 1974, Cotter representatives told the Atomic Energy Commission that the company decided to dispose of some of the radioactive material in "St. Louis County sanitary landfill area No. 1 on Old Bridge Road." The 8,700 tons of leached barium sulfate, which contained several tons of uranium, were mixed with dirt scooped right off the top of the Latty Avenue storage site, company representatives and documents told the AEC.

AEC records show the agency recommended citing Cotter for not following the "intent" of its regulations because it had mixed the waste with soil.

But a few months later, in November 1974, Cotter requested and received Atomic Energy Commission approval to terminate its license for the radioactive material at Latty Avenue. At the end of the year, the AEC, which had faced years of criticism for being too cozy with industry, was dissolved and its duties handed to the new Nuclear Regulatory Commission.

This chain of events, pieced together from reports and documents from the AEC and NRC, is raising questions about the federal government's knowledge of, and liability for, the long-

It turns out there was no "St. Louis County sanitary landfill area No. 1." The barium sulfate, mixed with nearly 40,000 tons of soil from the contaminated Latty Avenue site, was dumped in West Lake Landfill.

But despite the nonexistent landfill, the company that retains Cotter Corp.'s liability said it did nothing illegal. The AEC knew Cotter's contractor, B&K Construction Co., dumped material in a St. Louis County landfill. Yet the government never cited Cotter, and it ultimately released it from its license.

- Cotter purchased plutonium contaminated material 5 years before the incident...

"This whole thing was done under the watchful eye of the Atomic Energy Commission," said Craig Nesbit, a spokesman for Exelon Corp., the Chicago power company that retains Cotter's liability for West Lake because its Commonwealth Edison utility used to own Cotter.

NRC You cannot have a nuclear material license terminated if something is amiss, Nesbit said. "It's like trying to sell a house with a lien on it. You can't do that."

Others say the U.S. Department of Energy, or DOE, which retains the AEC's liability for the West Lake contamination, has been quiet for too long. Not enough people realize the federal government's complicity, they say, in contaminating a landfill that is now surrounded by suburbs and frightened residents.

"To me, it's very clear that this was a federal responsibility," said Kay Drey, a longtime opponent of nuclear waste who has followed the situation for decades. "Unfortunately, the Atomic Energy Commission and the NRC didn't follow through and pay attention to what was at Latty Avenue and then dumped at West Lake Landfill."

'FULL KNOWLEDGE OF THE AEC'

A review of AEC, NRC and DOE documents, spanning the early 1970s through the 1990s, shows that Cotter Corp. was never cited for the disposal of the material from Latty Avenue in West Lake.

An NRC inspection in 1977 confirmed that over 43,000 tons of barium sulfate waste mixed with soil from Latty Avenue was dumped at West Lake. Yet it said "neither site presents an immediate radiological health hazard to the public."

"No items of noncompliance were identified during this investigation," the NRC found in 1977.

However, a subsequent NRC investigation released in 1988 did say dumping the barium sulfate and soil from Latty Avenue in West Lake was "not authorized."

In 1989, the NRC released an investigation conducted by researchers from the University of Missouri-Columbia.

"It is not known what levels of contamination were already in the soil before the barium sulfate

residues were mixed into it," the report authors wrote. "Disposal in the West Lake Landfill was unauthorized and contrary to the disposal location indicated in the (NRC's) records."

Exelon's Nesbit acknowledged the NRC called Cotter's actions "unauthorized."

"But that's 10 years after the fact, and everything that was done was done with the full knowledge of the AEC," Nesbit said. "So I don't know with what validity an agency can come back later and say that wasn't the right thing to do."

'MORE AT STAKE'

Public concern about the West Lake Landfill contamination has exploded in recent years after an underground fire was discovered in the adjacent Bridgeton Landfill. Many worry if the underground smoldering spreads to West Lake, it could spread radiation offsite.

Republic Services, the nation's No. 2 waste hauler and owner of the landfill, and the U.S. Environmental Protection Agency, which is overseeing its cleanup, say the fire is not moving toward West Lake. The EPA promises a cleanup plan around the end of 2016, and it said any disagreement over liability among responsible parties won't affect its timeline. It also doesn't matter if contaminating West Lake wasn't technically illegal.

"Bottom line: It wasn't the right move for the community, so something has to be done now and that's what we're focused on," said EPA Region 7 spokesman Curtis Carey.

Meanwhile, Exelon has begun suggesting that there could be something more than the Latty Avenue material contaminating the landfill, material that isn't connected to Cotter and B&K's involvement back in the 1970s. That could put more blame on the parties it will split the cleanup tab with: the DOE and Republic Services. Exelon is pursuing additional testing to try and prove it.

Nesbit said new testing requested by Exelon is trying to determine whether "radiological material went into that landfill that is not part of the current discussion."

"Nobody really knows the answer to that, and that's what the current boring testing is trying to determine," he said. "There's a lot of stuff that went into that landfill."

That is adding to suspicion that more material is in the landfill than what Cotter dumped from Latty Avenue, said Doug Clemens, who chairs the community advisory group overseeing the EPA cleanup.

"The concern in the community and the concern in the research we've been turning up is that there are possibly other contaminants dropped in the West Lake Landfill" beyond barium sulfate and soil from Latty Avenue, he said. "There's this idea that DOE has more at stake in this landfill than just the stuff from Latty Avenue, which Exelon keeps hinting at."

FEDERAL LIABILITY

Exelon, one of the nation's biggest utility companies with annual revenue exceeding \$27 billion, has long been quiet on the West Lake situation. It's only become more vocal this summer after it says Cotter discovered new documents suggesting material could be in the landfill in locations that haven't been "adequately tested."

- only more vocal in the summer of 2015... 1 year after my

The DOE has been even quieter. Many question why West Lake hasn't been added to a special cleanup program for waste generated by the early nuclear weapons program, as other sites in the St. Louis area have.

whistleblower disclosure - 1 yr. too late Cotter/Exelon...

The cleanup program, called the Formerly Utilized Sites Remedial Action Program, or FUSRAP, was first run by the DOE until the corps took it over in the 1990s.

The DOE says West Lake did not meet the criteria for the program, now run by the U.S. Army Corps of Engineers. To be eligible, the program requires the site to be involved in Manhattan Project or early Atomic Energy Commission activities. The region's Congressional delegation has said they believe the DOE did not include West Lake in FUSRAP because the material was owned by a private company and not under the direct control of the department.

In 1990, a DOE agreement with EPA laying out the framework for cleaning up radioactive contamination near Lambert-St. Louis International Airport under FUSRAP specifically excluded West Lake Landfill.

Clemens thinks the DOE has done all it could to keep West Lake under EPA jurisdiction rather than the corps. But the federal government should be responsible for cleaning it up, he said.

"This was permitted by the federal government and created by the federal government under a weapons program," Clemens said. "It's their waste they're responsible for it."

Before being named as a potentially responsible party by the EPA, the DOE maintained it wasn't liable for the West Lake contamination, according to several internal memos.

Asked whether it still maintains that it's not liable, a DOE spokesman did not answer directly. Via email, the department responded that it signed an agreement with EPA in 1993 "under which it committed, along with other parties, to pay for the costs of a remedial investigation and feasibility study to be conducted under the direction of EPA."

A 1993 DOE memo recommended signing the EPA agreement, but it maintained that the department "remains firm in its position that it is not admitting liability for the West Lake Landfill contamination." The memo also says that signing the EPA agreement "is not an admission of liability nor a commitment to do anything more than conduct the Remedial Investigation/Feasibility study."

Asked what share the federal government should shoulder for the West Lake contamination, the DOE said it will "begin discussing with other potentially responsible parties an appropriate share of the cleanup costs" after EPA proposes a cleanup plan. The department referred the Post-Dispatch to the NRC when asked whether B&K, Cotter's contractor, had engaged in "illegal" dumping in West Lake.

In a 1992 memo, the DOE argued it had no "liability or responsibility" for West Lake, calling the dumping "a license violation" that "would not have been authorized if licensing approval had been sought."

Based on his research, Clemens said he suspects the federal government didn't know Cotter was dumping in West Lake while it was going on. -No kidding...

*But they certainly had knowledge after it happened, and the NRC decided not to fine them, not to do anything about it," he said. "It does strike me as a huge mystery as to why DOE doesn't just step up and do the right thing."

REGULATORY OVERSIGHT

- Federal regulators do not appear to have ever cited Cotter Corp. after its contractor in 1973 dumped thousands of tons of radioactively contaminated material in West Lake Landfill, which the company says indicates the action was not illegal.

- Exelon, the company that retains Cotter's liability for West Lake, suggests there may be other material in the landfill beyond the waste already identified and that there may be other potentially responsible parties beyond landfill owner Republic Services and the Department of Energy.

- The U.S. Department of Energy, which the Environmental Protection Agency says is potentially liable for West Lake, does not appear to have ever admitted liability for the site's contamination even though the waste was produced as part of the country's early nuclear weapons program.

* NRC response to my letter & Sept. 16, 2014 info included all the St. Louis raffinate/plutonium material, yet the NRC letter to me, Meghan Belaski, in Nov, 2014 only addresses material/docs from 2000-2004 - No wonder these towns and its people are all dying...

Bridgeton landfill: 'catastrophic event' is 'foreseeable and preventable'

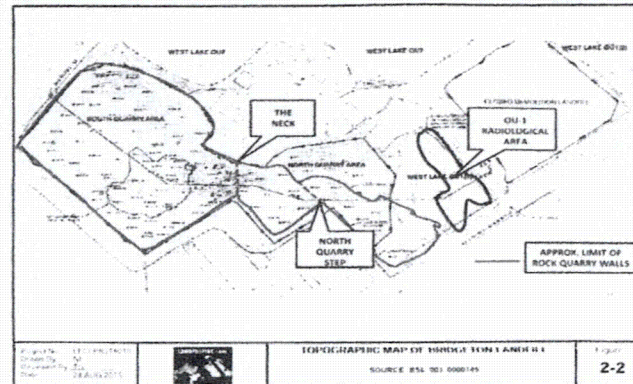
2015 0057

By Sandra Jordan | Posted: Wednesday, September 9, 2015 9:42 pm

Missouri Attorney General Chris Koster released nine new expert witness reports on September 3 that collectively paint a troubling picture of the environment surrounding the landfill site.

The reports identify contamination in groundwater outside the landfill perimeter, including radiological contamination detected in trees surrounding the site.

Additionally, data indicate that the underground fire has moved past the two rows of interceptor wells positioned at the neck of the landfill, closer to the North Quarry.



Bridgeton Landfill

One report discovered volatile organic compounds, including benzene, acetone, and 2-butanone, in high concentrations in the groundwater in wells outside the perimeter of the landfill.

Two experts concluded the underground fire has moved outside of the containment areas – in the direction of the radiological area that contains waste from the United States' initial atomic bomb program, the Manhattan Project.

A civil engineer concluded what he described as a "catastrophic event" at the landfill "was foreseeable and preventable." He stated that business decisions by the landfill's operators to overdraw gas-collection systems and inadequately maintain the soil cover on the site were factors causing the fire to occur.

Koster's office stated the reports were gathered to better understand the facts relevant to the lawsuit Koster filed in 2013 against Republic Services for alleged violations of law associated with the still-burning underground fire.

The lawsuit against Republic Services is set for trial in March 2016. It alleges that Republic's management of the landfill was negligent and that the company has violated the state's environmental laws. The suit seeks penalties, actual damages, and punitive damages as a consequence of Republic's allegedly unlawful conduct.

"This is the second time in the last year that radioactivity has been found in places that were supposedly clean," said Ed Smith with the Missouri Coalition for the Environment. "It further demonstrates the need for President Obama or our federally elected officials to put the Army Corps of Engineers in charge

immediately so the site can be properly characterized and remediated in a timely manner."

The Attorney General's Office stated it released the reports because they contain information that is important to the health and safety of the people who live and work near the landfill.

"It is past time for Republic Services or the government to provide a voluntary buyout for people living within a one mile radius of the landfill," said Kathy Bell, a nearby resident. "We are being choked to death at night and throughout the day by this nasty landfill, and we cannot take it any longer."

Republic responded via a statement from Richard Callow, spokesman.

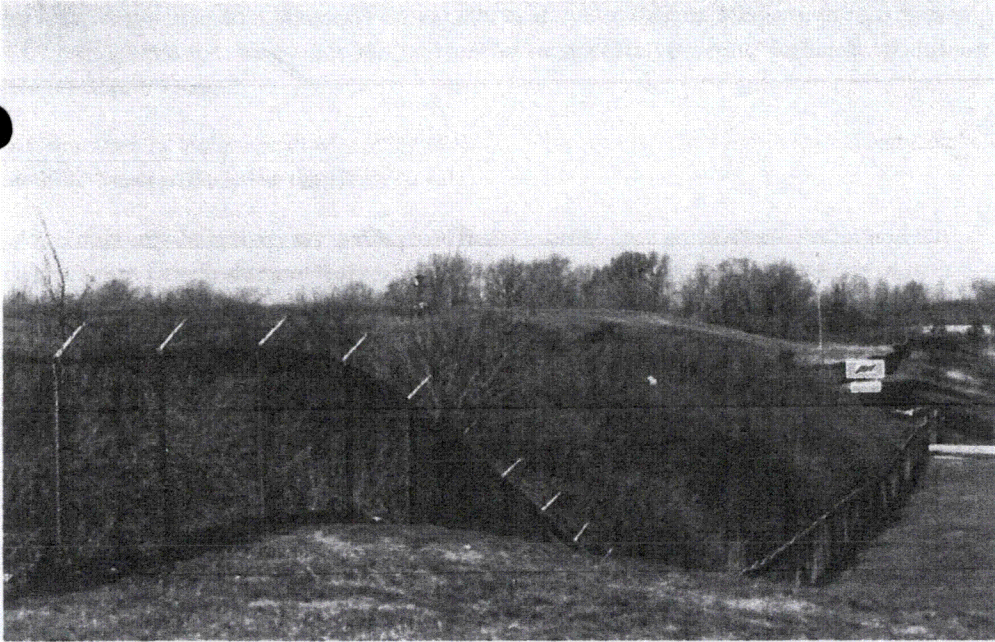
"The key aspects of the state's expert reports are simply irresponsible. Many of their taxpayer-funded conclusions are overstated, others are scientifically wrong. Regrettably, the state appears intent on making conditions seem scary, which only exacerbates public angst and confusion," Callow's statement read.

"Despite the theatrics, the state's experts found no threat to public health or safety that actually exists. In addition, the state's reports do not provide any new data indicating subsurface reaction movement in the direction of radiologically impacted materials. Bridgeton Landfill is in a managed state. It is safe, and it is intensely monitored."

Callow dismissed the reports as "just one phase of ongoing litigation" and said the landfill operators will submit its own expert reports "on or before October 16."

All nine reports – "West Lake Landfill Organic Pollutant Phytoforensic Assessment," "Westlake Landfill Phytoforensic Assessment using Gamma Spectroscopy," "Westlake Landfill Tree Core Analysis," "Bridgeton Sanitary Landfill Groundwater Investigation," "Subsurface Self Sustaining Reaction Incident," "Bridgeton Sanitary Landfill Incident," "Field Inspection Reports," "Bridgeton Landfill Downwind Odor Assessment," "Feasibility Study-Groundwater Remediation" – are posted at <http://ago.mo.gov>.

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Exterior shot showing a section of the West Lake landfill Tuesday March 13, 2012, in Bridgeton. The EPA is assessing whether to stick to a 2008 plan to leave tons of Cold War era radioactive waste buried at the West Lake landfill or shift plans and excavate it. Photo by Laurie Skrivan, lskrivan@post-dispatch.com

Jacob Barker

22

Silent on the issue for years, one of the companies potentially liable for contamination at the West Lake Landfill has suddenly gone public in its push for additional testing at the Bridgeton site.

Chicago-based utility company Exelon says it has new information indicating some of the waste in West Lake could have come directly from a downtown St. Louis campus where uranium and other radioactive materials were processed by Mallinckrodt chemical works.

Further, the small amount of waste could have been transported to West Lake against Mallinckrodt's wishes — by a company now owned by a subsidiary of West Lake owner Republic Services.

Advertisement: Story Continues Below

If tests show new waste from Mallinckrodt at West Lake — and it actually turns out to be radioactive or hazardous — it could shift liability between Exelon and Republic as they look to divvy up a West Lake cleanup tab that could run into the hundreds of millions of dollars. Exelon's new testing requests could delay the Environmental Protection Agency's final cleanup decision.

Exelon's entry into the fray of West Lake has also laid bare disagreements between it and Republic in the approach to an expensive cleanup that has become increasingly political.

John McGahren, an attorney representing Exelon, provided the Post-Dispatch with a 1995 Mallinckrodt response to the EPA admitting that 20 cubic yards of "nonhazardous building demolition debris" was "mistakenly" taken to West Lake by Able Industries, which operated as Johnny on the Spot.

— 1995 — look at
the 1970's

A local business registered as Johnny on the Spot, which has the same address as Able Industries, is owned by CWI of Missouri Inc., a Republic subsidiary.

The disposal of this material in the West Lake Landfill was not approved by Mallinckrodt — the

Browning Ferris Industries Missouri Pass Landfill in Maryland Heights, Missouri, was the disposal facility designated and approved by Mallinckrodt for receipt of this material," Mallinckrodt attorney Cathleen Bumb wrote.

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is unknown by Mallinckrodt why Able Industries ... transported the material to the West Lake Landfill," Bumb wrote in the 1995 letter to EPA.

EPA records only definitively say that leached barium sulfate from processing activities is in the landfill. It was illegally dumped there by a contractor for uranium producer Cotter Corp. in 1973. Cotter had bought the waste for reprocessing, and Exelon retained Cotter's pollution liability after it sold the company in 2000.

Now, McGahren says his client wants additional testing to confirm what the document says.

"It's well documented the materials that Cotter handled, which was leached barium sulfate, but we proposed additional testing in the areas with the highest concentration of radionuclides," he said.

Some residents and activists have long called for more testing of a site some say could have more radioactive material than the government has ever acknowledged.

McGahren said his clients believe that Cotter's material is only in one portion of the contaminated area under EPA's authority. They have proposed testing there and in other areas to confirm that some of the material "predates Cotter."

"We want to know because I think the public is insisting on knowing, what's in the landfill," McGahren said. "What we want to do is further testing to demonstrate that the material does not leach, that's its inert, and that it's safe to be capped and contained in the landfill."

He said there's no reason to believe the material is unstable or unsafe and the testing would demonstrate that.

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Until now, Republic has been the lead on much of the site testing and it has cautioned that new testing could slow down the process as EPA nears a cleanup decision, possibly at the end of 2016. Republic spokesman Richard Callow questioned the relevance of the new document.

"The basis for Mr. McGahren's argument is nonhazardous demolition waste sent to a landfill in 1995 — decades into the decommissioning of Mallinckrodt and the investigation of West Lake," Callow said in a statement. "And, EPA was made aware of it at the time — 2 decades ago — and has never found it relevant."

It's unclear what the material is or if it's dangerous. The 20 cubic yards detailed in the report is described as nonhazardous, but Mallinckrodt also says that "no analysis was performed to this load of demolition debris."

At the same time, the invoice says the waste was going to be sent to a local landfill anyway, just in Maryland Heights instead of Bridgeton. Yet, it came from a Mallinckrodt building that was listed in cleanup documents with the Nuclear Regulatory Commission.

The additional testing could strengthen a link between some landfill waste and Republic, possibly shifting more costs of a final cleanup to the waste operator. It also could provide a stronger link to the Department of Energy, the third party EPA considers potentially liable for West Lake cleanup.

McGahren said EPA would allow Exelon's requested testing after Republic and the DOE agreed, but his client does not yet have access to the site.

Uranium drill permit denied

Canon City
Uranium

2015 0057

CANON CITY — A company's application to conduct exploratory borehole drilling for uranium in the Tallahassee neighborhood west of Canon City has been denied.

The Mined Land Reclamation Board on Oct. 28 denied the application from Black Range Minerals that would have allowed development of an underground borehole extraction experiment in the Tallahassee Creek area. As presented, the application would have proceeded under the minimal requirements of a prospecting permit.

Objections to the proposal were filed by opponents including Tallahassee Area Community, Inc., Coloradoans Against Resource Destruction and the Information Network for Responsible Mining.

"Under Colorado law, the difference between prospecting activities versus mining activities equates to a big difference in how carefully regulators review the permit and how well water quality will be monitored and protected," said attorney Jeff Parsons, who represented the opponents and Tallahassee resident Kay Hawlee in the proceedings.

"This well-reasoned decision prevents Colorado from becoming a laboratory for untested uranium technologies that haven't yet proven they can be utilized without polluting the watershed."

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* Finally - 1 of Colorado's regulatory bodies is finally paying attention! Thank you...