

After recording, return to:

Intermountain Oil Company (IOC)
Corwyn Winegar
111 West 500 North
Logan, UT 84321

With copy to:

Director,
Division of Environmental Response and Remediation
Utah Department of Environmental Quality
168 North 1950 West
P. O. Box 144840
Salt Lake City, UT 84114-4840
Re: Intermountain Waste Oil Refinery ("IWOR")
Operable Unit 1 Superfund Site
CERCLIS # UT0001277359

RETURNED
SEP 23 2003

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RICHARD T. MAUGHAN, DAVIS CNTY RECORDER
2003 SEP 23 1:47 PM FEE .00 DEP JC
REC'D FOR INTERMOUNTAIN OIL COMPANY

ENVIRONMENTAL NOTICE AND INSTITUTIONAL CONTROL

Pursuant to the Utah Environmental Institutional Control Act (Utah Code Sections 19-10-101, et seq.), Intermountain Oil Company ("Owner herein"), Owner of the eastern portion property located at 995 South 500 West, in the City of Bountiful, County of Davis, State of Utah ("Property" herein; more particularly described on Attachment A which is attached hereto and by this reference made a part hereof) hereby makes and imposes upon the Property the following described institutional control ("Institutional Control"), subject to the terms and conditions herein stated:

1. Notice is hereby given that the Property is or may be contaminated with hazardous materials as described below and, therefore, institutional control(s) must be imposed to mitigate the risk to the public health, safety and/or the environment:

A number of total petroleum hydrocarbons (TPH) and volatile and semi-volatile compounds were found in the soil. During the remedial investigation, a risk assessment was conducted. It concluded that vapors from some of these contaminants in the soil could intrude into a building creating unacceptable risk when inhaled by the building occupants.

The risk is driven mainly by the following contaminants found in the soil: 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene, with smaller contributions from naphthalene, hexane, and cis-1,2-dichloroethene.

Additional information regarding contamination on the Property is available for review at (i) the Davis County Library South Branch (temporarily), located at 725 S. Main, Bountiful, UT; (ii) the EPA Superfund Record Center, located at 999 18th Street, 5th Floor, Denver, CO; and (iii) the Utah Department of Environmental Quality, Division of Environmental Response and Remediation, 168 North 1950 West, Salt Lake City, UT.

2. Use of the Property is hereby restricted by the following Institutional Control:

Any building(s) built, in whole or in part, on the Property shall have a soil vapor mitigation ("SVM") system to prevent soil vapors or gases from entering the building(s). The system shall be:

(A) designed and constructed as specified in either of the following United States Environmental Protection Agency Guidances:

- 1) Radon Prevention in the Design and Construction of Schools and Other Large Buildings, EPA/625/R-92/016, June 1994; or
- 2) Building Radon Out, A Step-by-Step Guide On How to Build Radon Resistant Homes, U.S. Environmental Protection Agency, EPA 402-R-01-002, April 2001; or
- 3) any final revised updates of either of the above two documents; and

(B) at a minimum include the following components:

- 1) an active soil depressurization (ASD) system; and
- 2) sealing of soil vapor/gas entry routes per the above guidance.

The ASD shall include at least the following components:

- (1) gas permeable layer;
- (2) plastic sheeting;
- (3) vent pipe;
- (4) junction box and in-line fan;

- (5) venting to the atmosphere; and
- (6) system failure warning device.

At least thirty (30) days prior to commencement of construction of any building on any portion of the Property, the Owner shall provide written notification of such construction to the Director, Division of Environmental Response and Remediation ("DERR"), Utah Department of Environmental Quality ("UDEQ"). Such notification shall describe in detail the SVM system that will be installed in the building and include a schedule of construction activities. Within thirty (30) days after receipt of such notification, the Director of DERR shall notify the Owner as to whether the proposed SVM system meets the requirements of the Institutional Control and is, therefore, approved or whether it must be redesigned to meet the requirements of the Institutional Control. Construction shall not commence until the Director of DERR has approved the SVM system. Upon completion of construction, the Owner shall submit a certificate of completion to the Director of DERR, including as-built drawings of the SVM system; such certificate of completion shall include a certification by a professional engineer registered in the State of Utah stating that the SVM system has been designed and constructed in accordance with the above described Institutional Control (or as such Institutional Control may have been modified in accordance with Utah Code Section 19-10-105) and is operational.

3. The above described Institutional Control shall be operated and maintained in perpetuity as follows unless terminated or modified as provided in Utah Code Section 19-10-105:

The ASD fan must run continuously and be maintained in good working condition. Inspection of the fan must be made at least monthly. The depressurization system must continue to be operated as an active system (with fan) for the life of the building unless, pursuant to a petition submitted by the Owner to UDEQ, UDEQ has authorized the Owner to discontinue operation of the fan. The petition should be made to Director, DERR, and reference the Intermountain Waste Oil Refinery, Operable Unit 1 Superfund Site, CERCLIS # UT0001277359. UDEQ shall determine the requirements, such as indoor air monitoring (by way of example and not limitation), which must be conducted prior to approving the request. The Owner shall, at a minimum, annually inspect for and repair any accessible foundation and sub-floor cracks.

4. This Institutional Control runs with the land and is binding on all successors in interest of the Owner unless or until it is removed as provided in Utah Code Section 19-10-105.

5. The Executive Director of UDEQ, or his/her designated representative, shall have access to the Property at all reasonable times to verify that this Institutional Control is being maintained and that the party or parties in possession of the Property are complying with the Institutional Control.
6. This Institutional Control may be enforced and/or protected as provided in Utah Code Section 19-10-106.
7. Instruments which convey any interest in the Property (fee, leasehold, easement, etc.) shall contain a notification to the person or entity which acquires the interest that the Property is subject to this Environmental Notice and Institutional Control and identify the specific place at which it is recorded.
8. This Institutional Control may only be terminated or modified in accordance with the provisions of Utah Code Section 19-10-105 and with the prior written approval of the Executive Director of the Utah Department of Environmental Quality.

EXECUTED as of the 5th day of Sept., 2003.

INTERMOUNTAIN OIL COMPANY

By Corwyn Winegar
Corwyn Winegar, Its respondent
(IOC position)

Dianne R. Neilson, Executive Director of the Utah Department of Environmental Quality, or his/her designated representative, hereby approves the foregoing Institutional Control pursuant to Utah Code Section 19-10-103.

Date 9/19/03

Dianne R. Neilson
Dianne R. Neilson, Executive Director,
Utah Department of Environmental Quality

STATE OF UTAH)
) ss.
 County of CACHE)

On the 5 day of Sept, 2003, personally appeared before me Corwyn Winegar, the _____ of Intermountain Oil Company, the Owner named in the foregoing instrument who duly acknowledged to me that he executed the same on behalf of the said Owner.

Diana Hatfield
 Notary Public, residing at:
Fogart, Ut

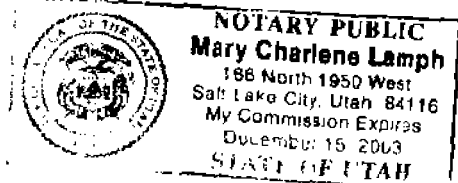
My Commission expires: 4-30-04

STATE OF UTAH)
) ss.
 County of Salt Lake)

Subscribed and sworn to and acknowledged before me this 19 day of September, 2003, by Dianne R. Neilson, Executive Director of the Utah Department of Environmental Quality, or his/her designated representative.

Mary Charlene Lamph
 Notary Public, residing at:
Salt Lake City

My Commission expires: Dec. 15, 2003



Attachment A of Environmental Notice and Institutional Control

Legal Description of Subject Property owned by Intermountain Oil Company, 995 South 500 West, City of Bountiful, Davis County, Utah:

Beginning at a point on the West line of Meadow Lane Subdivision, a subdivision of part of Block K., North Mill Creek Plat, Bountiful Townsite Survey, said point being 527.74 feet West from the Northeast corner of Lot 9, Block K, of said Plat, then South 205 feet; then West 285 feet; then North 205 feet; then East 285 feet to the point of beginning. Containing 1.34 acres more or less.