

After recording, return to:

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

RECEIVED

MAR 17 2005

DEC

Environmental Response & Remediation

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 2 Superfund Site  
CERCLIS # UT0001277359

E 2087076 B 3825 P 701-705  
RICHARD T. MAUGHAN  
DAVIS COUNTY, UTAH RECORDER  
07/08/2005 01:49 PM  
FEE \$0.00 Pgs: 5  
DEP RT REC'D FOR STATE OF UTAH

## 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 of the 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:

Groundwater at the Site is contaminated with solvents, mainly Trichloroethylene (TCE). Some of the contamination is above drinking water standards. The contamination is limited to the shallow portions of the aquifer. All the potential sources of the contamination have been removed from the Site, and the data indicate that the extent of the contamination is relatively small. The State of Utah considers the aquifer as a potential drinking water source. The contaminated groundwater is moving at a slow rate, generally toward the northwest.

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Operation of a groundwater pump and treatment system began in the summer of 2004. The system extracts water from two wells and treats it using granular activated carbon. The treated water is discharged into the storm drain system under permission of the City of Bountiful and the Utah Department of Environmental Quality, Division of Water Quality. A soil vapor system is also in operation. Vapors are extracted from the soil, treated, and discharged into the air.

Additional information regarding contamination on the Property and the groundwater pump and treatment system 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 Controls:

Until the groundwater is determined by EPA and UDEQ to meet drinking water standards, no groundwater wells for consumptive use shall be installed on the property.

All operations at the site shall be conducted in a manner that prevents any damage or destruction to any part of the groundwater or soil vapor treatment systems. The system includes: wells, pumps, pump sheds, underground piping, treatment building and components, electrical supply and components, and other miscellaneous equipment.

3. The above described Institutional Control shall remain effective until terminated or modified as provided in Utah Code Section 19-10- 105.

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 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 11 day of March, 2005.

INTERMOUNTAIN OIL COMPANY

By Corwyn Winegar  
Corwyn Winegar, Its' Representative  
(IOC position)

The Executive Director of the Utah Department of Environmental Quality hereby approves the foregoing Institutional Control pursuant to Utah Code Section 19-10-103.

07/11/05  
Date

Dianne R. Neilson  
Dianne R. Neilson, Executive Director,

Utah Department of Environmental Quality

STATE OF UTAH )  
 ) ss.  
County of CACHE )

On the 11 day of March, 2005, personally appeared before me Corwyn Winegar, the representative 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.

Intermittent Binson  
Notary Public, residing at:

460 N. Main  
Levens Utah

My Commission expires: 11-21-07

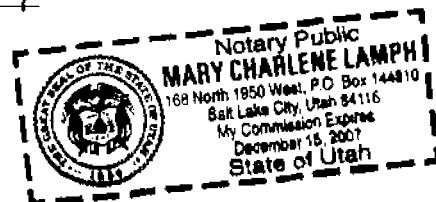
STATE OF UTAH )  
 ) ss.  
County of Salt Lake )

Subscribed and sworn to and acknowledged before me this 7th day of July, 2005, 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:

Kaysville, UT

My Commission expires: December 15, 2007



## **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.