

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

Ent: 376677 - Pg 1 of 8
Date: 11/01/2012 11:11 AM
Fee: \$0.00
Filed By: CP
Jerry M. Houghton, Recorder
Tooele County Corporation
For: STATE OF UTAH

**RE: Former Western Pacific Railroad Yard Site (VCP #C048)
9th Street & Pequop Avenue, Wendover, Tooele County, Utah**

CERTIFICATE OF COMPLETION

RECEIVED

NOV 06 2012

Environmental Response &
Remediation

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 "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 13, 2006. 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. 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 applied to enter into a voluntary cleanup agreement, and to future owners who acquire the 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 knowing failure to disclose material information.

Finally, protection from liability is limited to contamination identified in the documents related to the investigation and cleanup of the Property.

SCANNED

DERR

2012-008541

3. Specified Land Use for Certificate of Completion

The future land use of this Site will be industrial or commercial use, 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 of 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. Future uses of the Site will be limited to commercial/industrial uses.

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 are not approved as future uses of 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 Voluntary Cleanup Agreement/COC amended before the Site could be used for uses that are not approved.

In addition, this COC is issued based upon compliance with the Site Management Plan ("SMP"), dated September 2012. Among other things, the COC and SMP require:

- a. The Property shall be used in a manner that is consistent with the land use described in section three above;
- b. Compliance with the SMP, including routine inspection of the engineering controls placed over the on-site capped area and submission of inspection results to UDEQ, Division of Environmental Response and Remediation ("DERR") for review;
- c. Non-use and non-access to groundwater located beneath the Property via wells, pits, sumps, or other means for the purpose of irrigation, drinking, or bathing;
- d. Implementation and compliance with the Environmental Covenant ("EC") recorded with the Tooele County Recorder on September 13, 2012, Entry No. 374614 – Page 1 of 13;
- e. Continued reimbursement to the UDEQ/DERR for its oversight of the EC and SMP; and
- f. Continued consent to access by the UDEQ/DERR to monitor compliance with the EC and SMP.

4. Unavailability of Release of Liability

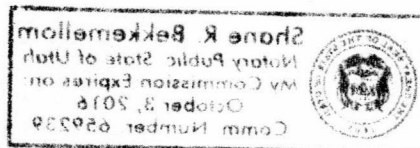
Use of the Property that is not consistent with section three above, including failure to comply with the SMP and/or EC and provisions of this COC, shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability described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

5. Amended Certificate of Completion

There is no expectation that SMP compliance will cease to be a condition of this COC so long as contaminated soils remain on the Site above levels protective for unrestricted land use. Further remediation under the VCP would be needed to qualify for a new or amended COC that does not include 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 DERR offices located at 195 North 1950 West, Salt Lake City, Utah.



7. Final Signature for Former Western Pacific Rail Yard Certificate of Completion

Dated this 29th day of October 2012.

Brent H. Everett

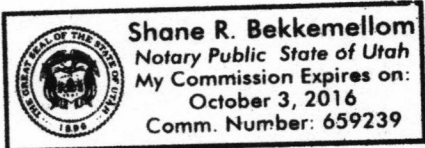
Brent H. Everett, Director
Division of Environmental Response and Remediation
And Authorized Representative of the
Executive Director of the Utah
Department of Environmental Quality

STATE OF UTAH _____)

:ss.

COUNTY OF Salt Lake _____)

On this 29th day of October, 2012, personally appeared before me, Brent H. 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.



Shane R. Bekkemellom
NOTARY PUBLIC

Residing At: Cottonwood
Heights, Utah

My Commission Expires October 3, 2016

ATTACHMENT A

Legal Property Description

Former Western Pacific Rail Yard VCP Site

9th East & Pequop, Wendover, Tooele County, Utah

Legal Property Description:

The following provides a metes and bounds legal description of the Former Western Rail Yard enrolled in the Voluntary Cleanup Program by Union Pacific Railroad.

Tax ID#: 98-000-0-0025 Legal description

Exhibit "A": Being a part of the southwest quarter of Section 17, Township 1 South, Range 19 West, Salt Lake Base and Meridian, Wendover City, Tooele County, Utah:

Beginning at the southeast corner of Block 16, Wendover Plat "A", said point being S.88°29'02"E., along the section line as monumented, 927.24 feet and N.1°30'58"E. 497.91 feet from the southwest corner of said Section 17, and running: thence N.24°06'19"W., along the east line of said Block 16, 269.89 feet, to the southwest corner of the West Plain Subdivision; thence N.65°53'41"E., along the south line of said subdivision, 652.48 feet, to the southeast corner thereof; thence N.88°06'58"E. 120.94 feet; thence N.79°55'17"E. 166.87 feet, to a point 25 feet distant from the center of an asphalt road (Pequop Street); thence along a line 25 feet distant northerly from the center of said asphalt road the following thirteen (13) courses:

1) S.07°43'20"W. 143.20 feet; 2) S.08°36'25"W. 47.38 feet; 3) S.14°48'53"W. 42.44 feet;
4) S.25°15'07"W. 49.38 feet; 5) S.45°01'35"W. 36.11 feet; 6) S.61°40'02"W. 47.74 feet;
7) S.66°24'57"W. 159.92 feet; 8) S.67°20'53"W. 89.50 feet; 9) S.66°38'47"W. 90.26 feet;
10) S.65°35'32"W. 108.26 feet; 11) S.66°12'44"W. 104.69 feet; 12) S.69°34'59"W. 46.66 feet; 13)
thence S.71°03'38"W. 80.92 feet; thence N.24°06'19"W. 44.18 feet, to the point of beginning.
Contains 269,094 square feet or 6.18 acres, more or less.

ATTACHMENT B

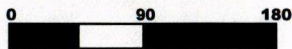
Site Map



Note: Already had surface soil at lower concentrations as a cover.



1 INCH EQUALS 90 FEET



- ① SURVEY LOCATION
Corners of cap material. Northing and Easting can be located on Table B-1.
- SAMPLE LOCATION BELOW INDUSTRIAL CLEANUP LEVELS
- ⊕ SAMPLE LOCATION ABOVE INDUSTRIAL CLEANUP LEVELS
Pb (Lead) = 800 ppm, As (Arsenic) = 160 ppm
(VALUE INDICATED IN BOLD)
- ▣ SOIL COVER AREAS
- ⌈⌋ SITE BOUNDARY WITH FENCE

FIGURE B-1
CAP MATERIAL SURVEY POINTS

SITE MANAGEMENT PLAN
UPRR FORMER WESTERN PACIFIC RAIL YARD, WENDOVER, UTAH