

BUILDING A BETTER WORLD

CON 12-15 Doc #19343

June 13, 2008

Mr. Matthew Culp Contaminated Sites Section lowa Department of Natural Resources Wallace State Office Building 502 East 9th Street Des Moines, IA 50319-0034

MWH #1914020.0105

RE: Final Report
Former General Electric Facility
1803 Radiant Road
Carroll, Iowa

Dear Mr. Culp:

This Final Report has been prepared on behalf of General Electric Company (GE), in accordance with Subrule 567—137.10(8) of the <u>lowa Administrative Code</u> (IAC), to document the accomplishments set forth in the Risk Evaluation/Response Action Report (RE/RA) for the GE-Carroll Site located at 1803 Radiant Road in Carroll, lowa. The site location is shown in Figure 1. Pertinent documents, activities, and associated dates of key completions, commencing just before entry into the Land Recycling Program (LRP) and continuing through the present are:

	<u>Document</u>	<u>Date</u>
•	Site Assessment Report and Response Action Report submitted to the IDNR.	January 2003
•	LRP Enrollment Application and Participation Agreement approved by Iowa Department of Natural Resources (IDNR).	May 27, 2003
•	Soil vapor extraction (SVE) system pilot test completed.	May 2003
•	IDNR approval to proceed with installation of full scale SVE system.	June 1, 2004
•	Groundwater sampling results for April 2006 and August 2006 submitted to the IDNR.	December 8, 2006

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	<u>Document</u>	<u>Date</u>
•	SVE system startup.	August 17, 2006
•	Assessment of Reported Still Bottoms Report submitted to the IDNR.	May 10, 2007
•	Assessment of Reported Still Bottoms Report approved by the IDNR.	May 15, 2007
•	SVE system Status Report submitted to the IDNR.	June 11, 2007
•	Temporary shutdown of SVE system rebound evaluation initiated with approval of IDNR.	June 20, 2007
•	Second Quarter 2007 Groundwater Monitoring Report submitted to the IDNR.	August 6, 2007
•	Second Quarter 2007 SVE System Quarterly Status Report submitted to the IDNR.	August 16, 2007
•	SVE system restarted following temporary shutdown for rebound evaluation.	August 20, 2007
-	Third Quarter 2007 SVE System Quarterly Status Report submitted to the IDNR.	October 11, 2007
•	Final shutdown of the SVE system approved by the IDNR.	October 19, 2007
•	Third Quarter 2007 Groundwater Monitoring Report submitted to the IDNR.	November 6, 2007
•	IDNR approved termination of quarterly groundwater compliance monitoring.	November 14, 2007
•	RE/RA Report, including the SVE System Closeout Report, submitted to the IDNR.	February 8, 2008
	RE/RA Report approved by IDNR.	February 15, 2008

Document

<u>Date</u>

Newspaper Public Notice published.

February 25, 2008

Environmental Covenant recorded.

May 27, 2008

The following is a summary of the proposed response actions for the potential pathways identified in the RE/RA Report submitted to the IDNR:

- Groundwater: Groundwater impacted above the Statewide Standards for a Protected and Non-Protected Groundwater Source is located on the property owned by GE (Figure 1). The response action to address risks associated with impacted groundwater consists of institutional controls. An institutional control, in the form of an Environmental Covenant, has been recorded for the property to address the site. The Environmental Covenant prohibits installation of water wells of any type or use, with the exception of monitoring wells. An ordinance (Chapter 94, Ordinance 0308) regarding use of private water wells, established by the City of Carroll, also serves as an institutional control for the site. A notification letter, including a summary of the groundwater monitoring data and a site map has been provided to the local water well permitting authority, the Carroll County Environmental Health Department, and the IDNR Water Quality Bureau.
- Soil and Indoor Air. An institutional control, in the form of an Environmental Covenant, has been recorded which addresses risks associated with impacted soil and air at the site. The Environmental Covenant states the parcel shall not be used for purposes described in the definition of a "residential land-use area" as defined in IAC Section 567-137.2 (455H).

The Environmental Covenant will remain in place with the property until such time it can be demonstrated through sampling, using best-practices, that Statewide Standards have been achieved to the satisfaction of the IDNR or its successor. A copy of the recorded Environmental Covenant is included as Attachment A.

During an investigation of soil and groundwater conditions at the enrolled site, an area of groundwater and soil contamination was identified underlying the property within the perimeter of the enrolled site. The groundwater monitoring network and results are shown in Figure 2. Evaluation of the groundwater monitoring data demonstrates the groundwater plume is under steady or decreasing conditions. Since the source area has been remediated through the SVE process, the groundwater plume should continue to decrease with time. The SVE system was

in operation from August 17, 2006 through October 23, 2007. The SVE system removed approximately 330 pounds of volatile organic compounds (VOCs) from the subsurface.

Through a public notice published in the Daily Times Herald on February 25, 2008 (Attachment B), the public was informed that impacted soil and groundwater are present at the GE-Carroll property. No comments were received by GE or the IDNR as of the close of the comment period (March 10, 2008).

Because the response actions for soil, groundwater, and indoor air have been fully implemented, GE formally requests a "No Further Action Certificate" for the site soil, groundwater, and indoor air.

If you have any questions, or need additional information, please contact Michael Goldstein of GE at 502-452-3468 or me.

Sincerely,

Kevin G. Armstrong, C.P.G.

Kevin & aunstrong

Project Manager

/jeb:vas:kga:hls:vas

Enclosures

Figure 1 - Site Location Map

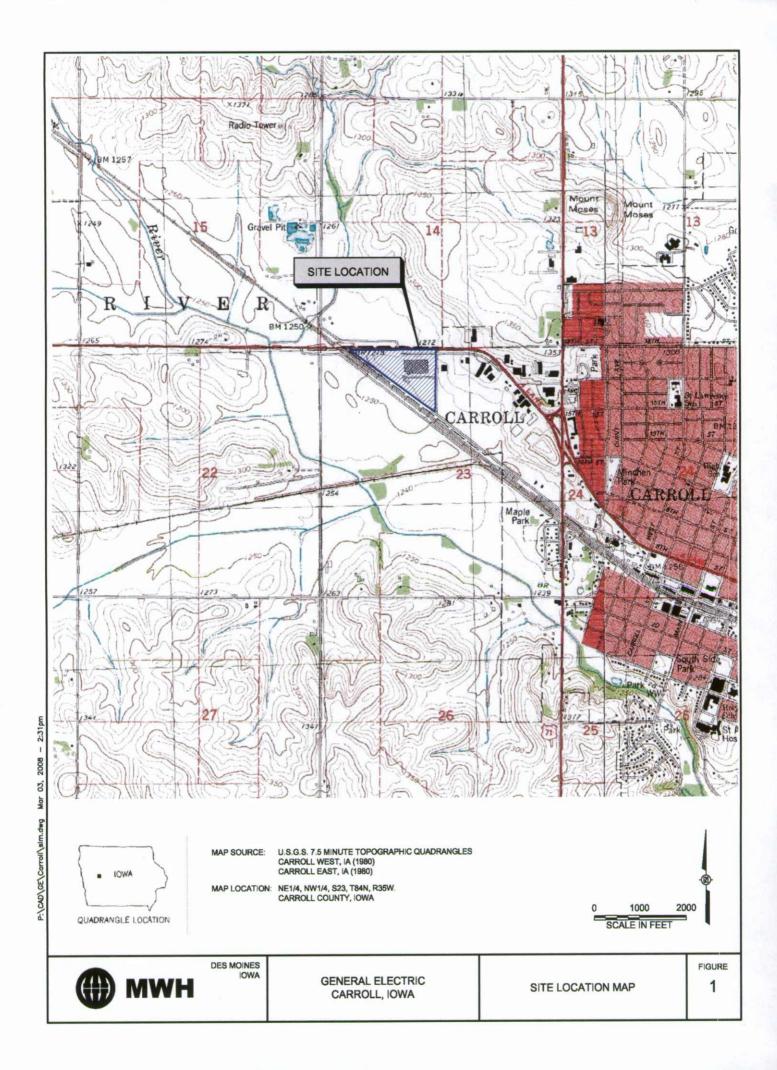
Figure 2 – Groundwater Monitoring Network

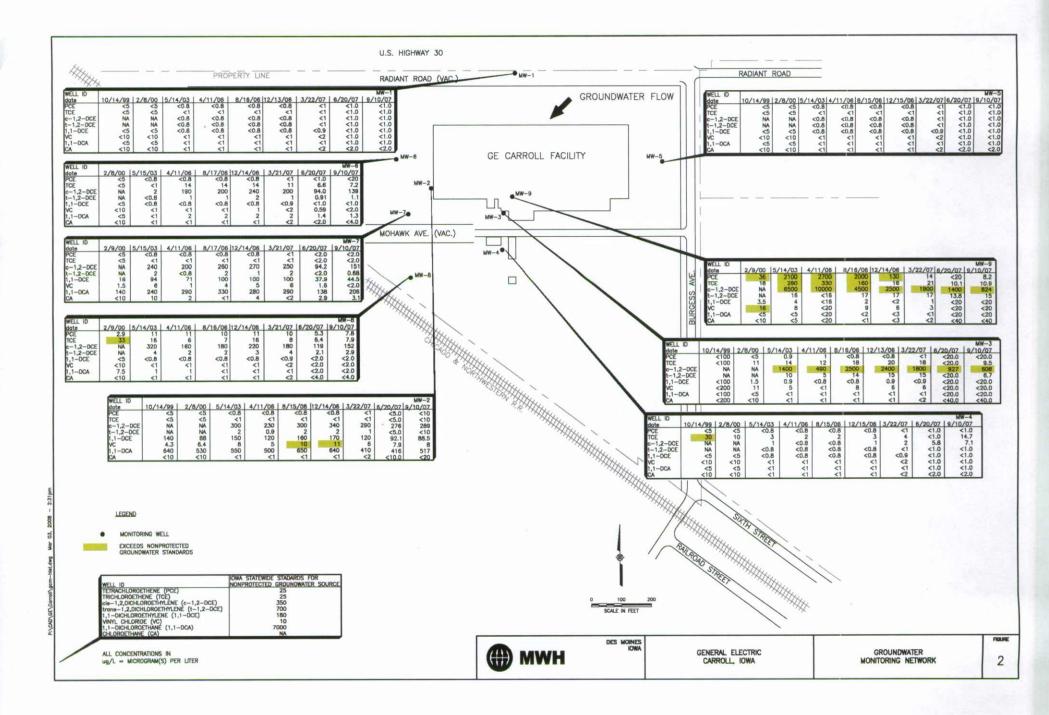
Attachment A – Environmental Covenant

Attachment B - Public Notice

cc: Michael Goldstein - GE

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ATTACHMENT A

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	OF IOV/A	As Inst No. 2008-1867
County of Carroll Filed for record on		May 27, 2008
at	11:40	d'eleck A M and recorded in
Book	2008	Page 1867
Fee \$ _	32.00	Marilyn Dophekle Co. Recorder

6 Pages

Type / Title of Document:

Environmental Covenant

Return Document to:

Name:

Kevin Armstrong

MWH

11153 Aurora Avenue Des Moines, IA 50322

Telephone:

515-253-0830

Preparer Information:

Name:

Kevin Armstrong

MWH

11153 Aurora Avenue Des Moines, IA 50322

Telephone:

515-253-0830

Taxpayer Information:

General Electric Company

Grantor:

General Electric Company

Holder/Grantee:

General Electric Company

Agency:

Iowa Department of Natural Resources

Legal Description, including parcel identification number, if available:

LOTS 1 & 2, BLOCK 1, NORTHWEST ADDITION TO THE CITY OF CARROLL, CARROLL COUNTY, IOWA; AND THAT PART OF RADIANT ROAD LYING WEST OF BURGESS ROAD, EXCEPT THE EAST 700 FEET THEREOF; AND ALL OF MOHAWK AVENUE EXCEPT THAT PART CONVEYED TO THE STATE OF IOWA.

ENVIRONMENTAL COVENANT

This environmental covenant is established pursuant to 2005 Iowa Acts, Scnate File 375 (codified as Iowa Code Supplement chapter 455I and hereafter cited as Iowa Code chapter 455I.) General Electric Company, hereafter "grantor" and the Iowa Department of Natural Resources (Department) enter into this environmental covenant for the purpose of subjecting the property described below to certain activity and use limitations in accordance with the terms and conditions as specified below and the provisions in Iowa Code chapter 455I, authorities granted the Department in Iowa Code sections 455B.103(7) and 455H.206 and Department rules in chapter 567 <u>Iowa Administrative Code</u> (IAC) 137.

1. <u>Affected Property</u>. The grantor is the fee title owner of property identified on the attached plat map and legally described as:

LOTS 1 & 2, BLOCK 1, NORTHWEST ADDITION TO THE CITY OF CARROLL, CARROLL COUNTY, IOWA; AND THAT PART OF RADIANT ROAD LYING WEST OF BURGESS ROAD, EXCEPT THE EAST 700 FEET THEREOF; AND ALL OF MOHAWK AVENUE EXCEPT THAT PART CONVEYED TO THE STATE OF IOWA.

and locally known as 1803 Radiant Road, Carroll, Iowa, (hereafter "property").

2. Land Recycling Program Risk Management. The property subject to this covenant is enrolled in the Department's Land Recycling Program (LRP) established in Iowa Code chapter 455H and administered under Department rules in chapter 567 IAC 137. Under the LRP, the environmental response action as defined in Iowa Code section 455H 103 (14) has consisted of a soil and groundwater investigation and risk assessment of an affected area, which includes this property. This response action has been undertaken by grantor. Soil and groundwater contamination has been identified on the property. The Department has approved a response action plan, which includes the use of this environmental covenant as one method for managing the risk of future exposure to this contamination.

Relevant soil and groundwater assessment activities are documented in the Site Assessment Report and Risk Evaluation/Response Action Report approved by the Department. The response action to address risks associated with potential future exposure to the impacted soil and groundwater identified on the property consists of an institutional control. The Department, in a February 15, 2008 letter, approved the response action for this property.

3. <u>Institutional Controls</u>. Iowa Code section 455H.206 and Department rules in chapter 567 IAC 137 authorize the use of an environmental covenant as an institutional control. The purpose of this environmental covenant is to manage the risk of future exposure to existing contaminant conditions by limiting specified land use activities at this property, establishing affirmative obligations and enforcing the terms of this covenant.

- 4. The signatories acknowledge that failure of these activity and use limitations to serve their intended purpose of preventing the risk of exposure to contaminant conditions could result in the Department reopening review and regulation of the property as provided under the terms of this environmental covenant, Iowa Code chapter 455H, Iowa Code chapter 455I, and applicable Department administrative rules.
- 5. Identity of Grantor(s) and Holder(s).

Grantor: General Electric Company is the current owner of this

Property and the Grantor of this Environmental Covenant.

Grantee/Holder: General Electric Company is the Grantee/Holder of this

Environmental Covenant.

Agency: The Iowa Department of Natural Resources (IDNR) is an

Agency under this Environmental Covenant.

6. Representations and Warranties. The grantor(s) warrant to the other signatories to this covenant the following:

- a. that the grantor is the sole fee title owner of the property.
- Running with the Land. This environmental covenant is perpetual and runs with the land as provided in Iowa Code chapter 455I until modified or terminated as provided in paragraph 12 below; or in Iowa Code Sections 455H206(6), 455I.9, or 455I.10. The terms of this environmental covenant are binding on the grantors and all successors in interest, assigns and all transferees acquiring or owning any right, title, lien or interest in the property and their heirs, successors, assigns, grantees, executors, administrators, and devisees. The term "transferee," as used in this environmental covenant, shall mean any future owner of any interest in the property or any portion thereof, including, but not limited to, owners of an interest in fee simple, contract buyers, mortgagees, easement holders, and/or lessees.
- 8. <u>Activity and Use Limitations and Terms</u>. The property is subject to the following use limitations and terms:
 - A. Other than as provided in paragraph ten (10) below, no wells for any purpose may be placed on the Property.
 - B. The property shall not be used for purposes described in the definition of a "residential land-use area." "Residential land-use area" is defined in IAC Section 567-137.2 (455H).
- 9. <u>Notice of Non-Compliance</u>. Any signatory to this agreement and subsequent transferee of the property shall notify the Department as soon as possible of conditions that would constitute a breach of the activity and use limitations in paragraph eight (8).
- 10. Access to Property. Reasonable access to the property is granted the Department or any authorized representative of the Department, public or private to ascertain or ensure the effectiveness of the environmental response project. Access shall be granted to any private parties or their contractors, which may be required by law or authorized by

the Department, to conduct aboveground or subsurface investigation of the property. These activities may include, but are not limited to, repair and maintenance of groundwater monitoring wells. To determine site conditions and compliance with the terms of this covenant, access may include groundwater sampling and monitoring, additional drilling and construction of soil borings and/or groundwater monitoring wells, and other activities authorized or otherwise directed by the Department. The Department, its authorized representatives, or other persons entitled to access shall provide the current owner of the property with reasonable notice, an explanation of the reasons for entry, and the scope of on-site activities prior to access.

11. Groundwater Hazard Statement. Iowa Code section 558.69 requires submission of a groundwater hazard statement and notice if "hazardous waste" exists on the property as defined in Iowa Code sub-sections 455B.411(3), 455B.412(2) or section 455B.464. If hazardous waste is present, the groundwater hazard statement must state that the condition is being managed in accordance with Department rules. The signatories and all subsequent transferees required to submit a groundwater hazard statement under Iowa Code section 558.69 shall make reference to this environmental covenant in substantially the following form:

	IS SUBJECT TO AN EN	
COVENANT, DATED	, 2008, RECORDED IN THE DEE	D OR OFFICIAL
RECORDS OF THE Carroll CO	OUNTY RECORDER ON	<u>, 2008</u> , IN
	, PAGE, or by parcel nur	
ENVIRONMENTAL COVENANT	CONTAINS THE FOLLOWING	ACTIVITY AND
USE LIMITATIONS: [description	of activity and use limitations exact	ly as it appears in
the environmental covenant]		

- 12. Modification and Termination. Modification or termination of the terms of this covenant shall comply with the standards in Iowa Code section 455H.206 and applicable Department administrative rules. The terms of this environmental covenant may be modified or terminated by written consent of the Director of the Department, the then current fee simple title owner, and all original signatories (unless exempted under the provisions of Iowa Code section 455I.10(c)) in accordance with and subject to the provisions of Iowa Code section 455I.10. The termination or modification is not effective until the document evidencing consent of all necessary persons is properly recorded. If not by consent, any modification or termination of this environmental covenant shall be as provided by Iowa Code section 455I.9 and such additional terms as specified in this covenant.
- 13. <u>Enforcement.</u> The terms of this environmental covenant may be enforced in a civil action for injunctive or other equitable relief by the signatories and those persons authorized by and in accordance with Iowa Code section 4551.11.
- 14. <u>Severability</u>. If any provision of this environmental covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.
- 15. Governing Law. This environmental covenant shall be governed by and interpreted in accordance with the laws of the State of Iowa.

- 16. <u>Recordation</u>. Within thirty (30) days after Department approval of this environmental covenant, the grantor shall record the environmental covenant in the same manner as a deed to the property, with the Carroll County Recorder's Office.
- 17. <u>Effective Date</u>. The effective date of this environmental covenant shall be the date upon which the fully executed environmental covenant has been properly recorded with the Carroll County Recorder.
- 18. <u>Notice</u>. Unless otherwise notified in writing by the Department, any document or communication required by this environmental covenant shall be submitted to:

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

19. <u>Subordination and Consent</u>. By signing this environmental covenant, the signatories knowingly and intelligently acknowledge their consent to the terms of this agreement and agree to subordinate their interest in the property.

ACKNOWLEDGMENTS

GRANTOR/GRANTEE/HOLDER:
GENERAL ELECTRIC COMPANY
By: Keith Mooneyhan Title: General Manager - EHS
State of KENTUCKY County of JEFFEBONS.
On this 18th day of 2008, before me, a Notary Public, in and for said county, personally appeared 10th 10th 10th 10th 10th 10th 10th 10th
AGENCY
IOWA DEPARTMENT OF NATURAL RESOURCES Signed this 2 day of May, 2008. Richard Leopold Director, Iowa Department of Natural Resources
State of Iowa County of Polk ss.
On this day of, 2008, before me personally appeared, known to me to be the Director of the Iowa Department of Natural Resources or the lawful designee of the Director who executed the foregoing instrument, and acknowledge that this person executed the same as his/her/their voluntary act and deed.
Notary Public, State of Iowa LISA NISSEN COMMISSION NO. 721371 MY COMMISSION EXPIRES

ATTACHMENT B



IOWA LEPARTMENT OF HATURAL ASSOCIACES ENVIRONMENTAL SERVICES DIVISION

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The Environmental Covenant will remain in select until it is demonstrated to the sociatection of the 1848 that the property conditions no longer raquire nee restrictions.

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PROOF OF PUBLICATION

THE TIMES HERALD

CARROLL, IOWA

County of Carroll, ss.
This is to certify that the attached notice was printed
consecutive weekin The Times Herald, a daily newspaper of
general circulation in Carroll County, lowa, the dates of said publication
being as follows: Fabruary 25, 2008
By Ann Julian Publisher - Editor
Subscribed and sworn to before me this 294
day of Flbruary 2008
DONNA IPLBECK Commission Number 143239 MY COMMISSION EXPIRES Notary Public, Carroll County, Iowa.
Cost of Publication \$ 34.43