

When recorded return to:
Utah Department of Environmental Quality
Division of Environmental Response and Remediation
Attention: Voluntary Program Coordinator
Post Office Box 144840
Salt Lake City, Utah 84114-4840



ENT 66162:2021 PG 1 of 6
ANDREA ALLEN
UTAH COUNTY RECORDER
2021 Apr 08 11:27 am FEE 0.00 BY JR
RECORDED FOR UTAH DEPARTMENT OF ENVI

**RE: Geneva Nitrogen Voluntary Cleanup Program Site (VCP #C036)
1165 North 1600 West, Vineyard, Utah County, Utah**

CERTIFICATE OF COMPLETION

1. Compliance with Terms of Voluntary Cleanup Program

The Executive Director of the Utah Department of Environmental Quality (“DEQ”), through her undersigned designee below, has determined that Geneva Nitrogen, LLC, hereinafter referred to as “Applicant,” has completed a DEQ supervised voluntary cleanup of the real property described in Attachment A (“Property” or “Site”), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Ann. and the Voluntary Cleanup Agreement entered into on July 6, 2004. The Applicant is granted this Certificate of Completion (“COC”) pursuant to section 19-8-111, subject to the conditions set forth in Section 3 below.

2. Acknowledgment of Protection from Liability

This COC acknowledges protection from liability provided by section 19-8-113 of the Utah Code Ann. 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 of contamination, or to an owner or lender who changes the land use from the use specified in Section 3 of 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

The future land use of this Property will be commercial, 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 inhalation, ingestion, and dermal contact to hazardous constituents for a duration of 25 years at a frequency of 250 days per year for 8 hours per day. Future uses of the Property will be limited to industrial/commercial 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 Property. Commercial industries that would expose children to hazardous constituents for extended periods of time, such as day care and school facilities, are also not approved as future uses of the Property. Residential uses are not approved. Uses that are not approved as stated above would be inappropriate and unacceptable for this Property. Additional investigation and possible remediation would be required and the Voluntary Cleanup Agreement/COC amended before the Property could be used for uses that are not currently approved.

The Property is subject to the Site Management Plan ("SMP"), dated January 21, 2021, as may be amended from time to time, and that certain Environmental Covenant ("EC") recorded with the Utah County Recorder on March 11, 2021, Entry # 46736:2021.

This COC is issued based on compliance with the SMP and EC. Among other requirements, the SMP or EC or both require:

- a. Shallow groundwater not to be accessed or used for any purpose other than environmental sampling;
- b. Impacted material to be appropriately managed if encountered or generated during construction and future use;
- c. Groundwater monitoring;
- d. Vapor mitigation or further evaluation of soil vapors for structures constructed within the Light Oil Storage Area;
- e. Workers to be notified and follow health and safety requirements if they come in contact with impacted soil;
- f. Inspections to verify land use and the effectiveness of institutional and engineering controls;
- g. Reporting of site management activities to the DERR;
- h. Continued reimbursement to the DERR for its oversight of the EC and SMP; and
- i. Continued consent to access by the DERR to monitor compliance with the EC and SMP.

4. Unavailability of Release of Liability

Use of the Property that is not consistent with Section 3 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 and the environment making the release of liability in Section 2 above unavailable.

5. Amended Certificate of Completion

There is no expectation that compliance with the SMP and EC will cease to be a condition of this COC so long as contamination remains on the Site above levels protective for unrestricted land use. Further remediation under the VCP would be needed to qualify for a new or amended COC that does not include compliance with the SMP and EC 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 DEQ/DERR office located at 195 North 1950 West, Salt Lake City, Utah. The documents can also be viewed online using the DEQ EZ-Search utility at <http://eqedocs.utah.gov/>.

7. Final Signature for Geneva Nitrogen Certificate of Completion

Dated this 1st day of April 2021.

Brent H. Everett

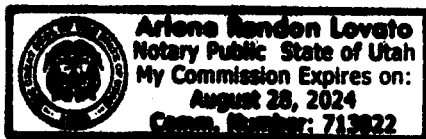
Brent H. Everett, Director
Division of Environmental Response and Remediation
And Authorized Representative of the
Executive Director of the Utah
Department of Environmental Quality

STATE OF UTAH)

:SS.

COUNTY OF UTAH)

On this 1st day of April, 2021, personally appeared before me, Brent H. Everett who duly acknowledged that he signed the above Certificate of Completion as an authorized representative of the Executive Director of the Utah Department of Environmental Quality.



Arlene Rendon Lovato
NOTARY PUBLIC

Residing At: Salt Lake County

My Commission Expires August 28, 2024

Attachments: Attachment A: Legal Property Description

ATTACHMENT A

Geneva Nitrogen Legal Property Description

Tax ID#: 17:022:0006

Legal Property Description, Geneva Nitrogen Property:

Legal Description: COM S 424.05 FT & W 883.28 FT FR E1/4 COR SEC 5, T6S, R2E, SLM; S 7 DEG 46'32"E 2796.57 FT; S 82 DEG 30'21"W 147.14 FT; N 7 DEG 57'36"W 35.24 FT; S 82 DEG 13'39"W 108.33 FT; N 11 DEG 59'48"W 25.69 FT; N 14 DEG 56'37"W 283.94 FT; S 83 DEG 36'20"W 29.09 FT; N 20 DEG 34'54"W 280.71 FT; N 14 DEG 56'19"W 1448.27 FT; N 8 DEG 15'56"W 136.96 FT; N 7 DEG 27'14"W 69.61 FT; N 82 DEG 14'36"E 53.65 FT; N 3 DEG 18'46"W 106.60 FT; N 10 DEG 55'05"E 92.03 FT; N 25 DEG 14'35"E 120.70 FT; N 40 DEG 54'42"E 377.48 FT; N 86 DEG 07'56"E 125.13 FT TO BEG. AREA

27.36 ACRES.