

When recorded return to:
Utah Department of Environmental Quality
Division of Environmental Response and Remediation
Attention: Voluntary Program Coordinator
168 North 1950 West, 1st Floor
Salt Lake City, Utah 84116

Mr. Gary L. Honeyman, Manager
Environmental Site Remediation
Union Pacific Railroad
221 Hodgeman
Laramie, WY 82072

RECEIVED

DEC 10 2007

DEQ
Environmental Response & Remediation

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Book - 9543 Pg - 5263-5271
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UT-4
UDEQ/DERR
PO BOX 144840
SLC UT 84114-4840
BY: KLD, DEPUTY - WI 9 P.

**RE: Northwest Oil Drain UPRR North Yard (VCP# C035),
formerly known as the Northwest Oil Drain Railyard Segment**

CERTIFICATE OF COMPLETION

1. Compliance with Terms of Voluntary Cleanup Program

The Executive Director of the Utah Department of Environmental Quality, through his undersigned designee below, has determined that Union Pacific Railroad Company, hereinafter referred to as the "Applicant," has completed a Utah Department of Environmental Quality ("UDEQ") supervised voluntary cleanup of the real property described in Attachment A (the "Property"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on August 27, 2004. The Applicant 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

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 applied 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 Property.

3. Specified Land Use for Certificate of Completion

This COC is issued based upon the Applicant's representation that the Property will be used as a waterway to convey storm and wastewater to the Great Salt Lake. The Property will also be used for commercial or industrial purposes consistent with the commercial/industrial worker exposure scenario described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. The commercial/industrial exposure scenario is defined as exposure to adults to incidental ingestion and dermal contact to hazardous constituents for duration of 25 years at a frequency of 250 days a year for eight hours a day. The cleanup goals were established by comparing the analytical data to established cleanup goals for human health exposures and ecological receptors.

Future uses of the Property that were represented in the Voluntary Cleanup Application and approved included the conveyance of storm and wastewater to the Great Salt Lake and commercial or industrial uses. This COC is not issued for use of the Property for managed care facilities, hospitals, residential use (including caretakers that live on the Property), or for day care and school facilities. Uses that are not anticipated as stated above would be inappropriate and unacceptable for the Property. Additional investigation and possible remediation would be required, and the COC amended to allow for those uses. Since those uses were neither represented nor approved, they would nullify the release of liability and coverage of this COC described in paragraph two above.

In addition, this COC is issued based upon all beneficiaries remaining in compliance with the COC, as well as the Site Management Plan (SMP), dated September 12, 2007. The COC and SMP, among other things, require:

- a. The Property to be used in manner that is consistent with the land use described in paragraph three above;
- b. Non-use of groundwater located beneath the Property via wells, pits, sumps or other means for the purpose of irrigation, drinking or bathing;
- c. The Applicant to ensure the Site Management Plan is implemented as proposed; and to comply with the UPRR North Yard Ditch Remediation, Settlement, and Release Agreement, recorded November 05, 2003 by the Salt Lake City Recorder;
- d. Notify the DERR of any Operation and Maintenance activities;
- e. Notify the DERR in the event that modifications are required to the existing remedial design;
- f. Employees and contractors conducting operations and maintenance activities within the open segments of the NWOD are required to comply with federal, state, and local health and safety regulations, and must put in place a Health and Safety Plan with an emergency response/ contingency plan;
- g. Prior to excavation activities, a site management plan will be prepared to detail procedures for managing and disposing of sediments; it must also cite what will be

done to prevent downstream impacts and what response will be taken if a sheen is noticed in the drain;

- h. Continued reimbursement to the Utah Department of Environmental Quality for its oversight of activities under the SMP; and
- i. Continued consent to access by the Utah Department of Environmental Quality to monitor compliance with the SMP.

4. Unavailability of Release of Liability

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

5. Amended Certificate of Completion

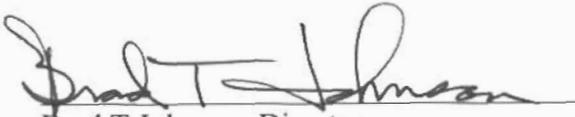
Upon completion of the SMP, the Applicant, current or future owners or lenders may request the Utah Department of Environmental Quality to record an amended COC to delete compliance with the SMP as a condition of land use.

6. Availability of Records

All documents discussed in this COC are on file and may be reviewed at the UDEQ/Division of Environmental Response and Remediation (DERR) office located at 168 North 1950 West, Salt Lake City, Utah.

7. Final Signature for Northwest Oil Drain UPRR North Yard Certificate of Completion

Dated this 26th day of NOVEMBER, 2007



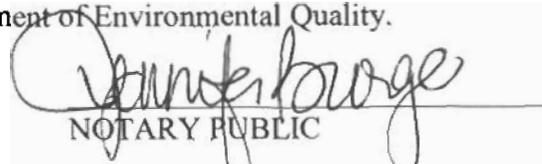
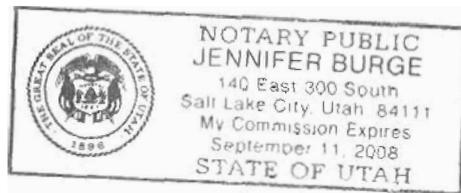
Brad T Johnson, Director
Division of Environmental Response and Remediation
And Authorized Representative of the
Executive Director of the
Utah Department of Environmental Quality

STATE OF UTAH)

SS:

COUNTY OF SALT LAKE)

On this 26 day of November, 2007, personally appeared before me Jennifer Burge
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: SAC, UT

My Commission Expires 9-11-08

Attachment(s): Attachment A: Legal Property Description
Attachment B: Map of UPRR Segment

ATTACHMENT A

Northwest Oil Drain
Union Pacific Railyard North
Legal Property Description

Survey of UPRR portion of Northwest Oil Drain

TO: Elizabeth Yeomans / UDEQ
COPIES: Gary Honeyman / UPRR
FROM: Hoyt Sutphin / CH2M HILL
DATE: October 19, 2007

The attached legal description covers the segment of the Northwest Oil drain that was addressed by Union Pacific Railroad under the Voluntary Cleanup Program (upstream ditch segment of the Northwest Oil Drain, Site # 035).

The ditch segment is irregular in shape and not contained in a specific parcel. It crosses through the 14 individual Property Tax ID parcels listed below (generally arranged from north to south).

0826501027
0826501029
0826501031
0825501003
0825501004
0825501005
0825501008
0825501009
0825501010
0825501011
0825501012
0825501013
0836501011
0836501004

NORTHWEST OIL DRAIN EASEMENT DESCRIPTION

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 25 AND THE SOUTHEAST QUARTER OF SECTION 26 AND THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 1 NORTH, RANGE 1 WEST, SALT LAKE BASE AND MERIDIAN

BEGINNING AT A POINT ON THE SOUTHERLY BANK OF AND OF THE EXISTING NORTHWEST OIL DRAIN DITCH, SAID POINT BEING SOUTH 3194.03 FEET AND EAST 1285.79 FEET FROM THE WEST QUARTER CORNER OF SECTION 25, AND RUNNING:

THENCE, N.86°52'16"W. 65.64 FEET TO A CURVE TO THE RIGHT HAVING A RADIUS OF 50 FEET; THENCE, ALONG SAID CURVE 56.63 FEET, LONG CHORD BEARS N 54°25'32"W. 53.65 FEET; THENCE, N.20°54'35"W. 412.09 FEET; THENCE, N.19°25'13"W. 122.89 FEET; THENCE, N.20°42'55"W. 82.88 FEET; THENCE, N.28°48'38"W. 127.64 FEET; THENCE, S.59°40'57"W. 2.53 FEET; THENCE, N.30°19'03"W. 2174.98 FEET; THENCE, N.42°20'52"W. 27.96 FEET; THENCE, S.76°09'25"W. 113.56 FEET; THENCE, S.13°50'35"E. 4.00 FEET; THENCE, S.89°41'06"W. 93.37 FEET; THENCE, N.70°25'31"W. 60.55 FEET; THENCE, S.74°41'46"W. 54.83 FEET; THENCE, N.86°30'35"W. 25.32 FEET, MORE OR LESS TO THE EAST LINE OF THE GRANITE CONSTRUCTION COMPANY PROPERTY; THENCE, ALONG SAID EAST LINE, N.15°07'49"W. 25.33 FEET; THENCE, S.86°30'35"E. 29.43 FEET; THENCE, N.74°41'46"E. 58.39 FEET; THENCE, S.70°13'05"E. 64.74 FEET; THENCE, N.89°47'30"E. 82.83 FEET; THENCE, S.13°50'35"E. 4.00 FEET; THENCE, N.76°09'25"E. 132.18 FEET; THENCE, S.42°20'52"E. 35.67 FEET; THENCE, S.30°19'03"E. 2177.51 FEET; THENCE, S.59°40'57"W. 5.46 FEET; THENCE, S.28°48'38"E. 129.19 FEET; THENCE, S.20°42'55"E. 84.19 FEET; THENCE, S.19°25'13"E. 117.83 FEET; THENCE, S.21°59'34"E. 381.38 FEET; THENCE, S.21°58'48"E. 51.69 FEET; THENCE, S.86°52'16"E. 82.17 FEET; THENCE, S.03°07'44"W. 24.00 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 76,735 SQ. FT.. OR 1.76 ACRES, MORE OR LESS.

ATTACHMENT B

Northwest Oil Drain
Union Pacific Railyard North
Map of UPRR Segment



Source: Olympus Aerial Photo, May 31, 2000
 (UPORAINS.TIF)

TITLE: **Current NWOD Configuration**

Salt Lake City, Utah
 April, 2005

FIGURE
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