

After recording, return to:

Kemar Corporation
C/o Dolores Seifert
672 West 1175 North
Centerville, UT 84014

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RICHARD T. MUSHAN
DAVIS COUNTY, UTAH RECORDER
07/08/2005 01:49 PM
FEE \$0.00 Page 5
DEPT REC'D FOR STATE OF UTAH

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

ENVIRONMENTAL NOTICE AND INSTITUTIONAL CONTROL

Pursuant to the Utah Environmental Institutional Control Act (Utah Code Sections 19-10-101, et seq.), Kemar Corporation ("Owner" herein), Owner of the western 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 IWOR Site (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.

RECEIVED

JUL 20 2005

DEQ

Division of Environmental Response & Remediation

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.

Contaminated groundwater and a portion of the treatment system are within the Kemar Corporation property. 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

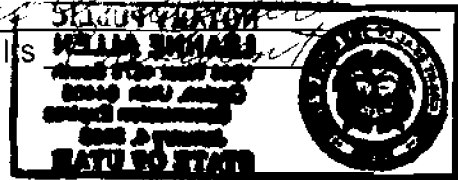
that the Property is subject to this Environmental Notice and Institutional Control and identify the specific place at which it is recorded.

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 24 day of May, 2003.

Kemar Corporation

By Dolores Seifert
Dolores Seifert, Its



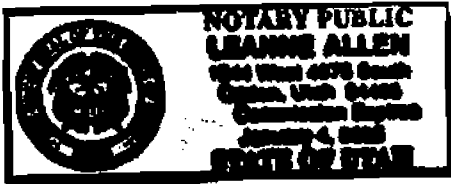
The Executive Director of the Utah Department of Environmental Quality hereby approves the foregoing Institutional Control pursuant to Utah Code Section 19-10-103.

07/07/05
Date

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

STATE OF UTAH)
) ss.
County of Davis)

On the 24th day of May, 2008, ^{Swa} personally appeared before me Dolores Seifert, the President of Kemar Corporation, the Owner named in the foregoing instrument who duly acknowledged to me that she executed the same on behalf of the said Owner.



Leanne Allen
Notary Public, residing at:
48 N 500 W
Bountiful ut 84010

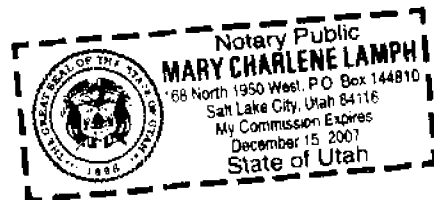
My Commission expires: 01-04-08

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

Subscribed and sworn to and acknowledged before me this 7th day of July, 2008, 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, Utah

My Commission expires: December 15, 2007



Attachment A: Kemar Property

Beg at a pt on the W line of Meadow Lane Subdivision a subdivision of part of Block K, North Mill Creek Plat, Bountiful Townsite Survey, sd pt being 812.74 ft W from the NE cor of Lot 9, Block K, of said Plat; th S 205 ft; th W 267.05 ft to the E line of a certain highway; th N 140 ft along sd highway; th E 167.64 ft; th N 65 ft; th E 99.41 ft to pt of beg. Cont 1.007 acres m or l.

Subject To a 30 ft right-of-way on the S side of the property described as follows: Beg at a pt on the W line of Meadow Lane Subdivision a subdivision of part of Block K, North Mill Creek Plat, Bountiful Townsite survey, sd pt being 812.74 ft W from the NE cor of Lot 9, Block K, of said Plat; and also being S 205 ft from the NE cor of said Plat W 267.05 ft to the E line of a certain highway; th N 30 ft along sd highway; th E 267.05 ft; th S 30 ft to pt of beg.

Excluding:

Beginning at a point on the Easterly Right-of-Way Line of 500 West Street, said point being West 99.36 feet and North 222.65 feet from the West Quarter Corner of Section 30, Township 2 North, Range 1 East, Salt Lake Base and Meridian, said point also being the Northwest corner of Max Ericksen parcel; and running thence North 00°01'15" West along Easterly Right-of-Way of 500 West Street, 130.00 feet; thence East 154.05 feet; thence South 130.00 feet to the Northerly line of the Max Ericksen parcel; thence along said Northerly line, West 154.00 feet to the point of beginning.

Reserving to Grantor, his heirs, successors and assigns, a 25-foot wide, Non-Exclusive Right-of-Way for purposes of ingress and egress, over and across that parcel of land described as follows:

Beginning at a point on the Easterly Right-of-Way line of 500 West Street; said point being West 99.40 feet and North 327.65 feet from the West Quarter corner of Section 30, Township 2 North, Range 1 East, Salt Lake Base and Meridian; and running thence North 00°01'15" West 25.00 feet along said Easterly Right-of-Way line of 500 West Street; thence East 267.05 feet to the Westerly boundary line of the Intermountain Oil Company parcel; thence South 25.00 feet along said Westerly boundary line; thence West 267.05 feet to the point of beginning.

Note: The first 2 paragraphs above include the AAMCO property and easement and the last three paragraphs describe the AAMCO property which is then "subtracted" (excluded) from the Kemar property.