

CON 12-15
Doc # 9338

From: James Stricker
To: Michael Valde; Pete Hamlin
Date: 11/20/00 10:28AM
Subject: Re: Fwd: FW: The DNR has teeth, it just won't bite

After reviewing the email correspondence, I gather that Mr. Anderson has some concerns about lead leachability into the groundwater. The testing that we initially did at the site was for "total" metals. We did not have a leachable metals test run.

However, Dennis did consult the literature and reviewed the extensive analysis and findings by the State of Florida following the burning of debris from Hurricane Andrew about 10 years ago. He also consulted with ISU on their data for leachable metals from wood debris ash. Based on those studies and results, it was and remains our belief that heavy metals such as lead should not present a leachability problem from the ash.

Nonetheless, we worked with the City of Des Moines and gained their cooperation to remove the ash from the site in a relatively short period of time, particularly given the amount of material to be removed.

It is our understanding that a complaint has been filed by Mr. Anderson with EPA and that an inquiry has been made to the IDNR by EPA. Lambert Nnadi from the Contaminated Sites Section has been down to our office and has copied material he needs to evaluate and respond.

We have done no recent inspection, sampling or investigation of the site.

>>> Michael Valde 11/20/00 07:59AM >>>

Pete, I will need your response to this as well as Field Office 5.

CC: Mike Murphy

Received: from iowahub.state.ia.us
 by idnr4.dnr.state.ia.us; Fri, 17 Nov 2000 10:35:36 -0600
 Return-Path: <Dusky.Terry@igov.state.ia.us>
 Received: from its-cn-exchange.its.state.ia.us by iowahub.state.ia.us with ESMTP; Fri, 17 Nov 2000 10:32:46 -0600
 Received: by its-cn-exchange.its.state.ia.us with Internet Mail Service (5.5.2650.21)
 id <W6CC5L59>; Fri, 17 Nov 2000 10:31:07 -0600
 Message-Id: <00B8F67D177CD411BF7200508B6090FD4B4BF0@its-cn-exchange.its.state.ia.us>
 From: Dusky Terry <Dusky.Terry@igov.state.ia.us>
 To: Lyle Asell <Lyle.Asell@dnr.state.ia.us>
 Cc: Larry Wilson <Larry.Wilson@dnr.state.ia.us>
 Subject: FW: The DNR has teeth, it just won't bite
 Date: Fri, 17 Nov 2000 10:31:06 -0600
 X-Mailer: Internet Mail Service (5.5.2650.21)
 MIME-Version: 1.0
 Content-Type: text/plain; charset="iso-8859-1"
 Content-Transfer-Encoding: Quoted-Printable

Lyle- The following is an e-mail sent out from Dr. Overton regarding a bur
 n
 site here in the DSM area. As you may recall, this is the issue that I
 brought up at one of our recent meetings that I told you I had to get more
 information on. I trust that DNR is well aware of this situation and has
 taken every appropriate action to deal with it. John Anderson, originator
 of the e-mail trail, contacted John Cacciatore regarding this issue. John
 Cacc wanted to make sure DNR had done everything they should so we don't
 open ourselves up to liability. fyi

Dusky

> -----Original Message-----

> From: Roy Overton [SMTP:overton1@worldnet.att.net]
 > Sent: Thursday, November 16, 2000 2:10 PM
 > To: Quirk, Steve; Tom Rodd; Tom Holm; Thomas BEAR Robinson; Paul Hansen
 ;
 > Nick&Rita FROST; marge Striegel; Laurie Martin; ken and les; Karen Griggs
 ;
 > Jim Morey; Jim Haring; Jim Caliguri; James Mosher; Iowa Ikes IA Division;

 > Georgia Townsend; Des Moines IWLA; Bill Hedrick; Barb and Bill Truitt;
 > Arlo McDowell; Ann Robinson; Dave Lester; John/Jane Trimmerger
 > Cc: Peter Weyer; Pete Hamlin; Susan Heathcote; Steve Quirk; Steve
 > Gleason; Peggy Murdock; Mark Ackelson; Lyle Krewson; jrclark; John
 > Anderson; Iowa Ikes IA Division; Don Brazelton; Debbie Neustadt; Amber
 > Hard; Betty Harris; Dusky Terry
 > Subject: Fw: The DNR has teeth, it just won't bite
 >
 > Dear friends...This is an example of the frustrations of dealing in these

 > problems by the public and the feeling of abandonment that occurs in the
 e
 > dealings.
 >
 > Mr. Anderson has good questions that needs to be answered and whether th

e
> City and the DNR has been in a mistaken attempt to cover up a pollution
> area
> that may have caused chronic long term exposure to hazardous ash and smok
e
> and water and air pollution to the Anderson family. It is hard to believe

> the very institutions that represent the citizens could find a way to
> justify a pollution of their own and not accept responsibility for their
> actions
>
> I do not understand that the responsibility is either the cities, the
> county
> or DNR....but somewhere there has to be an answer to this mans cry for
> help
> and responsibility for the pollution exposure. If proper action was taken

> to
> help this family to begin with; this would probably never gotten this far

> as
> a law suit.
>
> Mr Anderson has certainly studied this out more than any one would expec
t
> and he has good questions and he is justified in getting a straight answe
r
> by the people we vote for to represent us in these problems from other
> sources of pollution
>
> I certainly hope that the people who we trust to protect us have not
> become
> part of the problem in this case..
> Roy Overton
> ----- Original Message -----
> From: john Anderson <handy@netins.net>
> To: Roy Overton <overton1@worldnet.att.net>
> Sent: Thursday, November 16, 2000 11:41 AM
> Subject: Re: The DNR has teeth, it just won't bite
>
>
> Doc,
> As usual, I trust in your judgement.
> The problem with the lead and other heavy metals is that they weren't
> in
> the
> cohesive form that "shot" is in, all of it is elemental which increases
> the
> danger of reaction with the environment. To make matters worse, the
> material
> was free in the medium both cold and under extreme heat along with other
> catalytic materials. If it could be formed, the opportunity and dynamics
> for
> formation were there.

> I try to base everything I present on sound research but I've reached

> a

> boundary after determining the amount of material beyond which lies the

> possible chemical combinations which I am not competent to forecast.

> If you need any more information please don't hesitate to contact me.

> John

>

> Roy Overton wrote:

>

> > John...is it ok for me to forward this to other people ??

> >

> > The lead in this material should be handled as if this was a shooting

> > area.

> > All the places where skeet shooting was done had to have regs about no

> > n

> > lead shells and cleaning up the soil in the area to retrieve the lead.

> > We

> > cannot shoot over water with lead shot and in public hunting areas.

> > Skeet

> > shooting areas have to be handled as hazardous areas until the soil has

> the

> > lead picked out of it---There must be regulations somewhere about this

> > you

> > can use to site the improper handling of this material. Lead is a danger

> > to

> > wildlife as well as humans

> >

> > Thanks for keeping me informed. I usually send you stuff to others if

> > you

> > have sent it to others...but this one just came to me so i hesitated to

> > forward it....let me know ----- roy

> > ----- Original Message -----

> > From: John Anderson <handy@netins.net>

> > To: Roy Overton <overton1@worldnet.att.net>

> > Sent: Thursday, November 16, 2000 8:03-AM

> > Subject: The DNR has teeth, it just won't bite

> >

> > Doc,

> >

> > I've attached an analysis of the ash residue left after Des Moines quit

> > placing material on the burn pile in Hubbell Park. The ash analysis is

> > either the city's on 9/98 or the IDNRs in March of 1999. Two of the

> > samples are of the ash, (DSMs original and DNRs Harriet street sample)

> > the other is of the soil at the site by the DNR.

> >

> > I've used the city and DNR test results and the DNR estimate of the

> > piles size (50% smaller than my estimate). The question is: where do

> > you get approximately 40,000 pounds of heavy metal residue from burning

> > trees? Another is where did the 24,000 pounds "disappear" to as Des
> > Moines ran copious amounts of water through the ash?
> >
> > The EPA has contacted me since I filed the suit and I gave them this
> > analysis which could only be done after the DNR finally released the
> > numbers to me after I filed the suit. It is of very little comfort to m
e
> > that they can now say "possible super fund site" and that "the
> > accusations will fly when that happens" when they could have stepped in

> > as it was happening and stopped the activity or at least the burning of

> > man made materials.

> >

> > We've had the discussion before that the DNR has not been given the
> > tools to do their job by the legislature but I now have to disagree wit
h

> > that. Having done extensive research through §455B and having tallied
up

> > the fines/penalties that can be assessed I feel that there are plenty o
f

> > teeth in the laws, we just don't have a DNR with the desire to bite whe
n

> > needed.

> >

> > As Mr. Wilson and Mr. Johnson communicated in a joint meeting with me,
> > the ash is no longer across the street from me and should no longer be
a

> > concern. However, that ash is still across the street from me, in my

> > aquifer as carcinogens and toxins and the ash is in the gardens of Des

> > Moines families who picked up the compost that Des Moines created from

> > it and all the heavy metals and other lovely contaminants that were

> > there. (those healthy organic vegetables that people are feeding their

> > children maybe aren't too healthy after all). I did present this concer
n

> > to the Head(s) of the DNR and they didn't seem to care.

> >

> > I'm a little sensitized this morning because Ben Stone of the ICLU seem
s

> > a lot more concerned about somebody's right to lynch a dummy in their

> > front yard than he is with my kids right to not be subjected to the

> > burning of debris that leaves 20 tons of heavy metal residue when it's

> > over.

> >

> > Sorry for the heavy timbre of this letter but I'm getting angrier each

> > time I uncover something else the city did. As a layman I have to start

> > from zero and do extensive reading on heavy metals, limnology, chemistr
y

> > and everything else when the DNR should be able to look at 49.6mg/kg of

> > Pb and figure out that that's a bad thing in a 900,000 cubic foot pile

> > and then ask themselves where it all came from when only brush was

> > burnt.(maybe we have a new species of galena tree in central Iowa) This

> > has been one of the most onerous tasks I've ever undertaken, and I'm

> > just trying to hold the city accountable because I lack the energy to g

o

> > after Polk County, the DNR and the EPA each of which failed to do any

> > policing of the city's activities.

> >

> > I have come to believe that government acts so poorly because people

> > complain twice and then fade away to never be heard from again. All a

> > citizen should have to do is lodge a complaint and an investigation

> > should ensue but that's not the case. I'm trying to change that.

>