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DEPARTMENT OF NATURAL RESOURCES  
JEFFREY R. VONK, DIRECTOR

April 27, 2005

Mr. Amrish Mahajan  
16540 S. Halsted Street  
Harvey, Illinois 60426

Subject: 567 I.A.C. Chapter 133 Review of the Phase II Site Assessment Report, Addendum to Site Assessment Report and Response Action Completion Report for the Clarion Hotel site in Davenport, Iowa.

Dear Mr. Mahajan:

The Contaminated Sites Section of the Iowa Department of Natural Resources (IDNR) has reviewed the above-mentioned reports for the Clarion Hotel site in Davenport, Iowa, according to 567 I.A.C. Chapter 133 as requested in the April 11, 2005 letter. Comments are presented below, followed by a conclusion.

Comment 1: For your information, the Supreme Court of Iowa's March 29, 1995, decision No. 93-807 addressed hazardous condition liability issues. This decision is referred to as the "Blue Chip" decision. Among other things, the Blue Chip decision declared that a current owner who did not actively contribute to contamination could be held liable for the cost of investigation, evaluation, and development of a remedial plan (but not the actual remediation). Groundwater sampling data indicates that the source of groundwater is offsite, without evidence of contribution to groundwater contamination onsite, therefore you are not responsible for cleanup costs related to the offsite source.

Comment 2: The contaminated soil appears to be concentrated in the fill on the site, above the groundwater table. The contamination levels for lead and benzo (a) pyrene are above statewide standards, however they do not appear to pose a leaching threat to groundwater. Maintaining the parking lot as a technological control will help sever soil exposure pathways.

**Conclusion.** Based on the site investigations and sample results, the IDNR will require no further action at this site. You may record institutional controls for this site, such as maintaining the parking lot and prohibiting water well installations, however they are not required.

Please feel free to call me with any questions at 515/242-5241.

Sincerely,

Greg Fuhrmann  
Geologist  
Land Recycling Program  
Contaminated Sites Section

cc: Robert L. Mankowski, Environmental Protection Industries  
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