IOWA DEPARTMENT OF NATURAL RESOURCES
IOWA LAND RECYCLING PROGRAM
PARTICIPATION AGREEMENT

I. RECITALS

WHEREAS, the following participants ("the participants") in the Iowa Land Recycling Program (LRP) and the Iowa Department of Natural Resources ("the department") enter into this agreement as required by Iowa Code section 455H.107(2) and in accordance with administrative rule 567 Iowa Administrative Code (IAC) 137.3(4).

WHEREAS, Iowa Code chapter 455H grants participants certain benefits, privileges and immunities as well as establishing certain obligations. Only those parties who have entered into this agreement shall be considered "participants" as defined in Iowa Code section 455H.103(10) and entitled to those benefits, privileges and immunities. Parties may be removed from this agreement by withdrawal or upon final agency action terminating enrollment in accordance with department rules 567 IAC 137.3(6) - (8). Parties may be added to this agreement by written consent of all participants or a determination by the department that the party meets the criteria for consideration as a participant as defined in Iowa Code section 455H.103(10).

WHEREAS, an essential purpose of this agreement is to establish a general understanding between the participant(s) and the department as to the scope of the project being undertaken by the participants and a general set of mutual expectations. To the extent possible at the time of entering into this agreement, the parties are expected to reach an understanding on such issues as what contaminants associated with what known or suspected sources within the affected area are to be addressed and are not to be addressed, the scope of expected liability protection arising out of participation in the LRP, and any barriers the parties foresee in completion of the environmental project and the planned reuse of the affected area.

II. PARTICIPANTS

The following parties to this agreement are participants:

Person/organization, Address, City, State:

City of Maquoketa
Attn. Brian Wagner, City Manager
City Hall, 201 East Pleasant Street
Maquoketa, Iowa 52060

III. TERMS

1. The participants shall grant the department and all authorized representatives reasonable access to the affected area as defined in Iowa Code section 455H.103(1) in order to fulfill

regulatory duties including but not limited to site inspections and oversight of all response actions conducted by participants or their agents and surface or subsurface site investigation and response actions related to any suspected contaminants.

2. The participants shall be jointly and severally responsible to reimburse the department for actual costs assessed in accordance with department subrule 137.3(3). The participants also agree to allocate the costs of reimbursement amongst themselves according to the method as described in the attached **Exhibit A** but in doing so do not relieve themselves of their joint and several liability to the department for full reimbursement.

IV. CERTIFICATION OF FINANCIAL ABILITY

1. The participants certify they have obtained an estimate from a qualified groundwater professional of the costs of completing the site assessment and risk evaluation/response phase for the affected area in accordance with chapter 567 IAC 137 based on currently available information. Further, the participants certify they have the financial means to complete the site assessment and risk evaluation/response phase of this project based on this initial estimate and have entered into a legally enforceable contract with the following qualified professional, Ryan Peterson, IGP No.1966, IMPACT7G. Further, the participants certify that if costs of completion of this response action is to be allocated amongst participants, this allocation has been specified and made part of a legally binding contractual agreement.

2. Unless the cost of response action and demonstration of compliance leading to a no further action classification can be reasonably estimated at the time of execution of this agreement, the participants agree to amend this agreement, and provide certification of financial ability upon approval of a response action. If the participants choose to expedite response action without prior review and approval of the department as provided in subrule 567 IAC 137.9(8), they agree to provide financial certification prior to or within a reasonable time after notice to the department of expedited response action.

3. The participants agree to notify the department in writing and at the earliest practicable date if they have reason to believe they will not be able to complete response actions in accordance with chapter 567 IAC 137 and this certification.

V. SCOPE OF PROJECT

1. The participants have discussed and corresponded with the department project manager and agree to the following project description:

> *a. A general description of the contaminants expected to be evaluated and those known or suspected contaminants, sources and probable locations which the participants do not expect to evaluate.*

The subject site has a history of being used for industrial purposes in the manufacture of small internal combustion engines. The facility on the subject site included a foundry, machine shops, cast and painting operations.

A review of the previous investigation information indicates presence of VOCs that are consistent with solvents used in manufacturing operations at this site. The contaminations detected are in the adsorbed and dissolved phase at the locations previously sampled. Based on concentrations reported, light non-aqueous phase liquids (LNAPLs) have the potential to exist, based on the groundwater concentration of toluene (672 mg/l) from B-6, which is greater than the solubility limits of toluene in water (approximately 515 mg/l). None of the other VOCs detected indicate potential presence of LNAPLs ("floaters") or dense non-aqueous phase liquids (DNAPLs-"sinkers") solvents such as trichloroethene (TCE). Other VOCs detected above Statewide Standards for a non-protected groundwater source (in groundwater samples from 2006) include: trichloroethene (TCE); cis-1,2-dichloroethene (cis-1,2-DCE); and vinyl chloride. Determination of a non-protected groundwater source was previously determined and appears applicable to the shallow sediments.

Dense solvents such as TCE have the ability to migrate vertically through saturated sediments. It appears monitoring wells installed are shallow (all less than 20') except for MW-13, which was installed to a depth of 25 feet, (as well as B-9). Approximately 18-20 feet of "clay/silt" deposits fill and then "clay/silt" deposits were documented, grading to and followed by medium grained sand deposits. The water levels were measured to be between 10' and 15' below grade depending on location. There appears to be hydraulic connectivity between the saturated "clay/silt" deposits and the saturated "sand" that was deposited beneath the clay/silt sediments shown to be present below a depth of 20'. Further hydraulic conductivity testing is planned to evaluate the classification of the groundwater below the silt/clay deposits.

The sources of contamination detected at the site appear to be concentrated in two areas at the site. The first area is near the southeast corner of the current Clinton Engines museum where monitoring well MW-10 is located. This area is just north of the former machine shop area and paint booth locations. The second area is in the northeast portion of the property, where a concrete pad existed, and where monitoring well MW-15 is shown to exist.

b. A general description of the affected area including areas which are not currently within the control of the participants or for which access agreements have not been obtained.

Currently the City of Maquoketa and the Jackson County Historical Society maintain control of the property enrolled in the LRP. Soil and groundwater sampling was formerly conducted downgradient of the subject site. The off site assessment activities did not indicate the presence of contaminants of concern.

Generally the assessment area involves the two detected source areas of contamination. The first area is near the southeast corner of the current Clinton Engines museum where monitoring well MW-10 is located. This area is just north of the former machine shop area and paint booth

locations. The second area is in the northeast portion of the property, where a concrete pad existed, and where monitoring well MW-15 is located.

c. A timetable for initiation of site assessment and submittal of assessment work plans and reports. If the participants intend to proceed with or have begun expedited site assessment in accordance with 567 IAC 137.8(2) and (5), please attach a copy of the required notice of expedited action.

The work plan was previously submitted and accepted by the IDNR.

d. A projected timetable for each phase of the proposed project and any outlying deadlines applicable to property development objectives.

Please see attached table.

VI. CONSTRUCTION

1. Words and phrases in this document shall be interpreted consistent with meanings and definitions as used in Iowa Code Chapter 455H and Chapter 567 IAC 137.

Brian Tomey _____ Dated this 17th day of December, 2012
Iowa Department of Natural Resources

By:

Participant Signatures:

Brian Wagner _____ Dated this 17th day of December, 2012
City of Maquoketa

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Exhibit A

Action/Documents	Timetable
Participation Agreement	December 2012
Site Assessment Activities	Spring 2013/Summer 2014
1st Public Notice – Applicant submits names and addresses of adjacent property owners to DNR; DNR will send out certified letters informing the property owners of investigation	Spring 2013
Site Assessment Report	Fall/Winter 2014
DNR Review	Fall/Winter 2014
Risk Evaluation/Response Action	Spring/Summer 2014
DNR Review	Spring/Summer 2014
Draft Environmental Covenant	Summer/Fall 2014
2nd Public Notice- Summary of site conditions and response actions published in a local paper (completed by DNR)	Summer/Fall 2014
Completed and Recorded EC	Fall/Winter 2014
Final Report	Winter 2014
DNR Review	Winter 2014
NFAC (DNR)	Winter 2014
Well Abandonment	Spring 2015