

TO: Rowena Michaels, Director  
Office of Public Affairs  
U.S. Environmental Protection Agency, Region VII  
726 Minnesota Avenue  
Kansas City, Kansas 66101

RE: Feasibility Study for Shenandoah Stables Site and Proposed  
Plan to be included in the Administrative Record.

I, as City Attorney for the City of Fenton, request that this written comment regarding the Feasibility Study and Proposed Plan for final management of dioxin-contaminated soil at the Shenandoah Stables Dioxin Site in Moscow Mills, Missouri be included in the Administrative Record along with the following attached documents:

1. Resolutions from 27 local communities concerning the EPA's and Syntex's plan to bring dioxin from other sites to Times Beach for incineration.
2. The results of the referendum election in City of Fenton on the proposition: "Shall the State of Missouri permit the construction of an incinerator in the flood plain at Times Beach to burn dioxin from Times Beach and at least 26 other sites in Missouri."
3. The Affidavits of Congressman Jack Buechner, Senator Thomas McCarthy, Representative William Linton, Representative Jim Murphy, Representative Stephen Banton, St. Louis County Prosecuting Attorney and candidate for County Executive Buzz Westfall, County Executive H. C. Milford, County Councilman Gregory Quinn, Mayor Joseph Morgan, City of Fenton and Mayor Otis Nelson, City of Eureka in support of the City of Fenton's position in United States of America v. Russell Martin Bliss, et al., Cause No. 84-0200-C(1) of the United States District Court, Eastern District of Missouri.
4. The written comments submitted during public comment period in opposition to the proposed Consent Decree in Cause No. 84-0200-C(1) in selection of the remedial action for Times Beach and opposition to the proposed plan.
5. The article from the September issue of Hazmat World entitled "When the chemistry is right . . . A fine-tuned dechlorination process destroys dioxins, PCBs" which proposes a reasonable and safe alternative to transportation of hazardous wastes to Times Beach and incineration.

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6. The article from Family Circle Magazine entitled "Toxic Nightmare on Main Street" which describes the EPA's lack of concern for the health and welfare of local residents.
7. A brochure mailed the week of September 17, 1990 to Fenton residents by EPA entitled "Restore Times Beach."
8. Letter from Representative Jim Murphy to Raymond Wagner, Jr. dated September 18, 1990 concerning the EPA's false and misleading statements in the above brochure "Restore Times Beach" mailed to Fenton residents.
9. Letter to Rowena Michaels from Frederick Brunner dated March 18, 1988.
10. Letter to Mayor William Weber from Governor John Ashcroft dated April 28, 1988.
11. The September 7, 1990 brochure mailed by Syntex to Fenton residents who oppose the Consent Decree.
12. An invitation by Syntex to meet with the Fenton Board of Aldermen but after the public comment period on the Consent Decree had closed.
13. The Fact Sheet from the EPA concerning the public meeting held on September 19, 1990 concerning Moscow Mills. Again, a date after the public comment period closed on the proposed Consent Decree.
14. Letter to Morris Kay from Congressman Richard Gephardt dated July 18, 1990.
15. Letter to Morris Kay from Congressman Richard Gephardt dated July 24, 1990.

We adopt as our own the oral comments submitted on behalf of the City of Fenton in opposition to the proposed plan at the public meetings March 10, 1988 and September 19, 1990 and the written comments submitted by the City of Fenton in opposition to the Times Beach proposed plan during the public comment period.

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The primary concerns that we have are addressed more fully in the City of Fenton's written response. Those concerns are as follows:

1. The proposed plan places too great an emphasis the cost effectiveness as opposed to the economic effect on local communities.
2. The proposed plan does not have as its principal concern public safety.
3. The proposed plan disturbs dioxin that is isolated and contained, and moves it to Times Beach.
4. The proposed plan brings more dioxin into a heavily populated economic growth center.
5. Transporting dioxin from other sites to Times Beach will constitute major traffic and health hazards.
6. The fact that Times Beach is in the flood plain makes it an inappropriate site to:
  - a. Transport dioxin contaminated soil from other sites.
  - b. Store dioxin contaminated soil from other sites.
  - c. Operate an incinerator.
7. We request that the EPA in the ROD demonstrate the participation or level thereof of local communities as required by the NCP in particular with reference to the confidentiality agreement.
8. We request the EPA fully direct their consideration of dechlorination in general and the Apeg-Plus process in particular as a proposed remedial action.

We are against dioxin contaminated soil being transported to Times Beach.

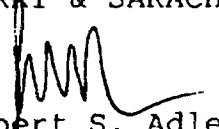
We request that a plan be submitted which deals with dioxin on site.

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We request that this written comment regarding the Feasibility Study for Shenandoah Stables Site and proposed Plan be incorporated in the Administrative Record.

Sincerely,

ROTHMAN, SOKOL, ADLER,  
BARRY & SARACHAN



Robert S. Adler  
City Attorney for the  
City of Fenton

RSA/jec

Enclosures