



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

# STATE OF IOWA

DEPARTMENT OF NATURAL RESOURCES  
RICHARD A. LEOPOLD, DIRECTOR

## FOR DIRECTOR'S SIGNATURE

**DATE:** June 24, 2009  
**TO:** Richard Leopold, Director  
**FROM:** Tami Rice, Contaminated Sites Section

### APPROVALS:

Wayne Gieselman, Administrator, Environmental Services

Initial and Date: WG 7-1-09

Brian Tormey, Bureau Chief, Land Quality Bureau

Initial and Date: BT 6/30/09

Cal Lundberg, Supervisor, Contaminated Sites Section

Initial and Date: CL 6/30/09

Dave Wornson, Compliance and Enforcement

Initial and Date: DW 6-29-09

### PROGRAM MANAGER SUMMARY:

The attached document is a No Further Action Certificate (NFAC) for International Harvester, located in Council Bluffs, Iowa. Site assessment activities detected polynuclear aromatic hydrocarbons (PAHs) in soil above statewide standards. The area of PAH contaminated soil was excavated in 2008. While the excavation removed most of the contaminated soil onsite, an environmental covenant has been attached to the property that has use limitations to prevent exposure to any remaining contaminated soil.

Contaminated Sites recommends signature and approval of the NFAC.

COMPARED

R Fee 45<sup>00</sup>

A Fee \_\_\_\_\_

T Tax \_\_\_\_\_

Pottawattamie County, IA 2009-009598  
Recorder John Sciortino  
Book-Page: 2009-009598  
File Time: 07/08/2009 @ 08:09:51 AM  
Rec-\$45.00 Aud-\$0.00 RMA-\$1.00 ECM-\$3.00  
Current Transfer Tax Paid: \$0.00



Type / Title of Document: No Further Action Certificate - 1000 S. Main Street, Council Bluffs

\* Return Document to:

Name: Andrea Kathol, CPH Corporation  
Address: 7 N. Sixth Street Council Bluffs, IA 51502  
Street Address City Zip  
Telephone: 712-325-1000

Preparer Information

Name: Iowa Department of Natural Resources Attn: Tami Rice  
Address: 502 East 9<sup>th</sup> Street Des Moines, IA 50319  
Street Address City Zip  
Telephone: 515-281-4420

Taxpayer Information

Name: CPH Corporation  
Address: 7 N. Sixth Street, Council Bluffs, IA 51502  
Street Address City Zip  
Telephone: 712-325-1000  
Grantor(s): CPH Corporation  
Holder(s) / Grantee(s): CPH Corporation

Legal Description, including parcel identification number, if available:

*Riddle's Sub -- Lots 1 thru 7 and Lot 14 Block 10 and all vac alley between and the E 1/2 of the Walley adj & vacated S 8' 10th Ave adj N.*

***Full description in Exhibit A of No Further Action Certificate***

State law requires that all instruments have signatures notarized. See Iowa Code, 9B.14, 9B.15, and 558.39.

On or after July 1, 2005, any document that does not conform to the document formatting standards shall not be recorded except upon payment of an additional recording fee of ten dollars (\$10.00) per document or instrument.

Preparer's name  
Tami Rice, DNR

Address  
502 East 9<sup>th</sup> Street

City, State  
Des Moines, Iowa

Tel. #  
(515) 281-4420

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## IOWA DEPARTMENT OF NATURAL RESOURCES

### NO FURTHER ACTION CERTIFICATE

This document certifies that all of the property described below has satisfied regulatory standards qualifying the area for a no further action classification under Iowa's Land Recycling Program 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 to levels is deemed acceptable according to standards adopted by the Iowa Department of Natural Resources.

The no further action classification applies to an area within the enrolled property defined as an "affected areas" (**Figure 1**) within the parcels of real estate as legally described in **Exhibit A**. **Exhibit B** is a summary of soil and groundwater assessments to which the classification applies. **Exhibit C** is a list of the contaminants of concern that was identified during site assessment activities. The no further action classification applies only to contaminants of concern that the participants identified based on known or suspected sources of contamination.

A classification of no further action grants to "protected parties" protection 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 which 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.

#### AFFECTED AREA

The affected area exists within the following parcels legally described in **Exhibit A**.

Property owner and enrolled participant address at the time of filing:

Property Owner: CPH Corporation, 7 North Sixth Street, Council Bluffs, Iowa 51502

Enrolled Participant: Pottawattamie County Development Corporation, 7 North Sixth Street,  
Council Bluffs, Iowa 51502

Department file reference:

International Harvester, Council Bluffs, Iowa

## **CONDITIONAL NO FURTHER ACTION CLASSIFICATION:**

The no further action classification and the attendant liability protections for the affected area are subject to the maintenance and continued effectiveness of the following institutional control:

### **INSTITUTIONAL CONTROLS:**

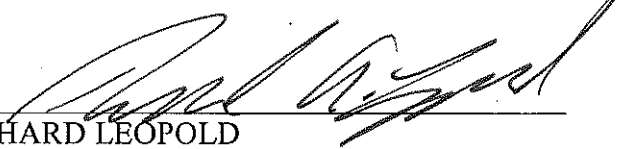
- An environmental covenant was recorded with the property on June 2, 2009 by the Pottawattamie County Iowa Recorder (Doc. # 2009-007618). The following activity and use limitations have been placed on the property. In addition, residential or non-residential use of the property is prohibited until fencing and barrier/paving requirements area completed by any future property owner(s) as listed in the limitations below.
  1. Fencing must be installed onsite to restrict access to any residual contamination left at the southern and western property boundaries. A minimum of a two (2) foot setback from the property lines is required.
  2. Soils disturbed during removal of the 1975 addition and ramp must be managed in accordance with Iowa Administrative Code (IAC) 567 Chapter 137: Iowa Land Recycling Program and Response Action Standards and may require off-site disposal. Following building removal, a barrier or parking lot must be installed and maintained in Area 3 (Exhibit B) to restrict exposure to underlying soils.
  3. Subsurface excavation greater than three (3) feet below ground surface may not be completed on the property without proper analytical testing for presence of polynuclear aromatic hydrocarbons (PAH) and Department notification prior to excavation, except in the case of emergency utility repairs in which case notice will be made as soon as practical. Soil exhibiting PAH concentrations above the risk-based standards outlined in Iowa Administrative Code (IAC) 567 Chapter 137: Iowa Land Recycling Program and Response Action Standards must be properly disposed of off-site and are subject to the determination requirements at Title 40 Code of Federal Regulations (CFR) § 262.11.
  4. The 1928 building addition must be maintained to prevent exposure to underlying impacted soils. The Department must be notified of removal or sub-grade alterations of the 1928 addition. The Department may require sampling and risk evaluation of the exposed media in accordance with the applicable Department rules and standards at that time to determine if the exposed media poses a health risk.

### **PUBLIC NOTICE:**

IN ACCORDANCE WITH IOWA CODE CHAPTER 455H AND DEPARTMENT RULES, PARTICIPANTS IN THE LAND RECYCLING 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. FOR THE AFFECTED AREA IDENTIFIED IN THIS CERTIFICATE OR THE REAL ESTATE AFFECTED BY THIS RECORDED DOCUMENT, INTERESTED PARTIES MAY CONTACT THE DEPARTMENT TO OBTAIN FURTHER INFORMATION.

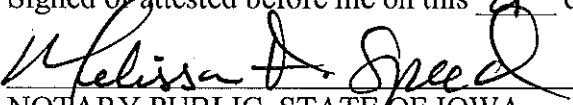
This certificate does not constitute a warranty or a representation of any kind to any person as to the environmental condition, marketability or value of the above referenced property other than that certification required by Iowa Code section 455H.301 et seq. Interested parties should not rely solely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

FOR THE DIRECTOR, IOWA DEPARTMENT OF NATURAL RESOURCES

  
\_\_\_\_\_  
RICHARD LEOPOLD  
IOWA DEPARTMENT OF NATURAL RESOURCES

State of Iowa  
County of Polk

Signed or attested before me on this 2<sup>nd</sup> day of July, 2009 by

  
\_\_\_\_\_, My Commission Expires Feb. 16, 2010  
NOTARY PUBLIC, STATE OF IOWA



**NO FURTHER ACTION CERTIFICATE**  
**International Harvester**

**Exhibit "A"**

**Property Description**

The No Further Action Certificate covers the property legally described below.

LOT 1 AND LOT 2, THE NORTH 1.0' OF LOT 3, THE NORTH 91 2/3' OF LOT 14 AND THE NORTH 91 2/3' OF THE VACATED ALLEY LYING BETWEEN LOT 14 AND LOTS 1, 2, AND THE NORTH 1.0' OF LOT 3, ALL IN BLOCK 10, RIDDLES SUBDIVISION IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

AND

LOT 3, EXCEPT THE NORTH 1.0' THEREOF; ALL OF LOTS 4, 5, 6, 7, AND LOT 14, EXCEPT THE NORTH 91 2/3 FEET, ALL LOCATED IN BLOCK 10, RIDDLES SUBDIVISION, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AND ALL OF THE VACATED ALLEY ABUTTED BY LOTS 3, 4, 5, AND 6 ON THE EAST AND LOTS 7 AND 14 ON THE WEST, EXCEPT THE NORTH 91 2/3' OF SAID VACATED ALLEY.

AND

THE EAST ½ OF THE WEST 12' WIDE ALLEY LYING BETWEEN MAIN STREET AND 6<sup>TH</sup> STREET AND BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> AVENUE THAT ADJOINS LOTS 7 AND 14 IN BLOCK 10 IN RIDDLES SUBDIVISION, COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA AND IS BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF 10<sup>TH</sup> AVENUE AND ON THE SOUTH BY THE NORTH RIGHT-OF-WAY LINE OF 11<sup>TH</sup> AVENUE.

AND

THE VACATED SOUTH 8 FEET OF 10<sup>TH</sup> AVENUE RIGHT-OF-WAY LYING BETWEEN SOUTH MAIN AND SOUTH 6<sup>TH</sup> STREETS AND ABUTTING LOTS 1 AND 14 AND THE VACATED ALLEY BETWEEN SAID LOTS 1 AND 14, BLOCK 10, RIDDLES SUBDIVISION IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

# **NO FURTHER ACTION CERTIFICATE**

## **International Harvester**

### **Exhibit "B"**

#### **Summary of site assessment activities**

The Property was enrolled in the Land Recycling Program in April 2008. Site assessments were performed on the Property prior to enrollment that identified polynuclear aromatic hydrocarbons (PAHs) in soil above statewide soil standards. A Site Investigation Report with Risk Evaluation and Response Action Report was submitted in November 2008 which presented the soil data from the previous assessments conducted onsite. Risk Evaluation was completed to determine exposure risks for future site residents to impacted soil. Risk evaluation results indicated the need for response actions/cleanup to prevent exposure to shallow soils impacted with polynuclear aromatic hydrocarbons (PAHs). PAHs were detected within the grass and gravel covered western portion of the property.

Over-excavation of the top three feet of PAH impacted soil was conducted in September 2008, with the results presented in an Over-Excavation Report dated November 2008, to reduce the risk of exposure to the PAH contaminated soil. Residual PAHs were detected in some of the excavation base and sidewall samples. The presence of the residual impact required further risk evaluation which was completed and presented in a Supplemental Risk Evaluation and Response Action Report dated May 2009. Supplemental risk evaluation results indicated that impacted soils under the 1928 building presented an exposure risk if the building was ever removed. Similar PAHs concentrations were assumed under the 1979 building addition (Area 3).

The recommended response action for all the remaining exposure risks was to put an environmental covenant on the property with the activity and use limitations listed below. The Iowa Department of Natural Resources has approved the risk assessment and has received a copy of the recorded environmental covenant.

1. Fencing must be installed onsite to restrict access to any residual contamination left at the southern and western property boundaries. A minimum of a two (2) foot setback from the property lines is required.
2. Soils disturbed during removal of the 1975 addition and ramp must be managed in accordance with Iowa Administrative Code (IAC) 567 Chapter 137: Iowa Land Recycling Program and Response Action Standards and may require off-site disposal. Following building removal, a barrier or parking lot must be installed and maintained in Area 3 (Exhibit B) to restrict exposure to underlying soils.
3. Subsurface excavation greater than three (3) feet below ground surface may not be completed on the property without proper analytical testing for presence of polynuclear aromatic hydrocarbons (PAH) and Department

notification prior to excavation, except in the case of emergency utility repairs in which case notice will be made as soon as practical. Soil exhibiting PAH concentrations above the risk-based standards outlined in Iowa Administrative Code (IAC) 567 Chapter 137: Iowa Land Recycling Program and Response Action Standards must be properly disposed of off-site and are subject to the determination requirements at Title 40 Code of Federal Regulations (CFR) § 262.11.

4. The 1928 building addition must be maintained to prevent exposure to underlying impacted soils. The Department must be notified of removal or sub-grade alterations of the 1928 addition. The Department may require sampling and risk evaluation of the exposed media in accordance with the applicable Department rules and standards at that time to determine if the exposed media poses a health risk.



**NO FURTHER ACTION CERTIFICATE**  
**International Harvester**

**Exhibit "C"**

**Contaminants of Concern**

Figure 1 shows the affected area of the property covered by this no further action certificate for contaminants of concern in soil listed below.

Acenaphthene  
Acenaphthylene  
Anthracene  
Benzo (a) anthracene  
Benzo (b) fluoranthene  
Benzo (k) fluoranthene  
Benzo (a) pyrene  
Benzo (g,h,i) perylene  
Chrysene  
Dibenz (a,h) anthracene  
Fluoranthene  
Fluorene  
Indeno (1,2,3-cd) pyrene  
1-methylnaphthalene  
2-methylnaphthalene  
Naphthalene  
Phenanthrene  
Pyrene