

After recording, return to:

Dale Urban, Project Manager  
Utah Department of Environmental Quality  
168 North 1950 West  
Salt Lake City, Utah 84116



RECEIVED  
JUL 18 2005  
DEQ  
Environmental Response & Remediation

Recording requested by:

The Honorable Valerie Hopper, Mayor  
Elsinore Town  
15 East 200 North  
Elsinore, Utah 84724

00334383 Bk00524 P00624-00628  
JAYRENE B NIELSEN RECORDER SEVIER COUNTY  
2005 AUG 29 09:38 AM FEE \$0.00 BY PSP  
REQUEST: ELSINORE TOWN

### INSTITUTIONAL CONTROLS

Pursuant to the Utah Environmental Institutional Control Act (Utah Code Sections 19-10-101, et seq., Elsinore Town (sometimes referred to "Owner" herein), as the owner of the property located at 15 West Main Street, Elsinore, Sevier County, State of Utah ("Property"), Parcel or Serial No. 2-E15-11; more particularly described as:

Commencing at the Northeast corner of Lot 4, Block 3, Plat "A" Elsinore Townsite Survey; thence South 25.0 feet; thence West 40.0 feet; thence North 25.0 feet; thence East 40.0 feet to beginning.

hereby makes and imposes upon the Property the Institutional Controls below for the reasons and subject to the terms and conditions herein stated.

1. Institutional Controls are Necessary to Protect Public Health, Safety, Welfare or the Environment at the Property for the reasons described below.

Based upon information currently available in the DERR's release file the DERR has determined that health and environmental risks arising from the contamination at the Property can be managed with institutional controls. Specifically, soil contamination remains in the area of the northeast portion of the property near the corner of Main and Center street where the former dispenser island and product piping were located. The soil contamination is present only between 15 and 35 feet below grade at the SB3/SB3A location as seen on the attached site map, and at that location, exceeds cleanup levels for total petroleum hydrocarbons, toluene, ethyl benzene, total xylenes, and naphthalene. Therefore, the DERR agrees that no further action is necessary to address the soil contamination remaining at the property, provided that the future land use remains the same, and that the institutional controls set forth below are followed.

Information about the contamination for Facility Identification Number 2000327; Release Site ELWJ is available for public review in the files of the DERR at 168 North 1950 West, 1st Floor, Salt Lake City, Utah, 84116. The DERR contact person is currently Dale Urban, DERR project Manager, at (801) 536-4100.

2. The following Institutional Controls are imposed on the property:

a) Future land use

Future land use is restricted to the following uses: City park or community open/green space; agricultural use; slab on grade buildings for industrial, commercial or government usage; storage or utility sheds; asphalt covered parking lot; and, any other similar "non-residential" use is allowed.

b) Oversight of Excavations On-Site

Owner shall ensure that any future excavation activities that are in the area of known soil contamination, when excavations are deeper than 10-15 feet below grade, are overseen by environmental professionals and that 40-hr HAZWOPER trained personnel monitor construction workers to prevent unnecessary exposure to residual soil contamination at the property (please refer to attached site map for location of residual soil contamination). Any contaminated soils excavated during construction activities, which are above applicable cleanup standards at the time of over-excavation, shall be properly disposed of at an approved facility. The owner shall provide notice to the DERR when contaminated soils are going to be excavated from the property.

3. The above-described Institutional Controls run with the land and shall be operated and maintained in perpetuity unless terminated or modified as provided in Utah Code Section 19-10-105.

4. The Executive Director of the Utah Department of Environmental Quality, or his/her designated representative, shall have access to the Property at all reasonable times to verify that Institutional Controls are being maintained and that the party or parties in possession of the Property are complying with the Institutional Control.

5. These Institutional Controls may be enforced and/or protected as provided in Utah Code Section 19-10-106.

6. These Institutional Controls may only be modified or terminated 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 15 day of July, 2005

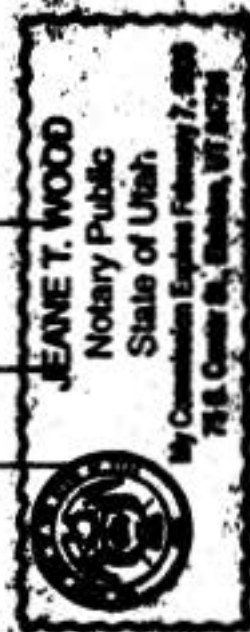
Mayor Valerie Hopper  
Mayor Valerie Hopper  
Elsinore Town

STATE OF UTAH )  
                          ) ss.  
County of Sevier)

The foregoing instrument was acknowledged before me this 15 day of July, 2005 by Mayor Valerie Hopper, the signer of said instrument.



Jeanne T. Wood  
Notary Public, residing at:  
Elsinore, Utah



My Commission expires: 2/7/2006

Dianne Nielson, 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.

Dianne K. Nielson  
Dianne Nielson  
Executive Director  
Utah Department of Environmental Quality

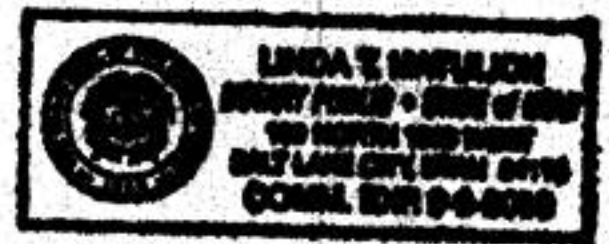
STATE OF UTAH )  
                          ) ss.  
County of Salt Lake)

Subscribed and sworn to before me this 5<sup>th</sup> day of August, 2005, by Dianne Nielson, Executive Director of the Utah Department of Environmental Quality, or his/her designated representative.

Linda P. Matulewicz  
Notary Public, residing at:

As of Lake County  
J

My Commission expires: September 9, 2006



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Main Street

Former Dispenser Island →  $\overline{X}$   
SB-4

SB-3, SB-3A

X SB-5

SB-2X

FORMER  
Robertson's Roost Building

3 USTs

SB-1

Center Street

X = Soil boring location(s)

Scale

1" = 20'

(...) = Location of  
remaining soil  
contamination

No.  
↑



Robertson's Roost Abandoned Gas Station  
15 West Main Street

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Elsinore, Utah FIGURE 2: Soil Sampling Locations