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AUG 5 2010

Environmental Response &  
Remediation

When recorded return to:  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
Attention: Voluntary Program Coordinator  
Post Office Box 144840  
Salt Lake City, Utah 84114-4840

11014038  
08/19/2010 02:24 PM \$0.00  
Book - 9850 Pg - 6377-6383  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST ENVIRONMENTAL QUALITY  
PO BOX 144840  
SLC UT 84114  
BY: NEH, DEPUTY - MA 7 P.

RE: **Former Welby Rail Yard (VCP #C047)**  
4300 West 9000 South, West Jordan, Salt Lake County, Utah

## CERTIFICATE OF COMPLETION

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

The Executive Director of Utah Department of Environmental Quality, through her undersigned designee below, has determined that Union Pacific Railroad, hereinafter referred to as "Applicant," has completed a Utah Department of Environmental Quality (UDEQ) supervised voluntary cleanup of the real property described in Attachment A (the "Property" or the "Site"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on July 6, 2006, and amended February 9, 2010, ("Agreement") and that the Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111, subject to the conditions set forth in section three below. A figure depicting the Site is included in Attachment B.

### 2. Acknowledgment of Protection From Liability

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 be related to the Site as identified in documents outlining the investigation and cleanup of the Site.

SCANNED

DERR 2010-011519

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

This COC is issued based upon the Applicant's representation that the Property will be used for industrial or commercial uses. In addition, the future land use 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 duration of 25 years at a frequency of 250 days/year for 8 hours/day.

This COC is not issued for use of the Property for commercial or industrial uses that include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the Site. Land uses 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 approved as future uses of the Site. Residential uses are not approved. Uses that are not approved as stated above would be inappropriate and unacceptable for this Site. Additional investigation and possible remediation would be required and the Agreement/COC amended before the Site could be used for uses that are not approved.

This COC is issued based upon the Applicant's representation that groundwater will not be accessed via wells, pits or sumps for drinking water, bathing and/or irrigation purposes.

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

Use of the Property that is not consistent with Section 3 including failure to comply with provisions of this COC 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 Section 2 unavailable.

### **5. Availability of Records**

All documents discussed in this COC are on file and may be reviewed by contacting the UDEQ/Division of Environmental Response and Remediation (DERR) office located at 195 North 1950 West, Salt Lake City, Utah.

SCANNED

DERR

6. Final Signature

Dated this 29<sup>th</sup> day of July 2010.

Brent H. Everett

Brent H. Everett, Director  
Division of Environmental Response and Remediation  
And Authorized Representative of the  
Executive Director of the Utah  
Department of Environmental Quality

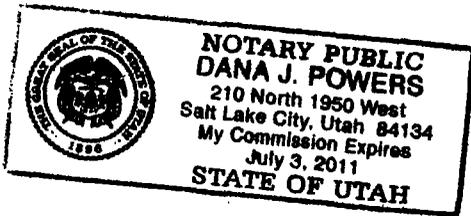
STATE OF UTAH \_\_\_\_\_)

:SS.

COUNTY OF SALT LAKE )

On this 29 day of July, 2010, personally appeared before me, Brent Everett

who duly acknowledged that he signed the above Certification of Completion as an authorized  
representative of the Executive Director of the Utah Department of Environmental Quality.



Dana Powers  
NOTARY PUBLIC

Residing At: SALT LAKE CITY

My Commission Expires 7-3-2011

# **ATTACHMENT A.**

## **Legal Property Description**

## Former Welby Rail Yard VCP Site

4300 West 9000 South, West Jordan, Salt Lake County, Utah

### Legal Property Description:

The following provides a metes and bounds legal description of the Former Welby Rail Yard enrolled in the Voluntary Cleanup Program by Union Pacific Railroad. The metes and bounds are generally as recorded by the Salt Lake County Assessor's office for the two parcels that combined, make up this Site. This Legal Description does not include the right-of-way which has been removed from the Voluntary Cleanup Program.

Parcel 27065010060000 is a triangular parcel that adjoins the east side of the railroad right-of-way and covers the former location of the turntable.

### Tax ID#: 27-06-501-006 Legal description

BEG 37.5 FT E FR N 1/4 COR OF SEC 6, T 3S, R 1W, S L M; E 686 FT; S 1976.6 FT TO E'LY BNDRY OF PRESENT R OF W; N 20° 47' W 1359.4 FT; N 69° 13' E 60 FT; N 20° 47' W 732 FT TO BEG. 16 AC M OR L.

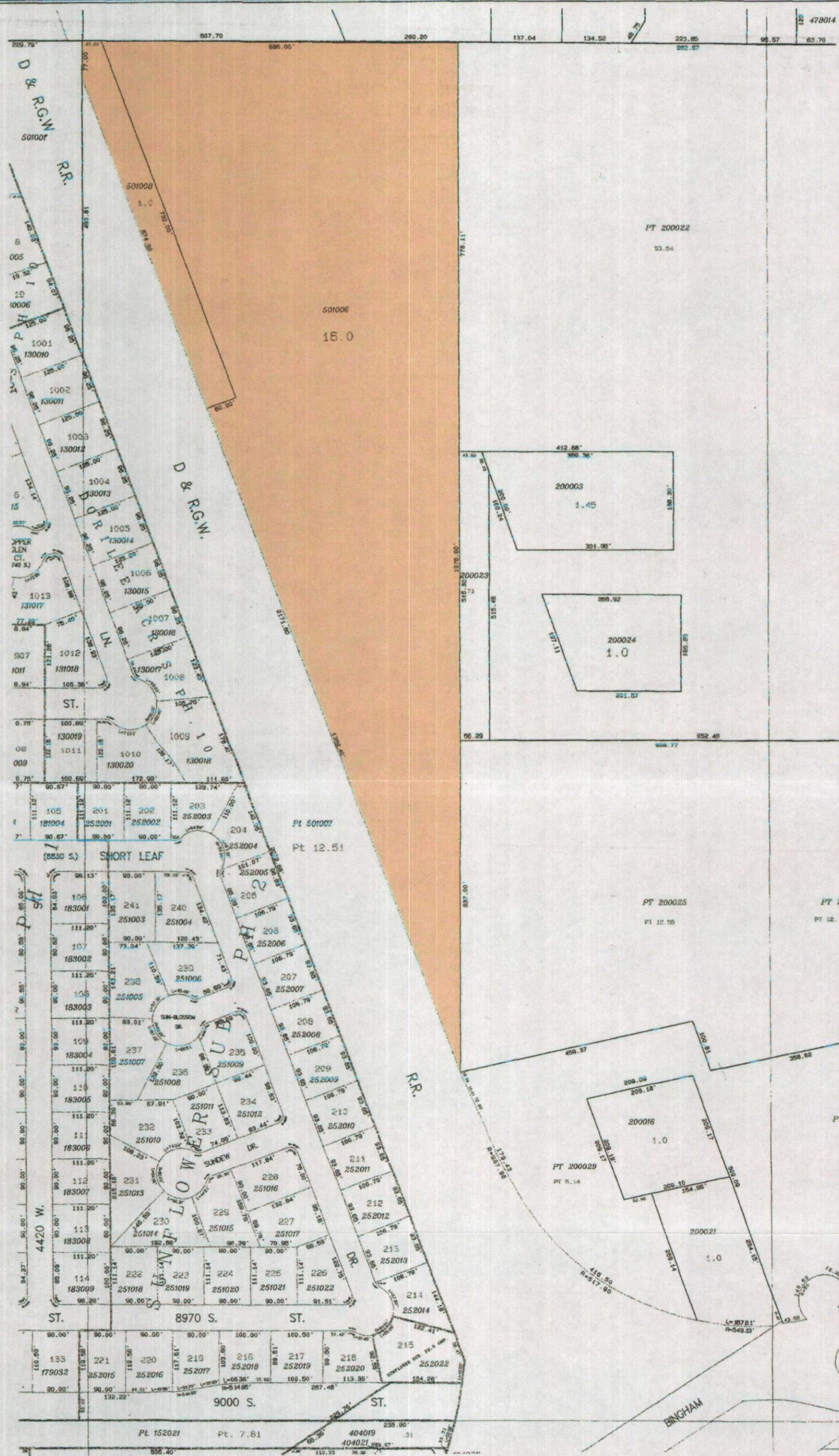
Parcel 27065010080000 is a rectangular parcel that adjoins the west side of the triangular parcel.

### Tax ID#: 27-06-501-008 Legal description

BEG AT N ¼ COR OF SEC 6, T 3S, R 1W, SLM; E 36 FT M OR L; S 20°47' E 732 FT M OR L; S 69°13' W 60 FT; N 20°47' W 674 FT M OR L; N 77 FT M OR L TO BEG. 1.0 AC M OR L.

# **ATTACHMENT B.**

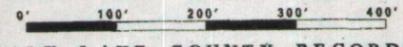
## **Site Map**



Adjacent Plats

213132	213141
270612	270622
270632	270642

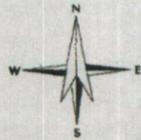
W. 1/2 N.E. 1/4 SEC.06 T.3S. R.1W.



PREPARED BY SALT LAKE COUNTY RECORDER - GARY OTT  
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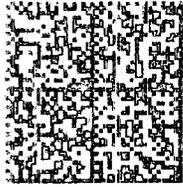
This map is not intended to represent actual physical property lines. In order to establish exact physical boundaries a survey of the property may be necessary

27-06-21



**GARY W OTT**  
SALT LAKE COUNTY R

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2001 SOUTH STATE STREET  
SALT LAKE CITY, UT 84190-1150



Postnet

012H16212374

**\$0 1.050**

08/24/2010

Mailed From 84190

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