

June 6, 2024

JUDITH LEE PRESIDENT
ENVIRONMENTAL PLANNING STRATEGIES INC
4621 KELLING ST
DAVENPORT IA 52806

**Re: Old Davenport Dump (315 S Marquette St, Davenport, IA 52802)
Solid Waste Database ID No. UDP-82-03-19
Complaint Investigation Response**

Dear Ms. Lee:

The Iowa Department of Natural Resources (DNR) has received your most recent complaints submitted via e-mail dated May 14 and May 22 related to the development of Veterans Memorial Park at the site of the Old Davenport Dump at 315 S Marquette St, Davenport, IA 52802.

Solid Waste

The DNR issued a Notice of Violation to the City of Davenport (the City) on February 14, 2023 ([Doc #105850](#)) for excavation, disruption, and removal of deposited materials from a closed dump without first notifying the DNR in writing. The City was required to complete and submit an Operational Plan to address waste disturbance and construction activities that occurred at the site prior to the February 1, 2023 notification to the DNR. Furthermore, the City was prohibited from additional waste disturbance until DNR approved the Operational Plan.

The City submitted an Operational Plan on February 17, 2023 ([Doc #105891](#)). The Operational Plan was subsequently amended with the most recent version submitted on March 21, 2024 ([Doc #109553](#)) and approved on March 22, 2024 ([Doc #109554](#)). The City has maintained compliance with its Operational Plan since February 17, 2023, with no substantiated instances of noncompliance. Furthermore, the City has proactively contacted the DNR when proposed actions might affect compliance with its approved Operational Plan.

Contaminated Sites/CERCLA

If presented with evidence of groundwater contamination, [567 IAC 133.3\(2\)](#) provides the authority for the DNR to make reasonable efforts to document sources of groundwater contamination and require responsible persons to take appropriate preventative, investigatory, and remedial action.

At this time, the DNR is not aware of evidence of groundwater contamination at this site, as defined in [567 IAC 133.3\(2\)](#), and as such the DNR does not have authority to investigate these claims. However, if there is evidence (i.e. sampling) that has been collected that DNR is not aware of, or if future sampling is conducted, that shows groundwater contaminant levels above background, the DNR will follow its normal process as described in [567 IAC 133](#).

Additionally, the DNR met with EPA Region 7 Site Assessment staff to determine whether this site should be processed through the DNR Pre-CERCLA process. The DNR had previously determined and EPA Region 7

confirmed during this meeting that a Phase I Environmental Site Assessment (Phase I ESA), by itself, is not enough to run the site through the Pre-CERCLA screening process. A Phase II Environmental Site Assessment (Phase II ESA) must be completed first. In the future, if a Phase II ESA is completed and submitted to the DNR, DNR will evaluate the site using the Pre-CERCLA screening process.

Stormwater

General Permit #39818-39480 was issued on September 21, 2023 with an expiration date of September 21, 2024. When the DNR receives a complaint in a Municipal Separate Storm Sewer System (MS4), the standard practice is to refer the complaint to the MS4 Coordinator for a follow up. April 25, 2024, DNR staff met with Amy Kay, Davenport MS4 Coordinator to assess the progress of the park related to the General Permit.

Ms. Kay stated the City of Davenport had a punch list with the contractors to finish up some issues observed over the previous Fall/Winter. The DNR discussed some additional work to be added to the punch list and an update was received on May 21, 2024, that included additional improvements to the topsoil and seeding. These items are scheduled to occur in June 2024. Once 70% vegetative cover is established over the entire area, the General Permit may be discontinued.

The DNR believes this addresses the questions that have been posed related to the Old Davenport Dump/Veterans Memorial Park. As stated in the explanations above, without changes to site conditions and providing additional information or analytical data from environmental sampling, continued repeated complaints about the same issues will not be responded to going forward.

If you have further questions, you may contact me at [\(515\) 330-8581](tel:5153308581) or amie.davidson@dnr.iowa.gov.

Sincerely,

Amie Davidson, P.E.
Bureau Chief
Land Quality Bureau

cc: Iowa DNR Field Office #6, Washington