



CON 12-15
Doc #11738

STATE OF IOWA

CHESTER J. CULVER, GOVERNOR
PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

January 16, 2006

John J. Wyciskalla
Brawn Intertec Corporation
2831 Larson Street
La Crosse, WI 54603

Subject: Final Report
Proposed Wal-Mart Supercenter, Ames Iowa

Dear Mr. Wyciskalla:

The Contaminated Sites Section of the Iowa Department of Natural Resources has reviewed the Final Report for the Proposed Wal-Mart Supercenter site in Ames, Iowa, according to 567 Iowa Administrative Code (IAC) Chapter 137, administrative rules for the Land Recycling Program (LRP). The report is approved.

A draft No Further Action Certificate is attached. Please review, especially the legal description and the map of the affected area.

Since no restrictions are placed on the property, the certificate doesn't need to be recorded with the deed; however you may voluntarily record the certificate.

Please feel free to call me with any questions at 515/242-5241 or by email at greg.fuhrmann@dnr.state.ia.us.

Sincerely,

A handwritten signature in black ink that reads "Greg Fuhrmann".

Greg Fuhrmann
Land Recycling Program
Contaminated Sites Section
Iowa Department of Natural Resources

cc: FO 5

Preparer's Name	Address	City, State	Telephone #
Greg Fuhrmann	Iowa DNR, Wallace State Office Building	Des Moines, Iowa	515-242-5241

**IOWA DEPARTMENT OF NATURAL RESOURCES
LAND RECYCLING PROGRAM**

NO FURTHER ACTION CERTIFICATE

For the

**Proposed Wal-Mart Supercenter
538 South Duff
Ames, Iowa 50011**

This document certifies that response actions to address environmental contamination have been undertaken in the affected area described below. The affected area described below has been enrolled in the Iowa Department of Natural Resources Land Recycling Program (LRP). It has been demonstrated that the environmental conditions at the enrolled site have met the standards of the Iowa Land Recycling and Response Action Standards program in accordance with Iowa Department of Natural Resources (IDNR) rules in Chapter 137 of Iowa Administrative Code (IAC) 567 and Iowa Code Chapter 455H. Therefore, no further environmental response action is required at this site except as described below and subject to such changes in circumstances which could authorize reopening regulation of the site in accordance with Iowa Code Chapter 455H and IDNR rules:

ISSUED TO: WALMART REAL ESTATE BUSINESS TRUST
DATE OF ISSUANCE: January 31, 2007
IDNR FILE REFERENCE: CON 12-15, Proposed Wal-Mart Supercenter

AFFECTED PROPERTY

The affected area includes the five properties located within the southwest quarter of the southwest quarter of the northeast quarter of Section 11, Township 83 North, Range 24 West in the city of Ames, Story County, Iowa.

NO FURTHER ACTION CERTIFICATE

This no further action certificate includes the following properties in Ames, Iowa:

- The Asgrow Seed Company property (approximately 4 acres), a vacant field adjacent to the east of the Garden Spot Realty.
- The Crane, Darrell, Revocable Trust property (approximately 1 acre), a vacant field adjacent to the northeast of the Garden Spot Realty property.
- The Garden Spot Realty property (approximately 9 acres) in the eastern and central portion of the affected area. This property consists of vacant land and was formerly occupied by a lumber storage building that was demolished in approximately 2003.
- The Meyer Family Investments, L.L.C., property (approximately 0.7 acre) in the northwest portion of the affected area, which includes a one-story tire service building. The building was formerly occupied by a roller skating rink.
- The Ward Development Company property (approximately 6 acres), in the southwestern portion of the site, which includes Excelerators go-kart track and a former Honda automobile dealership. This property was formerly occupied by Montgomery Ward, a grocery store and several other commercial/light manufacturing facilities.

The affected area is legally described in Exhibit 'A' of this document. The environmental assessment performed in the affected area is summarized in Exhibit 'B'. The contaminant of concern is arsenic as noted in Exhibit 'C'.

NO FURTHER ACTION CERTIFICATE

Issuance of this no further action certificate provides certain legal protections and immunities to "protected parties" as defined in Iowa Code section 455H.103(11) and in accordance with Iowa Code Chapter 455H. Chapter 455H and IDNR rules also provide that under some conditions further response action may be required.

Elevated levels of soil contamination remain in the affected area and portions of the affected area may not have been assessed. Voluntary participation in the Land Recycling Program may in some cases not require the participants address all potential risks of exposure. IDNR records are available to the public and more fully describe the environmental conditions at the site.

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 no further action certificate.

NO FURTHER ACTION CERTIFICATE

RICHARD LEOPOLD, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

State of Iowa)
) ss:
County of Polk)

Signed or attested before me on this _____ day of _____, 2007 by

_____. My Commission Expires _____.
NOTARY PUBLIC, STATE OF IOWA

NO FURTHER ACTION CERTIFICATE

**Proposed Wal-Mart Supercenter
538 South Duff
Ames, Iowa 50011**

Exhibit A:

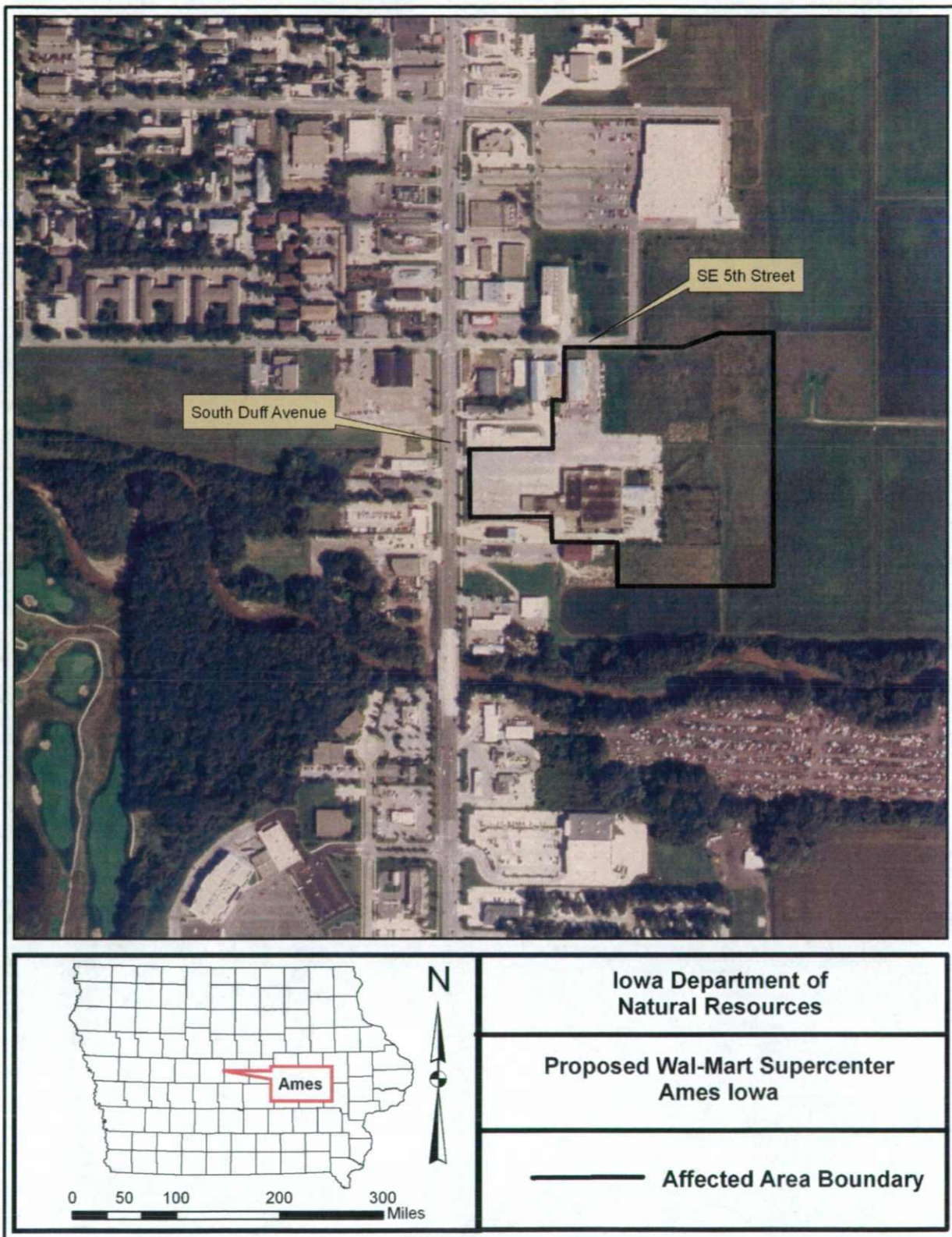
Legal Description of Affected Area Covered by this Certificate

SW ¼ SW ¼ NE ¼ NE ¼ Section 11, Township 83 North, Range 24 West in the city of Ames,
Story County, Iowa.

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NO FURTHER ACTION CERTIFICATE

Exhibit A (Continued):



NO FURTHER ACTION CERTIFICATE

**Proposed Wal-Mart Supercenter
538 South Duff
Ames, Iowa 50011**

Exhibit B:

Summary of Assessment

In October 2005, Wal-Mart enrolled the properties in Iowa's Land Recycling Program (LRP) as described in Iowa Administrative Code (IAC) 567-Chapter 137 with the goal of obtaining a recordable "No Further Action" certificate from the Iowa Department of Natural Resources (IDNR) upon completion of response action at the site. Site assessment activities detected arsenic concentrations above statewide standards. Background sampling determined that the arsenic concentrations are consistent with natural occurring concentrations in soils. The results of the site activities may be found in the following reports previously submitted to IDNR.

- Enrollment Application, October 2005
- DNR Letter, November 2005
- Email, December 2005
- Email, December 2005
- DNR Letter, January 2006
- Participation Agreement, July 2006
- Site Assessment Report, August 2006
- Risk Evaluation/Response Action (Included in above report), August 2006
- DNR Letter, November 2006
- Correspondence, November 2006
- Final Report, December 2006
- Public Notice to adjacent property owners, December 2006

All record documents may be viewed and/or downloaded from the Contaminated Sites internet database. Click on the link listed below to view the documents:

<http://programs.iowadnr.com/contaminatedsites/pages/processManagement.aspx?siteID=517&subSiteID=498>

NO FURTHER ACTION CERTIFICATE

**Proposed Wal-Mart Supercenter
538 South Duff
Ames, Iowa 50011**

Exhibit C

Contaminant of Concern

The contaminant of concern for soil included in this no further action certificate is:

Arsenic CAS Number 7440-38-2