

Morton Custom Plastics

AHLERS & COONEY, P.C.

CON 12-15  
Doc #13187

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May 30, 2003

Cal Lundberg  
Chief, Contaminated Site Section  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East 9th Street  
Des Moines, IA 50319

Re: Morton Custom Plastics  
West Des Moines, Iowa

Dear Cal:

This firm represents the potential buyers of the Morton Custom Plastics facility in West Des Moines. On May 15, 2003, Lambert Nnadi addressed the concern raised by my client and its lender about the liability for TCE contamination found on the site. That contamination appears attributable to offsite migration. We very much appreciate the department's efforts to address that issue.

In reviewing the letter, a copy of which is attached, I interpret the sentence which reads "Also, future investors, assigns, successors and/or owners of Morton Custom Plastics will not be held liable...." to mean not only successive owners, etc. of the company but successive owners of the site/property. This is an important issue in this transaction because the new owners are not merely taking over the operations of an existing company, but will become a new company. In addition, the lender will take a mortgage on the property itself, and thus the clarification is important to them.

[illegible]

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I am certain Mr. Nnadi intended the letter to include owners of the property and I had planned to informally confirm that with him through a telephone call. However, since he will not return to the office until after our closing, I am hoping you can confirm that my interpretation is accurate.

Thank you for your assistance. Please call should you have any questions.

Very truly yours,

AHLERS & COONEY, P.C.

A handwritten signature in cursive script, appearing to read "Jane".

Jane B. McAllister

JBM:dlj

Enclosure

cc + enc: Mark W. Beerman

DJEFFRIES\371463\1\21398001



## STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR  
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES  
JEFFREY R. VONK, DIRECTOR

May 15, 2003

Stuart Oxer, General Manager  
Morton Custom Plastics  
2360 Grand Avenue  
West Des Moines, IA 50265-0337

Subject: Morton Custom Plastics, West Des Moines, Iowa

Dear Mr. Oxer:

In our letter dated March 3, 2003 we indicated that the Iowa Department of Natural Resources would not hold Morton Custom Plastics responsible for the TCE contamination that has been detected in groundwater on or near the east/northeast property boundary of Morton Custom Plastics facility located at 2360 Grand Avenue, West Des Moines. The department believes that this TCE plume is attributable to the activities at the Railroad Groundwater Contamination Plume site. Also, future investors, assigns, successors and/or owners of Morton Custom Plastics will not be held liable for the remediation of TCE contamination attributable to offsite migration.

If you have any questions please contact me at 515-281-4117.

Sincerely,

Lambert A. Nnadi  
Environmental Specialist Snr., Contaminated Sites Section

**DATE STAMP**

DEPT. OF  
NATURAL RESOURCES

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