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Book - 10165 Pg - 1932-1939  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-ENVIRONMENTAL QUALITY  
PO BOX 144840  
SLC UT 84114-4840  
BY: LMH, DEPUTY - MA 8 P.

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

RE: **300 West Town Center (VCP # C060)**  
**1200 South 300 West, Salt Lake City, Utah**

## CERTIFICATE OF COMPLETION

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

The Executive Director of the Utah Department of Environmental Quality ("UDEQ"), through her undersigned designee below, has determined that Weingarten Miller Equiwest Salt Lake LLC, hereinafter referred to as "Applicant," has completed a UDEQ supervised voluntary cleanup of the real property described in Attachment A ("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 December 11, 2007 and amended on January 29, 2013. 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 Property is located 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 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 Section 3 of 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.

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AUG 14 2013

Environmental Response &  
Remediation

Page 1 of 4  
SCANNED

300 West Town Center  
VCP# C060

DERR 2013-006573

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

The future land use of this site will be commercial, 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 per year for 8 hours per day. Future uses of the Property will be limited to industrial/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 approved as future uses of the Property. Commercial industries that would expose children to hazardous constituents for extended periods of time, such as day care and school facilities, are also not approved as future uses of the Property. Residential uses are not approved. Uses that are not approved as stated above would be inappropriate and unacceptable for this Property. Additional investigation and possible remediation would be required and the Voluntary Cleanup Agreement/COC amended before the Property could be used for uses that are not currently approved.

Residual soil and groundwater contamination above site-specific risk based cleanup levels ("SSRBCLs"; established in the Baseline Risk Assessment Report dated June 16, 2008 and updated September 2011) remains at the Property, so the Applicant or its successors or assigns shall implement and maintain the appropriate monitoring, institutional control and risk management requirements outlined in the Site Management Plan, dated April 26, 2013, as may be amended from time to time ("SMP"). The SMP may be amended by filing an amendment thereto acceptable to the Executive Director.

This COC is issued based upon compliance with the SMP. Among other things, the COC and SMP require:

- a. The Property to be used in a manner consistent with the land use described in Section 3;
- b. 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;
- c. Compliance with the SMP including, but not limited to: groundwater monitoring, routine inspection of engineering controls, and submission of monitoring and inspection results to UDEQ for review;
- d. Implementation and compliance with the Environmental Covenants ("ECs") for the Property recorded with the Salt Lake County Recorder on July 2, 2013 in Book 10155 on pages 7987 - 8002 and in Book 10155 on pages 8003 - 8019;
- e. Compliance with the Contingency Plan (Section 8 of SMP), in the event site conditions change destabilizing contamination remaining in place within the DNAPL area (as defined in the SMP and ECs);
- f. Continued reimbursement to the UDEQ for its oversight of the ECs and SMP; and
- g. Continued consent to access by the UDEQ to monitor compliance with the ECs and SMP.

**4. Unavailability of Release of Liability**

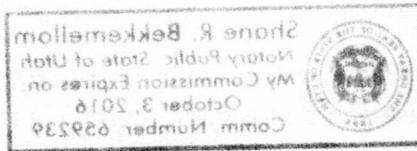
Use of the Property that is not consistent with Section 3 including failure to comply with the SMP and/or ECs and provisions of this COC shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability in Section 2 above unavailable.

**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 or groundwater 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 UDEQ/Division of Environmental Response and Remediation ("DERR") office located at 195 North 1950 West, Salt Lake City, Utah.



7. Final Signature for 300 West Town Center Certificate of Completion

Dated this 23<sup>rd</sup> day of July 2013.

Brent H. Everett

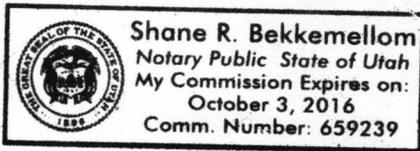
Brent H. Everett, Director  
Division of Environmental Response and Remediation  
And Authorized Representative of the  
Executive Director of the Utah  
Department of Environmental Quality

STATE OF UTAH )

:SS.

COUNTY OF SALT LAKE )

On this 23<sup>rd</sup> day of July, 2013, personally appeared before me, Brent H. Everett who duly acknowledged that he signed the above Certificate 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

Attachments: Attachment A: Legal Property Description  
Attachment B: 300 West Town Center Figure

# ATTACHMENT A

## **300 West Town Center Legal Property Description**

**300 West Town Center  
Salt Lake City, Utah**

**Legal Property Description:**

The 300 West Town Center site consists of the following-described real property situated in Salt Lake County, State of Utah:

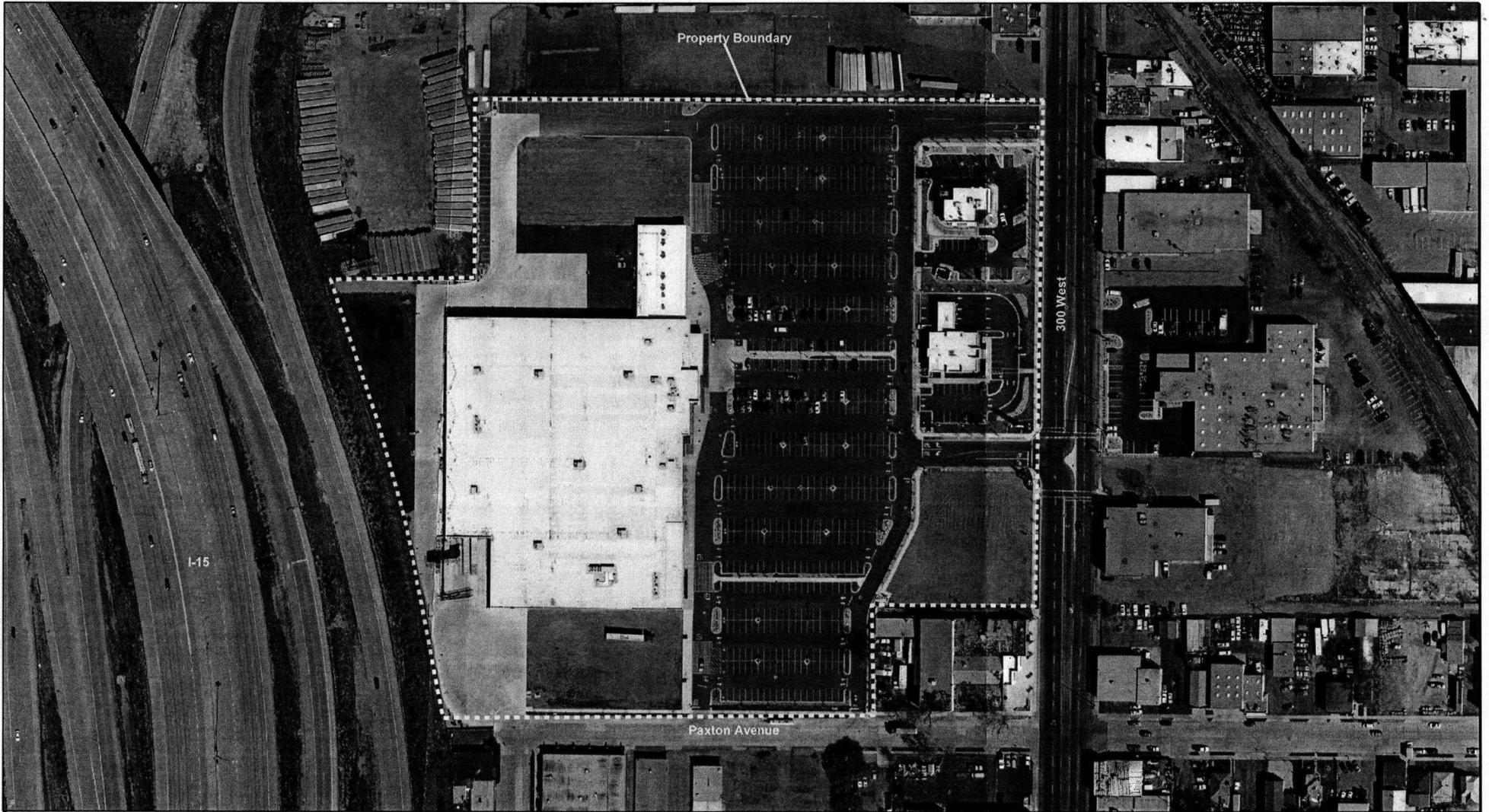
ALL THAT LAND BEING PART OF LOTS 1 THROUGH 7, INCLUSIVE, 300 WEST TOWN CENTER SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 14, 2009 IN BOOK 2009 AT PAGE 148 AS RECEPTION NUMBER 10816796, SALT LAKE COUNTY, UTAH.

**Property Tax Identification Numbers:**

15-12-331-007  
15-12-331-008  
15-12-331-006  
15-12-380-011  
15-12-404-006  
15-12-404-007  
15-12-404-008

**ATTACHMENT B**

**300 West Town Center Figure**



Property Boundary

I-15

300 West

Paxton Avenue



*Environmental Science and Engineering*

**300 WEST TOWN CENTER SITE MAP**

300 WEST TOWN CENTER SITE  
SALT LAKE CITY, UTAH

PROJECT NO.	DRAWING DATE	FIGURE
1771-0020	July 8, 2013	1