

INDUSTRIAL PLAZA CORP.

1731 North Roosevelt Avenue, SUITE One
BURLINGTON, IOWA 52601

(319) 754-4000
fax (319) 754-4886

April 2, 2010

Greg Fuhrmann
Land Recycling Program
Contaminated Sites Section
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, IA 50319

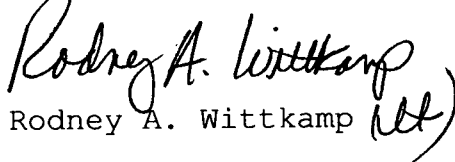
Re: No Further Action Certificate

Dear Mr. Fuhrmann:

Enclosed please find two recorded copies of the No Further Action Certificate for the former Exide Technologies site located at 3400 West Avenue in Burlington, Iowa. It is my understanding you will forward one copy to Gannett Fleming Development Corporation.

If you have any questions, feel free to contact me.

Very truly yours,


Rodney A. Wittkamp (ll)

lt

enc

2010-001106
FILED FOR RECORD
DES MOINES COUNTY, IOWA

2010 MAR 29 P 2:38

TOLL FEES
R 40 A RM 1 L 3 NS
KATHRYN WATERHOUSE RECORDER

RECORDER'S COVER SHEET

DOCUMENT:

No Further Action Certificate

PREPARER INFORMATION:

Greg Fuhrmann, Land Recycling Program
Iowa Department of Natural Resources
502 E 9th Street
Des Moines, IA 50319
Ph: 515.242.5241

RETURN DOCUMENT TO:

Rodney A. Wittkamp
Industrial Plaza Corp.
1731 N. Roosevelt Ave, Ste. 1
Burlington, IA 52601
Ph. 319.754.4000

63686 APR06'10 AM10:07

Preparer's name
Greg Fuhrmann, DNR

Address
Wallace State Office Building

City, State
Des Moines, Iowa

Tel. #
(515) 242-5241

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 the enrolled property defined as an "affected area" (**Figure 1**) within the parcel 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 parcel legally described in **Exhibit A**.

Property owner and enrolled participants addresses at the time of filing:

Industrial Plaza Corporation
3400 West Avenue.
Burlington, Iowa 52601

Gannett Fleming Project Development Corporation
207 Senate Avenue
Camp Hill, PA 17011

Department file reference:

Exide Technologies, Burlington, Iowa

CONDITIONAL NO FURTHER ACTION CLASSIFICATION:

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

INSTITUTIONAL CONTROLS:

An environmental covenant was recorded with the property on February 2, 2010 by the Des Moines County Iowa Recorder (Doc. # 2010-000483). The following activity and use limitation have been placed on the property;

Not potable water wells shall be installed on the property.

The property may not be used for residential land uses which involved the occupancy or use of the property by children, including but not limited to, schools, playgrounds, healthcare or other institutional facilities as defined in 567 Iowa Administrative Code 137.2.

The Department will be notified prior to any change from the current industrial usage.

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 A. Leopold

RICHARD LEOPOLD
IOWA DEPARTMENT OF NATURAL RESOURCES

State of Iowa
County of Polk

Signed or attested before me on this 17 day of March, ~~2009~~²⁰¹⁰ by
Richard Leopold, My Commission Expires 3/17/12
NOTARY PUBLIC, STATE OF IOWA

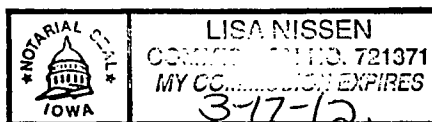
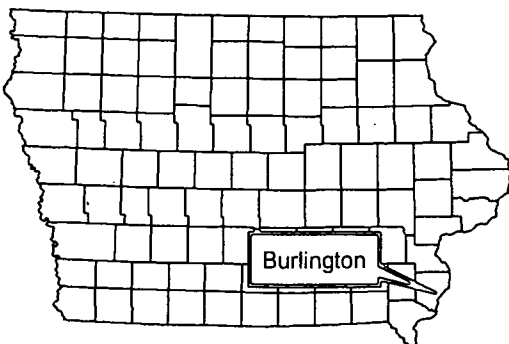
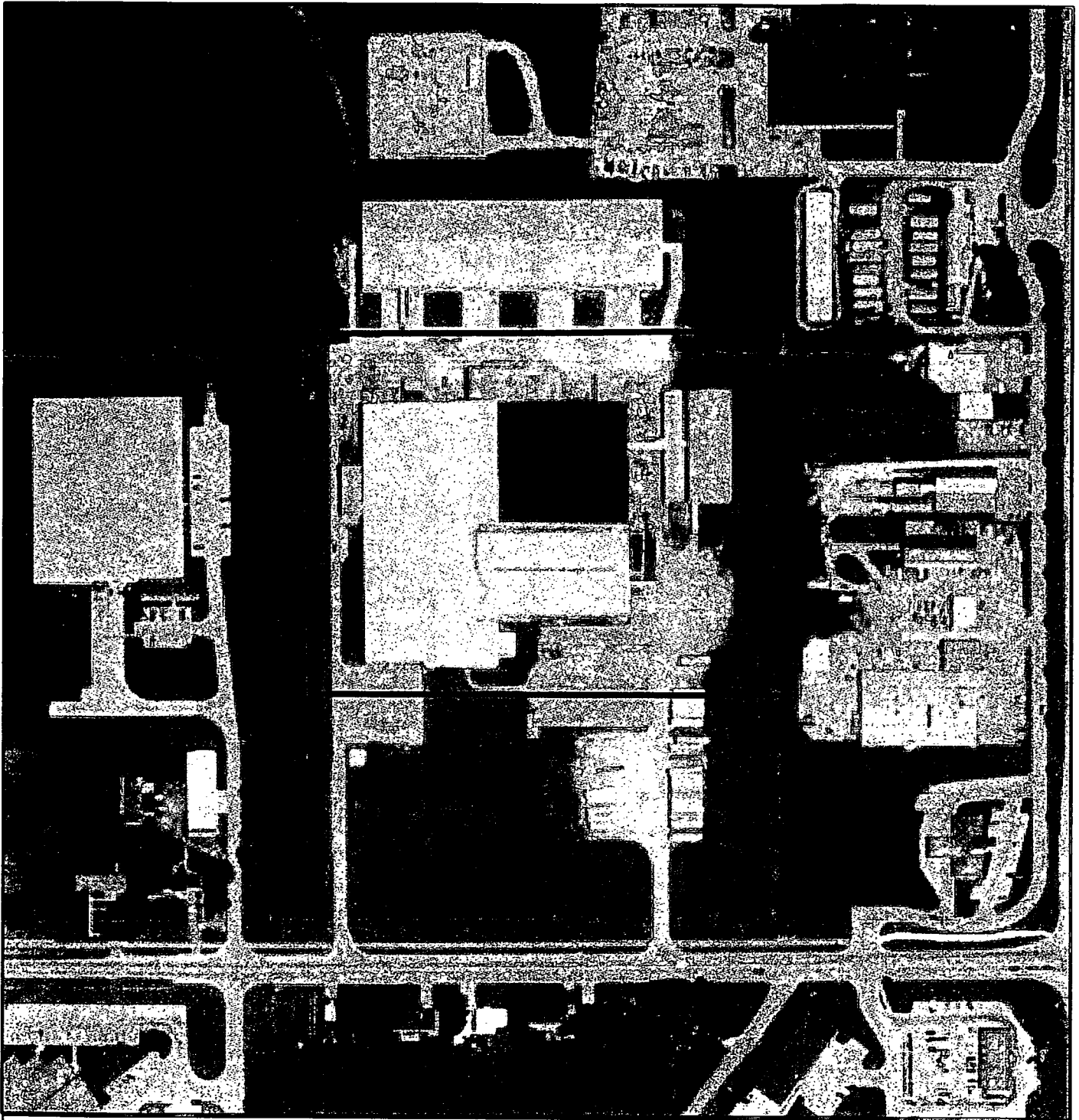


Figure 1; Former Exide Technologies Facility



Iowa Department of Natural Resources

Property Affected Area

NO FURTHER ACTION CERTIFICATE
Industrial Plaza Corporation
Former Exide Technologies Facility
3400 West Avenue, Burlington, Iowa

Exhibit "A"

Property Description

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

Part of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 1, Township 69 North, Range 3 West of the 5th P.M. in the City of Burlington, Des Moines County, Iowa, more particularly described as follows: Commencing at the Southeast corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 1; thence N90°00'00"W, 532.80 feet, along the one-sixteenth section line; thence N00°14'24"NE, 50 feet, to the place of beginning; thence 13°34"E, 1270.70 feet, along said West line to the Northwest corner of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section; thence S89°50'35"E, 798.25 feet, along the North line of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 1; thence S00°14'24"W, 1268.49 feet to the beginning. Except for the north 250 feet and south 400 feet thereof.

NO FURTHER ACTION CERTIFICATE
Industrial Plaza Corporation
Former Exide Technologies Facility
3400 West Avenue, Burlington, Iowa

Exhibit "B"

Summary of site assessment activities

The Iowa Department of Natural Resources (DNR) is proposing to issue a conditional No Further Action certificate under the Iowa Land Recycling Program (LRP) for the former Exide Technologies facility, located at 3400 West Avenue, Burlington, Iowa. Exide produced lead-acid batteries from 1970 to 2001, when the plant was closed. Industrial Plaza Corporation purchased the property in May 2005 and hired Gannet Fleming Development Corporation to enroll the property in the Land Recycling Program in August 2005.

Prior to enrollment, site assessments identified lead, arsenic, cadmium, and antimony in soil, and lead contamination in groundwater.

Subsequent site assessments defined the areas of soil and groundwater contamination to below statewide standards.

All soil identified above 490 mg/kg of lead was removed, treated if necessary to render the soil non-hazardous and disposed of properly. Groundwater contamination was determined to be restricted to an area from under the main building to the south parking lot.

The risk assessment found that soil remedial measures had reduced contamination levels to below residential standards.

Due to groundwater contamination, an environmental covenant will be attached to the property deed prohibiting the installation of potable water wells on the property. The DNR has approved the risk assessment and response actions. No concern for off-site migration of any contaminants was identified.

All documents concerning the Exide Technologies facility file can be viewed over the internet at <https://programs.iowadnr.gov/contaminatedsites/pages/search.aspx>. Enter "Exide" into the 'Site Name' space, click on 'View Results', then click on the "Exide Technologies" name (Burlington address) to open the database file. Place the mouse on 'Site' and then click on 'Action/Documents.' Click on 'pdf' for the file you wish to review.

NO FURTHER ACTION CERTIFICATE

**Industrial Plaza Corporation
Former Exide Technologies Facility
3400 West Avenue, Burlington, Iowa**

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 groundwater listed below.

Arsenic
Lead

The following contaminants of concern in soil covered by this no further action certificate are listed below.

Antimony
Arsenic
Cadmium
Lead



STATE OF IOWA

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

DEPARTMENT OF NATURAL RESOURCES
RICHARD A. LEOPOLD, DIRECTOR

FOR DIRECTOR'S SIGNATURE

DATE: February 18, 2010
TO: Richard Leopold, Director
FROM: Greg Fuhrmann, Contaminated Sites Section

APPROVALS:

Wayne Gieselman, Administrator, Environmental Services

Initial and Date: WG, 3-17-10

Brian Tormey, Bureau Chief, Land Quality Bureau

Initial and Date: BT 3/10/10

Cal Lundberg, Supervisor, Contaminated Sites Section

Initial and Date: CL 3/9/10

Dave Wornson, Compliance and Enforcement

Initial and Date: 3-8-10

PROGRAM MANAGER SUMMARY:

The attached document is a No Further Action Certificate (NFAC) for the former Exide Technologies facility located in Burlington, Iowa. Site assessment activities detected lead and arsenic in groundwater above statewide standards and lead, arsenic, antimony and cadmium in soil above statewide standards. The contaminated soil was excavated and treated to a non-hazardous waste; the remaining soil contamination passed a residential risk assessment. To prevent exposure to the groundwater, an environmental covenant has been attached to the property that prohibits installation of potable water wells. The site is also restricted to non-residential use.

Contaminated Sites recommends signature and approval of the NFAC.