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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

CERTIFICATE OF NO FURTHER ACTION

Prepared By: Dawn Santa Maria, 515.725.8365
IOWA DEPARTMENT OF NATURAL RESOURCES, 502 E 9TH ST, DES MOINES, IA 50319-0034

ENV (X) **Return To: JAMES GASTINEAU, IOWA UST FUND, 2700 WESTOWN PKWY STE 320, WEST DES MOINES IA 50266**

This document certifies that the referenced underground storage tank (UST) site has been classified by the Iowa Department of Natural Resources (Department) as "no further action" as provided in Iowa Code § 455B.474(1)a(8)(a). This certificate must be recorded in the referenced site's County Recorder Office. *See* Iowa Code § 455B.474(1)(a)(8)(c).

Date of Issuance:	**JANUARY 09, 2018**
Owner/Operator of the Tank(s):	**ELMER FAUST (DECEASED)**
Department File Reference:	**UST No. 198601302** **LUST No. 8LTM41**
UST Facility Address:	**FAUST GARAGE & GROCERY** **130 5TH ST** **DELAWARE IA 52036**
Owner/Operator Mailing Address:	**ELMER FAUST (DECEASED)** **C/O JAMES GASTINEAU** **IOWA UST FUND** **2700 WESTOWN PKWY STE 320** **WEST DES MOINES IA 50266**

Legal Description of the UST Site:

In Delaware County, Lots Four Hundred Seventy One (471), Four Hundred Seventy Two (472), Four Hundred Seventy Three (473) and Four Hundred Seventy Four (474), Delaware, Iowa.

If any monitoring wells are subsequently found they should be properly abandoned in accordance with Chapter 567-39 of the Iowa Administrative Code.

This certificate prohibits the Department from requiring a property owner or a responsible party to conduct further corrective action if the only reason is a change in action levels *See* Iowa Code § 455B.474(1)(a)(8)(c). An owner or operator shall not be responsible for additional assessment, monitoring, or corrective action activities at a site for the release (LUST) that is issued a no further action certificate unless it is determined that the certificate was issued based upon false material statements that were knowingly or intentionally made by a groundwater professional and the false material statement resulted in the incorrect classification of the site. *See* Iowa Code § 455B.474(1)(a)(8)(a). However, this certificate does not prevent the Department from requiring corrective action at the site if a new petroleum release occurs. *See* Iowa Code § 455B.474(1)(a)(8)(c). If a previously unknown or unforeseen risk condition should arise related to the release covered by this certificate, the Department, in conjunction with the Iowa comprehensive petroleum underground storage tank fund board, may fund investigation and corrective action to address the risk. *See* Iowa Code § 455G.9(1)(k).

This certificate does not constitute a warranty or representation of any kind to any person as to the environmental condition, marketability, or value of the above-referenced property other than that NFA-qualifying status was achieved upon the date of certificate issuance. *See* 567 Iowa Administrative Code 135.12(10)(b)(6).

FOR THE DIRECTOR:

Alex Moon

Alex Moon, Chief
Land Quality Bureau
Iowa Department of Natural Resources

State of Iowa)
County of Polk) ss.

This instrument was acknowledged before me on this 9th day of January, 2018, by Alex Moon, who executed the foregoing instrument, and acknowledges that this person executed the same as his/her/their voluntary act and deed.

Bonnie Garrison,
Notary Public for State of Iowa
My Commission Expires: 3-25-2019

NOTARIAL SEAL IOWA
BONNIE S. GARRISON
COMMISSION NO. 762328
MY COMMISSION EXPIRES
3-25-2019