

When recorded return to:  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
Attention: Voluntary Program Coordinator  
195 North 1950 West, 1<sup>st</sup> Floor  
Salt Lake City, Utah 84116

11301823  
12/22/2011 02:09 PM \$0.00  
Book - 9976 Pg - 6575-6582  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-ENVIRONMENTAL QUALITY  
PO BOX 144840  
SLC UT 84114  
BY: ZJM, DEPUTY - MA & P.

**RE: Country Square Shopping Center (VCP# C062)**

## CERTIFICATE OF COMPLETION



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

The Executive Director of the Utah Department of Environmental Quality, through her undersigned designee below, has determined that Oakland Roland Way, Ltd., 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 January 31, 2008. 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 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.

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Country Square Shopping Center  
VCP# C062

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

The current land use is commercial/retail and will remain the same under the COC. This land use is 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 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 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 Site. Commercial industries 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 conditioned upon continued compliance with this document as well as the Site Management Plan ("SMP") dated October 5, 2011 and the following:

- a. The Property shall be used in a manner that is consistent with the land use described in section three above;
- b. Monitoring of groundwater and the submission of sampling results for review to UDEQ shall be continued until UDEQ approves termination of groundwater monitoring;
- 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. Compliance with the Contamination Contingency Plan in Section 8.0 of the SMP;
- e. Continued reimbursement to the UDEQ for its oversight of the SMP; and
- f. Continued consent to access by the UDEQ to monitor compliance with the SMP.

### **4. Unavailability of Release of Liability**

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

### **5. Amended Certificate of Completion**

Completion of the SMP, as defined on page 9 of the Site Management Plan, would occur upon successful petitioning of the Division of Environmental Response and Remediation ("DERR") to allow cessation of groundwater monitoring at the Site as the result of semi-annual monitoring data indicating concentrations are either decreasing or remain stable. Upon completion of the SMP, the Applicant, current or future owners, or lenders may request the UDEQ to record an amendment to

7. Final Signature for Country Square Shopping Center Certificate of Completion

Dated this 16<sup>th</sup> day of December, 2011

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 )

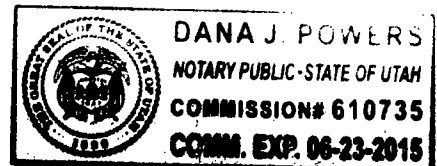
On this 16<sup>th</sup> day of December, 2011, personally appeared before me,

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.

Dana J. Powers  
NOTARY PUBLIC

Residing At: \_\_\_\_\_

My Commission Expires 10/23/2015



Attachments: Attachment A: Legal Property Description  
Attachment B: Figure of Country Square Shopping Center

# **ATTACHMENT A**

Country Square Shopping Center  
Legal Property Description

## **LEGAL DESCRIPTION**

Lots 1, 2, 3 and 6, **COUNTRY SQUARE SUBDIVISION AMENDING LOTS 55 AND 56 OF WARE SUBDIVISION #1**, according to the official plat thereof, filed in Book "2005P" of Plats, at Page 28 of the Official Records of the Salt Lake County Recorder.

### **Property Tax Identification Numbers:**

#22-32-477-019

#22-32-477-020

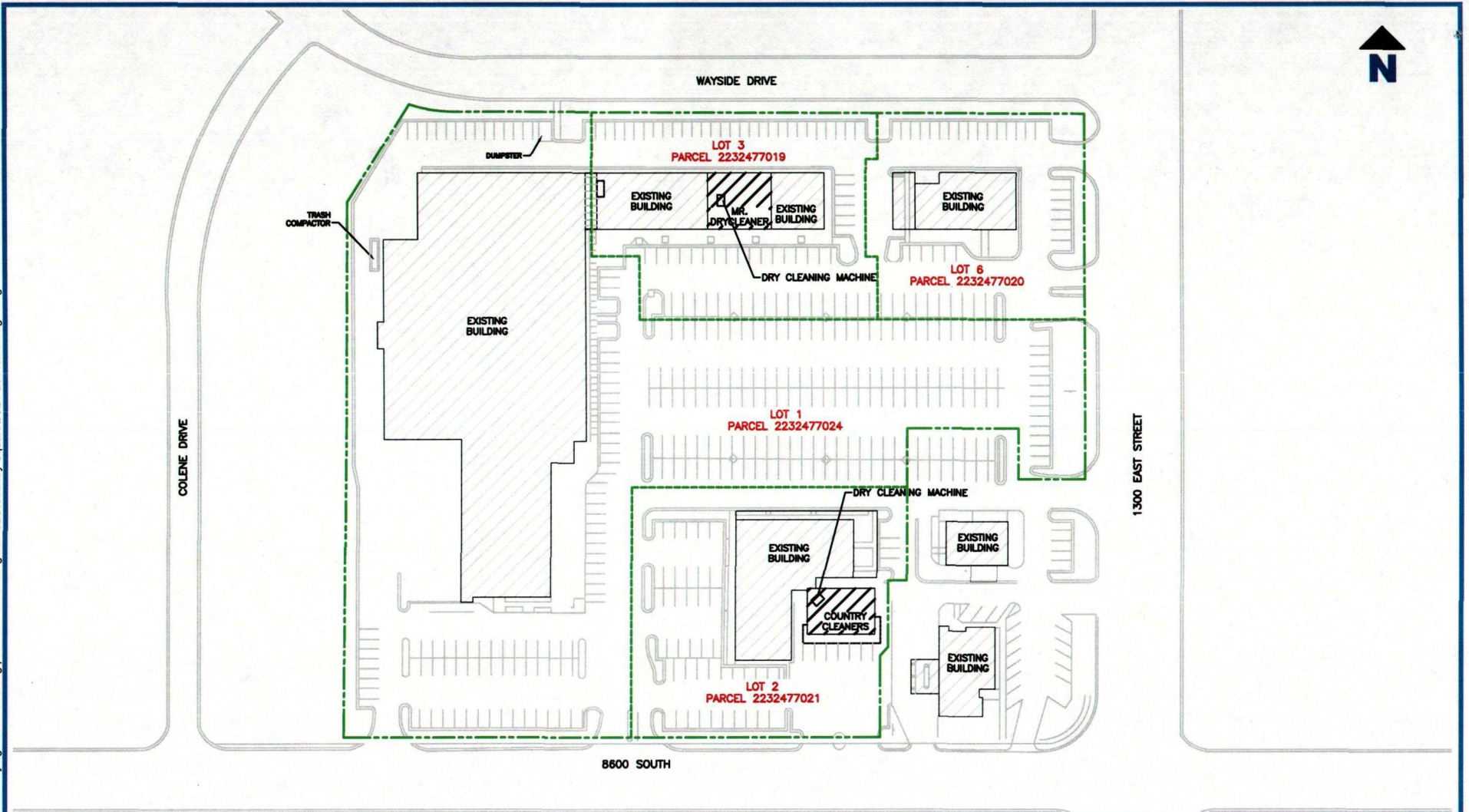
#22-32-477-021

#22-32-477-024

# **ATTACHMENT B**

Country Square Shopping Center Figure

Last Saved: Friday, November 18, 2011 12:37:18 PM by egoodwin Drawing path: N:\Portland\Figures\SLC\CCountry Square\JULY 2011\Drawing1.dwg



LEGEND	
	PROPERTY BOUNDARY
	PARCEL BOUNDARIES

**COUNTRY SQUARE SHOPPING CENTER**  
 8600 SOUTH 1300 EAST  
 SANDY, UTAH

Drawing **SITE MAP**



Date July 14, 2011	Scale AS SHOWN	Fig. No. 2
File Name Drawing1-2	Project No. 109.00404.00001	