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## EPA: Exposure limited

Law firm still assessing possible legal action

By KELLY GERLACH News Editor kgerlach@mspress.net

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**This old photo shows the Clinton Engines property** during its heyday decades ago. All buildings except the administration building were demolished by 2003.

Contributed photo



**MALLORY SMITH**

**Maquoketa Interim City Manager**

*The low levels are good news for the city and its residents, but the findings don't mark the end of the issue.*

Maquoketa citizens are not being exposed to enough chemical contaminants from the former Clinton Engines site to cause health concerns, environmental officials said. However, cleaning up and monitoring the site is not over.

The U.S. Environmental Protection Agency assessed the Clinton Engines site, located at 605 S. Maple St., Maquoketa, and found that "although trichloroethylene (TCE) contamination is present, impact to residential and commercial properties, private wells, and municipal wells are at non-detect or below the removal management levels," according to an April 2021 report from the EPA to the Iowa Department of Natural Resources and the city.

TCE is a common but potentially hazardous solvent the Clinton Engines small-engine manufacturer used decades ago to degrease engines; it also is commonly used by drycleaners.

The low levels are good news for the city and its residents, but the findings don't mark the end of the issue, according to Maquoketa Interim City Manager Mallory Smith and Shelly Nellesen of the Iowa Department of Natural Resources.

Nellesen explained that the EPA's assessment was focused on vapor (airborne contaminants) offsite and not specifically located on the Clinton Engines site itself

**BRIAN JORDE**

DominaLaw Group

“It is important to note that (EPA assessment) is specific to TCE in properties in the contamination plume and the people that might spend time in those properties,” Smith said. “The Iowa DNR continues to be concerned about underground contamination and we continue to work with them to monitor that with the goal of one day getting a ‘no further action needed’ letter.”

The DNR will continue testing groundwater at the site to ensure stability of the plume — a word officials use to describe how the contaminant fans out underground — as it continues soil assessments and compiles more information about the site itself.

More work and investigation is needed before the site can get the all-clear from the DNR, Nelleson said.

However, there is no reason the museum and the property shouldn’t be used, Nelleson noted, nor should the people living around the area be concerned for their health.

### **A long process**

The possibility of chemical leaching came before the Maquoketa City Council in October 2019 when Impact7G, the firm the city hired to help with soil and water testing at the former Clinton Engines site, told the council that trichloroethylene (TCE) has been found at the 605 E. Maple St. property and appeared to be spreading north and east.

Clinton Engines opened in Maquoketa in 1950, manufacturing millions of air-cooled engines for everything from garden tillers and chainsaws to irrigation pumps and outboard motors. When the business closed in the 1980s, the numerous factory buildings deteriorated and were eventually demolished.

The land was deeded to the city of Maquoketa in 2000 as a brownfield site. A brownfield site is an abandoned industrial site that may still contain low-level hazardous contaminants that dissuade potential developers from using it. Brownfield sites typically are designated as such by the properties’ administrator or the state, according to the EPA.

Test results from 1999 had shown groundwater beneath the property at the time contained volatile organic compounds that exceeded acceptable standards, prompting continued monitoring and testing. Since then, the city has tested for environmental issues at the site using money from a federal brownfield grant.

By 2003, the city had removed all abandoned structures on the property except the administration building.

The Jackson County Historical Society in 2004 bought almost 5 acres of the property, including the former administration building and the land upon which the ag building, LaMotte Depot, and train car now sit.

EPA officials have been studying the extent of the contamination on the site since that time, with boreholes and wells used to test soil and groundwater samples, according to an EPA analysis dated April 23, 2021.

The city in 2008 enrolled the property in the Iowa Land Recycling Program, administered by the Iowa DNR, according to the EPA report. The LRP is a voluntary cleanup program aimed at taking a contaminated site and redeveloping it for use. Participants who

successfully complete the program receive a “no further action needed” certificate, which protects the property owner from any further environmental responsibility for the site.

The city has continued monitoring contamination levels with the help of federal brownfield assistance dollars through East Central Intergovernmental Association. Impact7G has conducted extensive soil and groundwater tests at the site and reported those results to the Iowa DNR.

Maquoketa’s porous topography allows TCE to more easily sink and spread, officials said.

In February 2019, the city mailed a letter to about 140 property owners asking for permission to monitor for chemicals on their property. Affected properties include the 300 block of South Matteson, the 200 block of South Clark, the 500 block of East Pleasant, the 600, 800, 1000 and 1200 blocks of East Maple, the 700, 1000, 1100 and 1200 blocks of East Platt, and the 1200 block of East Quarry.

As private property owners, the Historical Society is responsible for following any related guidance from the DNR, EPA, and the city to maintain a healthy environment in the physical buildings are open to the public, said Jackson County Historical Society Museum Curator Bonnie Mitchell.

When TCE numbers came in high in 2019, the Historical Society sealed its basement floors and installed new air exchangers in the building, Mitchell said. The work and expense was incurred by the Historical Society and significantly increasing its electric bills each month as a result. Efforts appear to have worked thus far — TCE levels are below detectable laboratory reporting limits, according to a 56-page report prepared by the EPA and available for public viewing at the museum.

“The most recent indoor air concentration at the museum showed it was not at risk, that TCE levels were below any action levels,” Nellesen said.

That moves the museum closer to the “no further action needed” certification, according to Mitchell and Smith.

However, the surrounding property — and therefore the city — has not yet met the LRP requirements.

“It’s still an active site,” Nellesen explained. “The LRP process is a long process that takes years to get through.”

She explained that the city must identify all contaminants, which it has, then identify all risks dealing with the possible contamination, which is the reason for the testing.

The city must also ensure all risk is accounted for and addressed. If that’s done — and done successfully — the site would be eligible for the “no further action needed” certification.

“But you only get that if you fulfill *all* the requirements,” Nellesen emphasized.

Maquoketa is not there yet, she said. As each site’s situation is unique, Nellesen could not identify a clear, specific plan of action to move the site into “all-clear” status.

The April 23 EPA report advised the DNR to continue monitoring the off-site migration of contaminated groundwater as part of ongoing efforts.

### **Legal action**

In September 2020, the Nebraska-based DominaLaw Group entered the picture. The firm claims to have extensive experience in injury claims relating to TCE contamination and published an advertisement asking people who ever lived within a mile of the Clinton Engines site and have had adverse medical conditions or own property in that area to call the firm.

Brian E. Jorde, a lawyer with DominaLaw Group, said the firm is continuing investigations into the Clinton Engines matter and that the firm has notified the city and state “about our clients and their injuries.”

Jorde said clients he’s spoken with have “all the classic TCE-caused injuries.” Long-term exposure to TCE can cause heart problems, liver injury, eye, nose and throat irritation, headaches, dizziness, nausea and vomiting, neurological problems, even some cancers, according to the EPA.

“Based on our investigation, the city knew or should have known of the risks associated with TCE and other chemical traveling from the Clinton Engine sight for years prior to warning or putting our clients on notice of the risks,” Jorde said in an email interview.

“If true, and current levels are thought not to be at dangerous levels, that fails to address their historical presence and effect on surrounding properties and residents,” Jorde said.