JOHN ASHCROFT
Governor

G. TRACY MEHAN III
Director

STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

Division of Energy
Division of Environmental Quality
Division of Geology and Land Survey
Division of Management Services
Division of Parks, Recreation, and Historic Preservation

OFFICE OF THE DIRECTOR
P.O. Box 176
Jefferson City, MO 65102
314-751-4422

October 16, 1990

Mr. Morris Kay, Administrator
U.S. EPA, Region VII
726 Minnesota Avenue
Kansas City, KS 66101

The Missouri Department of Natural Resources (MDNR) has received the final draft of the proposed Record of Decision for the Management of the Bulk Wastes at the Weldon Spring Quarry, Weldon Spring, Missouri (September, 1990).

As the lead agency for the state of Missouri, the MDNR offers a qualified concurrence with the selected interim remedial action as stated in the "Declaration." This action consists of the removal of the bulk wastes from the quarry and the transportation of these wastes on a dedicated haul road to a specially constructed temporary storage area south of the raffinate pits.

Our qualified concurrence is based on our preliminary review of the the "Decision Summary" which contains extensive discussions of Applicable, Relevant, and Appropriate Requirements (ARARs) for the project. Based on this review we do not agree with your interpretation of the ARARs, and particularly those regarding the Resource Conservation and Recovery Act (RCRA). Specifically, we believe that certain wastes in the quarry may be listed hazardous wastes and most likely will also be characteristic hazardous wastes. Further review may reveal ARARs issues regarding other state and federal environmental laws and regulations.

In previous discussions the U.S. Department of Energy has agreed that the proposed action will be designed according to the substantive standards of RCRA and the Missouri Hazardous Waste Law and Regulations. Our support of the selected remedy assumes that this will continue to be the case.

We intend to send you our comments on the final draft of the ROD by the end of this month. Because the ARARs issues may be especially significant in the decisions concerning the final remedial actions at the site, I suggest that we schedule a meeting as soon as possible to discuss these issues.

Very truly yours,

DEPARTMENT OF NATURAL RESOURCES

G. Tracy Mehan, III
Director

cc: Mr. James Fiore, U.S. Department of Energy
Dr. John Bagby, Missouri Department of Health
Mr. Jerry Presley, Missouri Department of Conservation