

When recorded return to:  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
Attention: Voluntary Program Coordinator  
168 North 1950 West  
Salt Lake City, Utah 84116



**RE: Northern Half of the Former Marsac Mill Site (now Old Town Transit Center), 558 Swede Alley, Park City, Utah, Summit County (VCP #CO19)**

## **CERTIFICATE OF COMPLETION**

### **1. Compliance with Terms of Voluntary Cleanup Program**

The Executive Director of Utah Department of Environmental Quality (UDEQ), through her undersigned designee below, has determined that Park City Municipal Corporation (PCMC), hereinafter collectively referred to as "Applicant," has completed a Utah Department of Environmental Quality supervised voluntary cleanup of the real property described in Attachment A (the "Property"), in accordance with sections 19-8-108 and 19-6-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on January 19, 2000, and that Park City Municipal Corporation (PCMC) is granted this Certificate of Completion ("COC") pursuant to section 19-8-111, subject to the conditions set forth in paragraph three below.

### **2. Acknowledgment of Protection From Liability**

Excluding ground water contamination, this COC acknowledges protection from liability provided by section 19-8-113 of the Utah Code Annotated to an Applicant who is not responsible for the contamination under the provisions listed in subsection 19-8-113(1)(b) at the time the Applicant applies to enter into a voluntary cleanup agreement, and to future owners who acquire property covered by this COC and to lenders who make loans secured by the property covered by the COC.

As set forth in section 19-8-113, this release of liability is not available to an owner or lender who was originally responsible for a release or contamination, or to an owner or lender who changes the land use from the use specified in the COC, if the changed use or uses may reasonably be expected to result in increased risks to human health or the environment or to an owner or lender who causes further releases on the Property. Also, there is no release from liability if the COC is obtained by fraud, misrepresentation or the failure to disclose material information.

Finally, protection from liability is limited to contamination that may reasonably be expected to be related to the former Marsac Mill Site (now the Old Town Transit Center) as identified in the Site Investigation Report and subsequent documents related to the investigation and cleanup of the Property.

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ALAN SPRIGGS, SUMMIT CO RECORDER  
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REQUEST: UTAH DEPT OF ENVIRONMENTAL QUAL

All documents discussed in this COC are on file and may be reviewed at the Department of Environmental Quality (UDEQ), Division of Environmental Response and Remediation (DERR) office.

### **3. Specified Land Use for Certificate of Completion**

Depending upon the use of the Property, different investigation and cleanup requirements are imposed before a COC is issued through the Voluntary Cleanup Program. This COC is issued based upon the Applicants' representation that the proposed Intermodal Transit Site will consist of a 2,500 square foot intermodal transit building with bus stalls, parking stalls, and a pedestrian waiting area.

The future land use of this site will be consistent with the industrial/commercial worker exposure scenario as described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. The industrial/commercial worker exposure scenario is described as: exposure to adults to incidental ingestion and dermal contact to hazardous constituents for a duration of 25 years at a frequency of 250 days/year for 8 hours/day. UDEQ and the Applicant anticipate the type of future uses to be limited to commercial uses.

Commercial industries that include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the facility are not anticipated as future uses of the site. Commercial industries that would expose children to hazardous constituents at the site for extended periods of time (such as day care and school facilities) are also not anticipated as future uses of the site. UDEQ and the Applicant do not anticipate residential uses. Uses that are not anticipated as stated above would be inappropriate and unacceptable for this site. Additional investigation and possible remediation would be required and the COC amended to allow for uses that are not anticipated.

Ground water is not anticipated to be used on site for drinking water nor irrigation. PCMC provides drinking water through its municipal drinking water system, and manages this system through their drinking water department.

Regionally, the ground water has been impacted by various mining operations throughout the city and the surrounding canyons. The SARR (Site Inspection Analytical Results Report, AGRA 2000) identified various historical land use areas surrounding the site with potential to contribute to any adverse impact to the site ground water. These areas include the tailings disposal areas from the Ontario Smelter. The disposal areas were situated immediately south of the site. The Ontario Smelter itself was situated further south of the site. Additional areas include the ore train railroad track bed which traveled along Ontario Avenue, the old streambed of "Poison Creek" immediately west of the site along Swede Alley, and the old Park City Silver Mine Smelter approximately 1,000 feet north of the site.

A site hydrogeology study and report were initiated to determine the extent of impact the contaminated soils from this site may have had on the shallow and deeper ground water aquifers. UDEQ assessed that the report was insufficient to delineate whether this site specifically contributed to the regional ground water contamination suspected in the localized aquifer.

Based upon the known historical activities both at and surrounding this site, UDEQ, US EPA, and the Applicant concluded that ground water concerns could not be alleviated at this individual site or others, and were best addressed as a regional issue under the Upper Silver Creek Watershed study. UDEQ proposed, and the applicant agreed, to remove ground water from coverage under this Certificate of Completion (DERR internal memorandum, July 20, 2000).

In addition, this Certificate of Completion is issued based upon all beneficiaries remaining in compliance with this document as well as the applicable portions of the Site Management Plan ("SMP") dated December 6, 2002. The COC and SMP, require, among other things, the following:

- a. The Property to be used in manner that is consistent with the land use described above;
- b. Inspections of the site be conducted with inspection reports delivered to DERR as required as part of the SMP;
- c. Ground water from the shallow and deeper aquifer located beneath the Property shall not be accessed or used via wells, pits, sumps or other means for the purpose of irrigation, drinking, and bathing except as expressly authorized in writing by the Utah Department of Environmental Quality;
- d. Compliance with the contingency plan (Section 7.0 of SMP) in the event that impacted material capped on site is released or exposed, or the caps themselves are intruded through outside of normal operation and maintenance activities as covered under the SMP;
- e. Continued reimbursement to the Utah Department of Environmental Quality for its oversight of the SMP and review of quarterly and yearly inspection reports submitted thereunder;
- f. Continued consent to access by the Utah Department of Environmental Quality to monitor compliance with the SMP and;
- g. Implementation and compliance with the Site Management Plan which will be used to maintain the protectiveness of the caps applied to the site and to control the future redevelopment of the site.

#### **4. Unavailability of Release of Liability**

Use of the Property that is not consistent with paragraph three or failure to comply with the required SMP described in paragraph three shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability described in

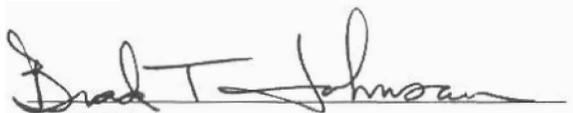
paragraph two unavailable. Also as described above, there is no release for contaminated ground water.

**5. Amended Certificate of Completion**

Upon completion of the SMP, the Applicant, current or future owners or lenders may request the Utah Department of Environmental Quality to record an amended COC to delete compliance with the SMP as a condition of land use.

**6. Approval Signature**

Dated this 19<sup>th</sup> day of FEBRUARY, 2003



Brad T Johnson  
Authorized Representative of the  
Executive Director of the  
Utah Department of Environmental Quality

STATE OF UTAH \_\_\_\_\_)

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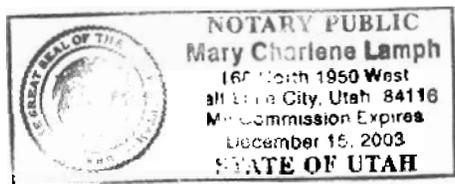
COUNTY OF (Salt Lake)

On this 19 day of Feb., 2003, personally appeared before me, Brad T. Johnson who duly acknowledged that he/she signed the above Certification of Completion as an authorized representative of the Executive Director of the Department of Environmental Quality.

  
NOTARY PUBLIC

Residing At: Salt Lake

My Commission Expires Dec. 15, 2003



# **ATTACHMENT A.**

## **Legal Property Description**

## SURVEYOR'S CERTIFICATE

I, John Demkowicz, certify that I am a Registered Land Surveyor and that I hold Certificate No. 163931, as prescribed by the laws of the State of Utah, and that by authority of the owner(s), I have prepared this Record of Survey map of the Marsac Transit Center and that the same has been or will be monumented on the ground as shown on this plat.

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John Demkowicz

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Date

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## BOUNDARY DESCRIPTION

A parcel located in the southeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian, and also located in the Amended Park City Townsite plat, according to the official plat on file with the Summit County Recorder's Office.

Beginning at a point on the southerly right-of-way line of platted Heber Avenue and located South 89°58'40" East along the center of section line 272.84 feet and South 165.42 feet from the southwest corner of the southeast quarter of the northeast quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian; and running thence along the southerly right-of-way line of platted Heber Avenue South 81°17'00" East 100.21 feet; thence along the westerly right-of-way line of platted Marsac Avenue South 23°38'00" East 571.42 feet; thence South 66°22'00" West 98.00 feet; thence South 66°34'00" West 101.95 feet; thence North 23°17'00" West 358.22 feet to a point on a 326.00 foot radius curve to the right, of which the radius point bears North 66°43'00" East; thence along the arc of said curve 182.07 feet through a central angle of 32°00'00"; thence North 08°43'00" East 86.94 feet to a point on a 136.00 foot radius curve to the right, of which the radius point bears South 81°17'00" East; thence along the arc of said curve 26.10 feet through a central angle of 10°59'47" to the point beginning.

Description contains 2.56 acres.