



February 14, 2023

NICOLE GLEASON
DAVENPORT PUBLIC WORKS CENTER
1200 E 46TH ST
DAVENPORT IA 52807

**RE: Notice of Violation (NOV) - Disturbance of Old Dump
Old Davenport Dump (DNR ID #82-UPD-03-19)**

Dear Ms. Gleason:

The Iowa Department of Natural Resources (DNR) has received an inquiry in regard to the disturbance and development of an old dump site, located at the Veterans Memorial Park (Park) in Davenport, Iowa.

Specifically, on February 1, 2023, the DNR received information regarding the potential disturbance and development of the Old Davenport Dump. Subsequently, City of Davenport (City) staff confirmed with the DNR that waste had unexpectedly been encountered as part of a project at the Park. Further, the City noted that approximately 2,300 tons of waste had been excavated and disposed of at the Scott Area Landfill. In addition, any exposed waste was covered with at least two feet of soil cover. However, the City did not notify the DNR of the waste disturbance.

In response, on Wednesday, February 8, 2023, a DNR Field Office #6 employee visited the site to observe and document the conditions. The site visit did not find evidence of exposed waste.

Based on our investigation, the City is in violation of Iowa Administrative Code 567 Rule 100.5 ([567 IAC 100.5](#)), which states that no person shall excavate, disrupt, or remove any deposited material from any active or discontinued sanitary landfill or closed dump without first having notified the DNR in writing.

An Operational Plan must be completed and submitted to the DNR to address the waste disturbance and construction activities that occurred at this site prior to the February 1, 2023 notification to DNR. In addition, no further disturbance of the area shall take place until DNR approval of the Operational Plan. For your reference, Attachment A contains Operational Plan Guidance for the Disruption or Excavation of Sanitary Landfills or Closed Dumps.

Failure to respond to this NOV will result in this matter being referred to the DNR Legal Services Bureau for further enforcement.

If you have any questions, you may contact me at [\(515\) 537-4051](tel:5155374051) or brian.rath@dnr.iowa.gov.

Sincerely,

Brian L. Rath, P.E.
Environmental Engineer Senior
Land Quality Bureau

cc: DNR Field Office #6, Washington

ATTACHMENT A

**Operations Plan Guidance
For the
Disruption or Excavation of Sanitary Landfills or Closed Dumps**

This document provides guidance for submitting an Operations Plan (Plan) to the Iowa Department of Natural Resources (DNR) for the disruption or excavation of a landfill or closed dump.

Specifically, Iowa Administrative Code 567 Rule 100.5 ([567 IAC 100.5](#)), states the following:

567—100.5(455B) Disruption and excavation of sanitary landfills or closed dumps. No person shall excavate, disrupt, or remove any deposited material from any active or discontinued sanitary landfill or closed dump without first having notified the department in writing.

100.5(1) Notification shall include an operational plan stating the area involved, lines and grades defining limits of excavation, estimated number of cubic yards of material to be excavated, sanitary disposal project where material is to be disposed and estimated time required for excavation procedures.

100.5(2) An excavation shall be confined to an area consistent with the number of pieces of digging equipment and trucks used for haulage.

100.5(3) The disposal of all solid waste resulting from excavation shall be in conformity with Iowa Code chapter 455B and these rules.

In addition to the above, the Plan shall include the following:

1. The name, address, telephone number, and email address of:
 - a. Owner of site property.
 - b. Responsible Official for oversight of the property.
 - c. Design engineer licensed in Iowa.
2. A legal description of the site (county, local address, and related parcel numbers).
3. A map or aerial photograph that depicts the property and surrounding environs, including the North arrow or other principal compass points.
4. Brief history of the facility (e.g. The Stauffer City Dump was operated from circa the 1930s until 1972 and was closed prior to landfill permitting requirements.).
5. Current and proposed land use.
6. Methods to determine the presence and control of methane gas.
7. Number of and location of investigative borings, pits, etc.
8. Limits of the proposed excavation.
9. Estimated number of cubic yards of material to be excavated.
10. Name of sanitary disposal project (i.e. landfill) where excavated material is to be disposed of.
11. Contingencies for encountering potentially hazardous materials (e.g. asbestos-containing material, hazardous waste, leaking containers, etc.).
12. Capping soils and methods of exposed waste.
13. Equipment decontamination procedures.
14. Estimated project schedule, including the timeframe for excavation and disposal of materials.
15. Any other pertinent data that will be helpful with the review.

Upon completion of the outlined activities in the Plan, a report shall be submitted to the DNR that includes the following at a minimum:

- Changes to the original Plan.
- Test results, if applicable.
- Material removal quantities and disposal documentation.

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- Any other pertinent data that will be helpful with the review.

Notes:

- A. The DNR's approval of the development of any former waste disposal area should not be construed as an approval of any investigation or design of the site.

Furthermore, the DNR's approval does not relieve the owner, developer, contractor, etc. of the responsibility of complying with all other local, state, and federal statutes, ordinances, rules, or other applicable requirements.

- B. When environmentally safe, unexcavated materials may be left in the original excavation. Otherwise, the excavated waste material shall be properly disposed of and the disturbed area shall have final cover/capping replaced, or boreholes plugged with bentonite, as applicable.

In addition, measures shall be taken to ensure that when excavating, drilling, etc. they create direct pathways or conduits between the material and the groundwater. Further, the material shall not come in direct contact with any waters of the state.

- C. The DNR shall be notified of significant changes to the Plan. This may include but is not limited to types of material encountered, test results, limits of excavation, or schedule.

- D. Please contact Brian Rath at (515) 537-4051 or brian.rath@dnr.iowa.gov with any questions regarding this document.

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