



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**CON 12-15**  
**Doc #17847**

The Honorable Wanda Rosenbaugh  
City of Carter Lake  
Office of the Mayor  
950 Locust Street  
Carter Lake, Iowa 51510

Re: Subject Property - Lakeside Auto - Recyclers  
Carter Lake, Iowa

Dear Mayor Rosenbaugh:

I am writing to clarify the United States Environmental Protection Agency (EPA) Region 7 intentions concerning the property referenced above. My response is based upon the facts presently known to EPA and is provided solely for informational purposes. For the reasons stated below, EPA does not presently contemplate additional Federal Superfund action for this property. However, due to the locally observed levels of metals, Benzo(a)pyrene and Total petroleum Hydrocarbons (TPH) contamination in surface soils on the subject property, the City of Carter Lake should consult with the Iowa Department of Natural Resources, Contaminated Sites Section before redevelopment activities are undertaken at the property.

In response to growing concern over health and environmental risks posed by hazardous waste sites, Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), establishing the Superfund program to clean up these sites. In addition, on January 11, 2002, the Small Business Liability Relief and Brownfields Revitalization Act (SLRBRA) was enacted into law (Public Law 107-118). This CERCLA amendment significantly affects the liability status of contiguous property owners and of Bona Fide Prospective Purchasers of properties where hazardous substances have been released. Please refer to the enclosed Public Law 107-118, Subtitle B, §§ 221-223.

The Superfund program is implemented by EPA in cooperation with individual states and local and tribal governments. Sites are discovered by citizens, businesses, and local, State, or Federal agencies. After a potential hazardous waste site is reported to EPA, the available information is recorded in the Comprehensive Environmental Response and Liability Information

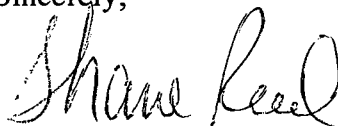
System (CERCLIS), a data management system for EPA, Superfund. Sites are added to CERCLIS when EPA believes that there may be contamination that warrants action under Superfund.

This site has not been listed in CERCLIS, but has been evaluated by EPA Region 7 under the Brownfields Targeted Assessment Program, to determine the extent, if any, the property is contaminated by hazardous substances. The findings of that investigation revealed that this referenced property has been affected by surface soil contamination from operating practices of the Lakeside Auto-Recyclers. However, unless new information warranting further Superfund consideration or conditions not previously known to EPA regarding the property are discovered, the EPA Superfund program has determined that conditions at the property do not warrant further Federal Superfund involvement.

The Federal Superfund Program is intended to address worst cases of hazardous contamination across the country. Sites which do not warrant attention under the Federal program may yet pose a lesser threat to human health and the environment which warrants attention under a State program. As stated above, this site does not warrant further Federal involvement. However, please keep in mind that remedial activities in the area may be required at the source property mentioned above. Under SLRBRA, contiguous property owners and Bona Fide Prospective Purchasers are required, among other things, to provide full cooperation, assistance and access for response efforts which, for this site, may be necessary to address the groundwater contamination in the area at some future time.

If you have any questions regarding the Brownfields Targeted Assessment program, status of your property or the property known to this correspondence as the source property, please contact Shane Reed, EPA Region 7 Brownfields Project Manager at (913) 551-7988.

Sincerely,



Shane Reed  
Brownfields Project Manager  
US EPA Region 7 Superfund Division

Enclosure

cc: Bob Richards, USEPA, CNSL