

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

10715198  
05/29/2009 10:15 AM \$24.00  
Book - 9729 Pg - 2149-2156  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-ENVIRONMENTAL QUALITY  
BY: TMW, DEPUTY - WI 8 P.

RECEIVED

JUN - 1 2009

Environmental Response &  
Remediation

K. Keller (S) 20

RE: Former Minerals Equipment Company (VCP# C064)

## CERTIFICATE OF COMPLETION

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

The Executive Director of the Utah Department of Environmental Quality, through his undersigned designee below, has determined that Hamlet Development, 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 April 30, 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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### 3. Specified Land Use for Certificate of Completion

The future land use of this Site will be commercial/retail space, 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.

Groundwater will not be accessed via wells, pits or sumps for drinking water, bathing and/or irrigation purposes. If residual soil or groundwater contamination above an established standard or goal remains at the Site or on neighboring properties as a result of a release from the Site, the Certificate of Completion shall require the Applicant to implement and maintain the appropriate monitoring, institutional control and risk management requirements outlined in the Site Management Plan (SMP). A contingency plan will be incorporated into the SMP to ensure that the integrity of the Site will be maintained upon the completion of remedial activities. The contingency plan will also address potential failures of the remedy.

In addition, this COC is issued based upon compliance with the SMP, dated April 8, 2009. Among other things, the COC and SMP require:

- a. The Property shall be used in a manner that is consistent with the land use described in section three above;
- b. Compliance with the Site Management Plan (SMP) dated April 8, 2009, including routine inspection of the engineering controls placed over the on-site repository and submission of inspection results to the UDEQ-Division of Environmental Response and Remediation, for review;
- 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 (Section "5.0" of SMP), in the event that the engineered cap of the repository is breached and the impacted materials contained within are encountered.
- e. Continued reimbursement to the Utah Department of Environmental Quality for its oversight of the Environmental Covenant (EC) and SMP;

- f. Continued consent to access by the Utah Department of Environmental Quality to monitor compliance with the EC and SMP and;
- g. Implementation and compliance with the Environmental Covenant for the development and use of the Property and recorded with the Salt Lake County Recorder on May 11, 2009. Entry No. 10698521:Book 9721, Pages 2558-2575.

#### **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/or EC 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**

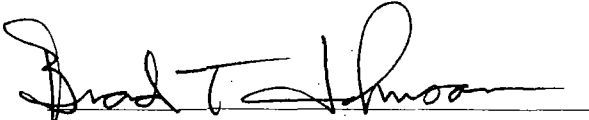
Upon completion of the SMP, the Applicant, current or future owners, or lenders may request the Utah Department of Environmental Quality to record an amended COC to delete compliance with the SMP as a condition of land use.

#### **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 168 North 1950 West, Salt Lake City, Utah.

7. Final Signature for Former Minerals Equipment Company Certificate of Completion

Dated this 28<sup>th</sup> day of MAY, 2009



Brad T Johnson, Director  
Division of Environmental Response and Remediation  
And Authorized Representative of the  
Executive Director of the  
Utah Department of Environmental Quality

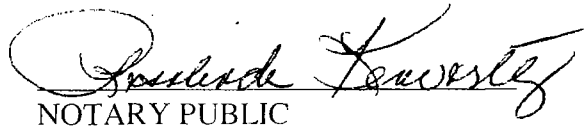
STATE OF UTAH )

:SS

COUNTY OF SALT LAKE )

On this 28 day of MAY, 2009, personally appeared before me,

Brad T Johnson who duly acknowledged that he/she signed the above Certification of  
Completion as an authorized representative of the Executive Director of the Department of  
Environmental Quality.

  
NOTARY PUBLIC

Residing At: St. County

My Commission Expires 7-13-2011



Attachments: Attachment A: Legal Property Description  
Attachment B: Figure of Former Minerals Equipment Company

# **ATTACHMENT A**

Former Minerals Equipment Company  
Legal Property Description

## FORMER MINERALS EQUIPMENT COMPANY

### WRIGHT PARCEL – LEGAL DESCRIPTION

#### **Record Description:**

Exhibit "A" : Beginning at a point on the North line of Fireclay Avenue, said point being West 33 feet, North 194.7 feet, and South 89°43'00" West 323.74 feet from the southeast corner of Lot 15, Block 9, 10 Acre Plat "A", Big Field Survey, and running thence North 0°05'30" East 219.96 feet; thence North 89°43'36" East 100 feet, thence North 0°05'30" East 355 feet more or less to the centerline of Big Cottonwood Creek; thence Northwesterly along the center of said creek 507 feet more or less to the East line of Main Street, thence South 0°15'54" West 626 feet more or less to said North line of Fireclay Avenue; thence North 89°43'00" East 398.25 feet to the point of beginning. Contains: 6.4 acres, more or less

#### **Property Tax ID Numbers:**

22-06-103-011

22-06-103-012

22-06-103-013

# **ATTACHMENT B**

Former Minerals Equipment Company Figure



