

When recorded return to:  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
Attention: Voluntary Cleanup Program Coordinator  
168 North 1950 West  
Salt Lake City, Utah 84116

ENT 131919:2008 PG 1 of 8  
RANDALL A. COVINGTON  
UTAH COUNTY RECORDER  
2008 Dec 18 3:12 pm FEE 0.00 BY EO  
RECORDED FOR UDEQ

**RE: Ironton Voluntary Cleanup Site, VCP # C006**  
**Bounded on North by Ironton Boulevard, South by US Route 75, East by US Route 89, West by the Union Pacific L.A. and S.L. Railroad Interchange Yard, Provo, Utah 84603**

## **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 U.S. Steel Corporation (USS), the City of Provo, and the Provo Redevelopment Agency, hereinafter collectively referred to as "Applicants," have completed a Utah Department of Environmental Quality supervised voluntary cleanup of the real property described in Attachment A (the "Property"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on July 30, 1998, and that U.S. Steel Corporation, the City of Provo and the Provo Redevelopment Agency are granted this Certificate of Completion ("COC") pursuant to section 19-8-111, subject to the conditions set forth in paragraph three below.

### **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 applies 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.

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

This COC is issued based on the Applicant's representation that the Property will be used for commercial/retail and/or industrial and light manufacturing uses, consistent with the commercial/industrial worker exposure scenario described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. The commercial/industrial scenario is defined as exposure to adults to incidental ingestions and dermal contact to hazardous constituents for a duration of 25 years at a frequency of 250 days a year for eight hours a day.

This COC is not issued for use of the Property for process industries (such as oil refining and processing and steel manufacturing facilities), managed care facilities, hospitals, residential use (including caretakers that reside on the Property), or for day care and school facilities. Uses that are not anticipated as stated above would be inappropriate and unacceptable for the Property. Additional investigation and possible remediation would be required, and the COC amended to allow for those uses. Since those uses were neither represented nor approved, they would nullify the release of liability and coverage of this COC described in section two above.

In addition, this COC is issued based upon compliance with the Site Management Plan (SMP), dated September, 2008. 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. Routine monitoring of groundwater (Section "E" of SMP) and submission of sampling results to the Utah Department of Environmental Quality, Division of Environmental Response and Remediation for review;
- c. Non-use and non-access to ground water from the shallow aquifer located beneath the Property via wells, pits, sumps or other means for the purpose of irrigation, drinking or bathing except as expressly authorized in writing by the Utah Department of Environmental Quality;
- d. Compliance with the Contamination Contingency Plan (Section "G" of SMP), in the event that impacted material above site cleanup goals is encountered and contaminant concentrations in groundwater increase substantially in concentration or migrate off-site;
- e. Continued reimbursement to the Utah Department of Environmental Quality for its oversight of the SMP and review of groundwater sampling results submitted there under;
- f. Continued consent to access by the Utah Department of Environmental Quality to monitor compliance with the SMP and;
- g. Implementation and compliance with the Covenants, Conditions and Restrictions ("CC&Rs) for the development and use of the Property and recorded with the Utah County Recorder on January 15, 2008, Entry No. 4986:2008, Pages 1-19, and on June 24, 2008, Entry No. 73022:2008, Pages 1-14.

### 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 the 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 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 office located at 168 North 1950 West, Salt Lake City, Utah.

**7. Final Signature for Ironton Certificate of Completion**

Dated this 18<sup>th</sup> day of DECEMBER 2008.

Brad T Johnson

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

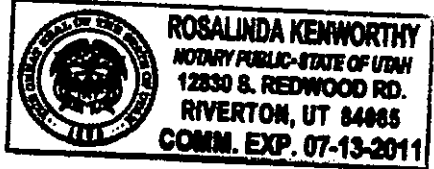
STATE OF UTAH \_\_\_\_\_ )  
:ss.  
COUNTY OF \_\_\_\_\_ )

On this 18<sup>th</sup> day of December, 2008, 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 Utah Department of Environmental Quality.

Rosalinda Kenworthy  
NOTARY PUBLIC

Residing At: Jordan County

My Commission Expires 7-13-2011



**ATTACHMENT A**

**Ironton Voluntary Cleanup Site  
Legal Property Description**

Mountain Vista Business Center

CC & R's/ Site Management Plan  
Legal Description

Parcel 2

Beginning at a point south 639.14 feet and west 2543.38 feet from the Northeast Corner of Section 20, Township 7 South, Range 3 East, Salt Lake Base and Meridian; and running thence S 24° 37' 43" E 824.64 feet; thence S 89° 26' 38" W 136.46 feet; thence N 74° 43' 0" W 236.22 feet; thence N 21° 33' 34" W 634.18 feet; thence N 68° 42' 31" E 272.29 feet to the point of beginning.

Together with and subject to covenants, conditions, restrictions and easements of record.

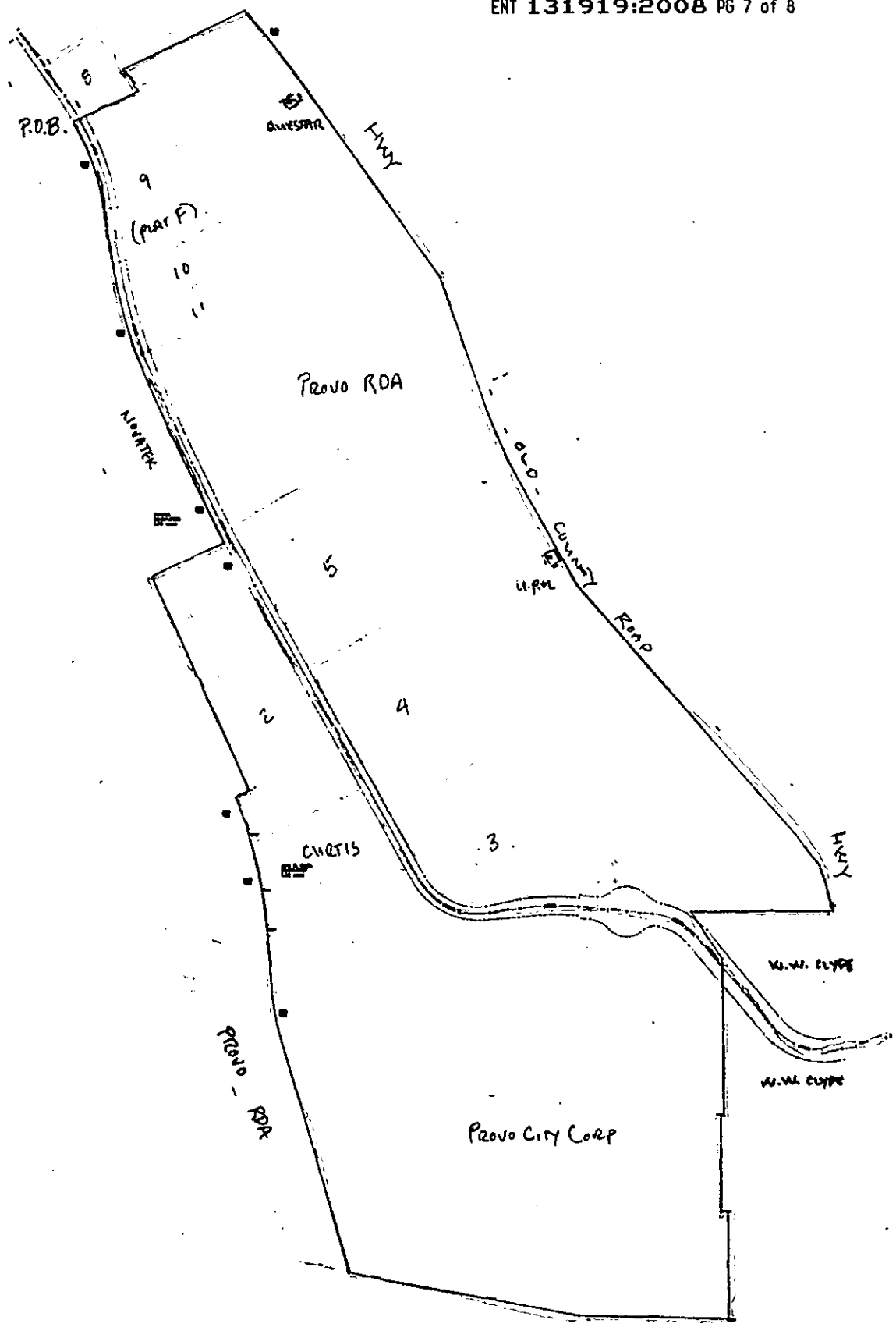
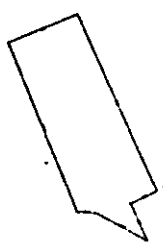
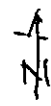
Said parcel 2 contains 4.98 acres more or less.

**Parcel 2 Tax Identification Numbers**

23: 001: 0002	Novatek
23: 001: 0049	New Ironton Properties
35: 082: 0011	Novatek
35: 082: 0017	Provo City lift station
35: 082: 0500	Provo City - road
47:224: 0001	Intelliserv

## **ATTACHMENT B**

### **Ironton Voluntary Cleanup Site Site Map**



E CC+R  
 1 NOV. 2007

File: G:\Project\URS\_Seafront\IronMap\Site Management Plan 2007\figures\Figure1\_Site Map.mxd

