DELAWARE CO, IA

Preparer's name	Address	City, State	Tel. #
Cal Lundberg	Wallace State Office Bldg.	Des Moines, Iowa	(515)281-7040

DELAWARE COUNTY IOWA FILED 2001 NOV 15 PM 11:38 BOOK 304 PAGE 1698

IOWA DEPARTMENT OF NATURAL RESOURCES

NO FURTHER ACTION CERTIFICATE

Henderson Manufacturing, Manchester, Iowa

This document certifies that all or a portion of the property described below has satisfied regulatory standards qualifying the area for a no further action classification under Iowa's Land Recycling Program (LRP) in accordance with administrative rules contained in chapter 567 Iowa Administrative Code 137. A no further action classification generally means that voluntary participants in this program have identified and assessed certain contaminants of concern and sufficiently addressed them such that the risk to human health, safety and the environment is deemed acceptable according to standards adopted by the Iowa Department of Natural Resources.

A no further action classification applies to an area defined as the "affected area" which may or may not encompass the entire area of the parcels of real estate as legally described below. Exhibit A is a description of the area of soil and groundwater contamination that was assessed and to which the classification applies. The no further action classification applies only to certain contaminants of concern that the participants identified based on known or suspected sources of contamination. Exhibit B is a narrative description of the environmental conditions addressed and not addressed and the regulatory process that has resulted in this no further action classification.

A no further action classification relieves "protected parties" from future environmental liabilities pursuant to Iowa Code Chapter 455H. The scope of the liability protection generally corresponds to the scope of the environmental condition(s) that qualifies for the no further action classification. Iowa Code section 455H.301 enumerates certain conditions that could authorize re-opening regulation of the affected area and removal of liability protections to certain protected parties. Interested parties should contact the Iowa Department of Natural Resources to obtain more information on the environmental conditions assessed within the "affected area" and any potential environmental concerns not specifically addressed or associated with areas outside the affected area.

The affected area exists within the following parcels legally described as follows:

Lot Two (2) of Lot Thirteen (13) of the Subdivision of the East Three-Fourths (E ¾) of the South One-Half (S ½) of Section Thirty-Two (32), Township Eighty-Nine (89) North, Range Five (5) West of the Fifth P.M., Delaware County, Iowa according to Plat recorded in Book 2 Plats, Page 96½ in the Office of the Recorder, Delaware County, Iowa; EXCEPT that portion deeded to the City of Manchester by Quit Claim Deed as recorded in Book 125 L.D., Page 322 in the Office of the Recorder, Delaware County, Iowa; and further excepting that portion deeded to the State of Iowa, as recorded in Book 91 L.D., Page 403 in the Office of the Recorder, Delaware County, Iowa.

Known locally as Henderson Manufacturing, 1085 South Third Street, Manchester, Iowa 52057.

ENV. (X)

Return To:
LEXIS Document Services
801 Adlai Stevenson Drive
Springfield, IL 62703
Phone: (217) 544-5900

1688122.1

Property owner(s) and address at the time filing:

Acquisition Investments of Manchester, LLC, an Iowa limited liability company
P.O. Box 40
1085 South Third Street
Manchester, Iowa 52057

Enrolled Participants:

Willknight, Inc
15407 McGinty Road West
Wayzata, Minnesota 55391

Department file reference:

CON 12-15 LRP Henderson Mfg. - Manchester

PUBLIC NOTICE: IN ACCORDANCE WITH IOWA CODE CHAPTER 455H AND DEPARTMENT RULES, PARTICIPANTS IN THE LAND RECYLING PROGRAM MAY NOT HAVE BEEN REQUIRED TO IDENTIFY AND ADDRESS ALL KNOWN OR SUSPECTED RELEASES OF CONTAMINANTS IN ORDER TO QUALIFY FOR A NO FURTHER ACTION CLASSIFICATION. INTERESTED PARTIES MAY CONTACT THE DEPARTMENT TO OBTAIN FURTHER INFORMATION.

Investigations conducted at the site have demonstrated the presence of organic contaminants other than those which are the subject of LRP enrollment and this No Further Action Certificate. These compounds were found in both groundwater and soils samples, in some cases in excess of their associated Statewide Standard. It is the position of the IDNR that these compounds do not constitute a hazardous condition warranting further action.

This certificate does not constitute a warranty or a representation of any kind to any person as to the environmental condition, marketability or value of the above referenced property other than that certification required by Iowa Code section 455H.301 et seq. Interested parties should not rely solely on the representations contained in this certificate

FOR THE DIRCTOR, IOWA DEPARTMENT OF NATURAL RESOURCES

ELIZABETH CHRISTIANSEN, ADMINISTRATOR
LAND QUALITY AND WASTE MANAGEMENT ASSISTANCE DIVISION
IOWA DEPARTMENT OF NATURAL RESOURCES

State of Iowa
County of Polk

Signed or attested before me on this 2nd day of November, 2001 by
Carol J. Arpy, My Commission Expires 6.14.03
NOTARY PUBLIC, STATE OF IOWA



NO FURTHER ACTION CERTIFICATE
Henderson Manufacturing, Manchester, Iowa

Exhibit A

The Affected Area for soil and groundwater, subjected to compliance sampling and subject to the provisions of this NFA, is a rectangle occupying a portion of the enrolled property located somewhat west of center in an east-west perspective while covering the majority of that property in a north-south perspective. The area is illustrated in Appendix E of the Final Report.

The contaminants of concern for both groundwater and soil include toluene, ethylbenzene, total xylenes, 1,1-dichloroethane (1,1-DCA), 1,1,1-trichloroethane (1,1,1-TCA), 1,2-dichloroethane (1,2-DCA), 1,1,2-trichloroethane (1,1,2-TCA), trichloroethene (TCE), methylene chloride, lead, barium, and chromium.

NO FURTHER ACTION CERTIFICATE

Henderson Manufacturing, Manchester, Iowa

Exhibit B

Relevant environmental contamination issues first surfaced at the Henderson Manufacturing facility in 1993. Of concern was the discovery of paint contaminated soils at the west end of the plant. This led to investigation and removal of the accessible portion of that contamination. This was followed by a continuing groundwater monitoring strategy targeting a list of compounds having some overlap with the list covered under this NFA Certificate.

In 1998 further investigations were undertaken in preparation for selling the property. This activity identified some additional contaminant concerns in the vicinity of the sandblasting area. The metals lead, chromium, and barium were at issue.

Both of the aforementioned contaminant concerns, coupled with a desire for a clear regulatory closure, led to the enrollment of the site in the Iowa Land Recycling Program (LRP) in late 1998.

Site assessment activities conducted in fulfillment of LRP rules resulted in the identification of a suite of contaminants being identified as contaminants of concern to be the subject of the LRP enrollment and coverage under the final NFA Certificate. These are enumerated in Exhibit A of this Certificate. A few other contaminants were found during investigations, some of which exceeded the Statewide Standards for the LRP. It was however the position of the IDNR that the additional work that might be required to include them as compounds of concern under the LRP was not warranted. This decision was based on information concerning these contaminants, including most notably their apparently limited areal extent. With the consent of the participants it was decided that these compounds would be dismissed as a "low priority" in a manner consistent with the way that they would be handled under the IDNR's traditional program based on Chapter 133 and Chapter 131 of the department's rules.

Agreement was reached between the department and participants that the direct exposure pathways involving groundwater and soil were the chief concerns. No other pathways or media were identified by either party as being of concern.

In the case of groundwater it was decided that the application of a Site-specific Standard, essentially consisting of applying the Statewide Standard at the property boundary, would be sufficiently protective of groundwater concerns when applied in conjunction with an environmental easement limiting groundwater use at the site. Important to this decision was the period of limited groundwater monitoring prior to LRP enrollment as well as the successful completion of 8 quarters of compliance monitoring.

For soil it was possible to meet the Statewide Standard in all cases except for lead. In the case of lead, a limited area of contamination exceeding the Statewide Standard necessitated the selection of a Site-specific Standard in order to achieve compliance, specifically a restricted access land use, described in rule, was applied. The appeal to this particular Site-specific Standard necessitated the application of an environmental easement mandating the maintenance of a non-residential use for the property. In fact, most of the impacted soils at the site are situated under buildings or pavement, functioning as an additional layer of protection.

A public notice describing the situation and soliciting comment resulted in no response and thereby no additional concerns were identified for the situation. An environmental easement restricting groundwater use and prohibiting any residential land uses was put in place as prescribed in rule. A copy of this easement is available for review in the department's records.

For a more in depth recounting of details, including the presentation of sample results for all contaminants, it is suggested that department files be consulted. In particular the "Final Report...", dated August 2001 contains an historical overview of the project, including copies of significant data and correspondence.