



Collaborative Cleanup and Cost Recovery Enforcement Supports Property Transfer to City of Des Moines, Iowa

Introduction

At the Des Moines TCE Superfund site in Des Moines, Iowa, the U.S. Environmental Protection Agency used enforcement tools to conduct cleanup activities that address community priorities and facilitate the safe future use of the site. EPA's Superfund enforcement program worked collaboratively with potentially responsible parties, local government, and other interested parties to clean up the site while supporting future use opportunities for the local community.

A settlement agreement between EPA, the PRPs and the city of Des Moines (the City) enabled further cleanup work at the site including the demolition of contaminated buildings and an update to the site's groundwater treatment system.

Community Profile and Site History

The Des Moines TCE Superfund site is located just southwest of downtown Des Moines, Iowa. Des Moines is the state's capital and the county seat of Polk County. More than 214,000 people live in Des Moines. The nearly 200-acre Superfund site is situated near the Raccoon River and includes part

of the Des Moines Water Works facility; the Dico, Inc. (Dico) property; the industrial area north of the Raccoon River; the Tuttle Street landfill to the east; and the Frank DePuydt Woods to the south. The surrounding area includes industrial and commercial areas and parkland.

Environmental Enforcement Benefits the Community

EPA works to provide strong, effective enforcement support to all communities. EPA's Office of Site Remediation Enforcement makes real differences in communities impacted by hazardous waste contamination. OSRE ensures that responsible parties perform necessary work and pay for prompt and protective cleanups through national consistency. OSRE also facilitates revitalization through negotiations and the creation of guidance documents and site-specific tools that address potential liability concerns. As the agency implements environmental and public health improvements across the country, EPA is developing new and innovative ways to assist all communities.

Comprehensive Environmental Response, Compensation, and Liability Act

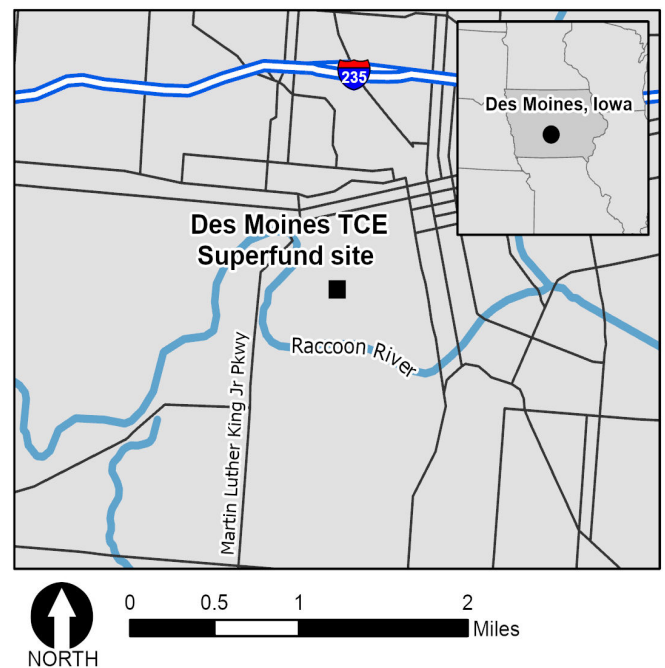
Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (commonly known as Superfund), in 1980. CERCLA establishes a comprehensive liability scheme to require certain categories of parties to conduct or pay for cleanup of actual or threatened releases of contamination. These parties include owners, operators, generators, transporters, and others involved in the disposal of hazardous substances as defined by CERCLA. CERCLA's liability scheme ensures that wherever possible, the responsible parties, rather than taxpayers, clean up the contamination they caused (often referred to as the "polluter pays principle"). The polluter pays principle allows EPA to implement CERCLA to achieve long-term health and environmental benefits for communities.

Dico owned property at the site for about 40 years. During these decades, site uses included a grey iron foundry, a steel wheels manufacturing plant, a chemical and herbicide distribution center, and a pesticide formulation processing plant. Operations on-site used degreasers containing trichloroethylene during the making of wheels and brakes.

Dico's operations took place on 43 acres of the site until early 1979, when sampling found these operations were a potential source of contamination in the Des Moines City water supply. In addition to trichloroethylene contamination in groundwater, site soils were contaminated with toxic chemicals and former site buildings included hazardous materials such as polychlorinated biphenyls. Based on the site contamination levels and health risk, EPA added the site to the Superfund National Priorities List in 1983. Subsequently, Titan International acquired the Dico property in 1993 and closed operations at the plant in 1995.

Enforcement Actions and Site Cleanup

Initial cleanup focused on the former Dico property, which included removing contaminated soil, cleaning building surfaces and applying epoxy coatings to cover some building surfaces, demolishing buildings, and putting a protective asphalt cap in place. In anticipation of future reuse opportunities at the site, the City rezoned most of the site in 2005 to support residential, commercial office and retail uses. The City also worked with EPA to relocate monitoring wells to enable the extension of the Martin Luther King Jr.



Sources: Esri, DeLorme, AND, Tele Atlas, First American, UNEP-WCMC and USGS.

The site's location in Des Moines.

Parkway across the northernmost part of the site. Updated zoning and infrastructure have given local government and developers greater confidence in the potential for economic revitalization and redevelopment throughout Raccoon River's former industrial waterfront.

In 2018, the Iowa Department of Natural Resources received EPA's State Excellence in Supporting Reuse award, which recognizes state partners whose work has led to lasting benefits that enhance community quality of life and ensure the long-term protectiveness of site remedies and stewardship of the environment. IDNR provides critical

support for cleanup and redevelopment efforts at Superfund sites across the state of Iowa that benefit local economies and people living and working near Superfund sites. At the site, IDNR has collaborated with EPA to find innovative reuse options compatible with the site's remedy.

EPA, the PRPs, and the City entered into a Consent Decree in September 2020. The Consent Decree outlined that the PRPs would reimburse EPA \$2.9 million for the cleanup activities conducted by EPA at the site to be deposited into a special account toward EPA's future demolition of contaminated buildings and replacement or upgrades to the site's 35-year-old groundwater treatment system. In the Consent Decree, the PRPs also agreed to transfer ownership of the 43-acre former Dico property to the City to enable redevelopment of the property.

The Consent Decree paved the way for the City to begin planning for revitalization of the area. The City's previous evaluations had determined that future uses of the site will likely require a significant role for the City in facilitating land transfer and redevelopment. In return for transfer of the Dico property, the City assumed responsibility for operation and maintenance of the groundwater treatment system and asphalt cap. The City must comply with EPA requirements associated with the site, including developing plans with required sampling and reporting, and complying with the environmental covenant that limits use of the site. The settlement represents a tremendous success for EPA, the City and Des Moines residents, and American taxpayers. Taxpayer money spent by EPA on response actions will be recovered and the settlement satisfies Dico's liability at the site. The settlement also ensures the long-term protection of human health and the environment while offering a pathway for the City to move forward with redevelopment of the prime location to serve as a revitalized southwest gateway to downtown Des Moines.

Once Dico transferred the property to the City in 2021, demolition and cleanup were the first steps toward redevelopment of the site. EPA completed demolition of three buildings at the site in October 2021. Then the City completed demolition of the two remaining buildings in November 2021 to continue preparing the site for future redevelopment.

In 2022, EPA completed the removal of contamination in the South Pond area of the site that needed to be addressed before proceeding with further remediation. These cleanup activities support the planned redevelopment of the site for commercial and mixed-use purposes. Additionally, EPA is coordinating activities to install a new groundwater treatment system with redevelopment plans to ensure the placement of the system will not hinder future use of the site.

Looking Ahead to Redevelopment

It is one of EPA's goals to return sites to productive use for communities. The EPA's enforcement actions, as well as the EPA's and City's activities, pave the way toward this goal. The site is appropriate for various categories of reuse, which the City will ultimately decide. The site's cleanup, including institutional controls, will reduce risk from potential exposures. EPA will work closely with the City to ensure any planned reuses are compatible with the environmental protection remedies in place and protective of human health and the environment.

Given the area's location next to the Raccoon River, there is local interest in providing recreational access to the river. EPA is working with the Iowa Confluence Water Trails nonprofit organization on a water trails project; ensuring

Consent Decree

Judicial agreement between EPA and the PRPs fully or partially settling a claim under CERCLA. This agreement may settle litigation or may be presented concurrently with the complaint (achieved through negotiations). The agreement may be for response work, cost recovery, or both.

reuse activities are compatible with the remedy. The project is expected to break ground in 2025. River access will include a paved boat ramp, an accessible parking area, bike racks and a repair station, and native plantings. These improvements will benefit area paddlers, anglers, boaters, trail users and birdwatchers.

One of the current redevelopment proposals is for a professional soccer stadium complex and entertainment district that extends from the Raccoon River north to Ingersoll Avenue and includes the



A 2007 reuse plan for the site outlined options for green space, commercial, mixed use and residential development. Reuse plans for the site have since been modified and continue to evolve.

former Dico site as well as other properties. In addition to a 6,300-seat soccer arena for a United Soccer League Championship team — the second tier of U.S. professional soccer — the developer, Krause+, plans to build three hotels, a music venue, a brewery, a plaza, an apartment building, a grocery store and a convenience store. With the City's support, it received \$23 million in state development funding for the project in late 2024.

Enforcement Makes a Difference

EPA's enforcement program has helped make a difference in thousands of communities affected by hazardous waste contamination. At the Des Moines TCE Superfund site, EPA's enforcement activities have recovered taxpayer money spent by the agency on cleanup and allowed the City of Des Moines to take ownership of property at the site, laying the foundation for redevelopment and beneficial reuse. EPA continues to work closely with the City, as well as developers and community organizations to explore appropriate future uses and evaluate redevelopment proposals for the site.

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