

ENT 104923 : 2021 PG 1 of 21

Andrea Allen
Utah County Recorder

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Environmental Covenant
The Former Parish Chemical Facility
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**To be recorded with County
Recorder – Utah Code Ann § 57-25-108**

When Recorded Return To:
Steve Pruitt
AFP West
3963 East Alpine Valley Circle
Sandy, Utah 84092

With Copy To:
Jalynn Knudsen, Interim Director
Utah Division of Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, UT 84114-4880

ENVIRONMENTAL COVENANT

1. This Environmental Covenant is made pursuant to the Utah Uniform Environmental Covenants Act, Utah Code Ann. Section 57-25-101, *et seq.* (the Act). AFP West, LLC, as Owner and Grantor, makes and imposes this Environmental Covenant upon property defined herein and more particularly described in Exhibit A attached hereto and incorporated by reference herein.
2. Notice. Notice is hereby given that the former Parish Chemical facility is or may be contaminated with hazardous waste, hazardous constituents, or solid waste, and therefore this Environmental Covenant is imposed to mitigate the risk to human health, safety, and the environment.
3. Property. This Environmental Covenant concerns 2.147 acres of real property more particularly described in Exhibit A, which is one parcel numbered 18:017:0010 owned by AFP West, LLC, located at 145 North Geneva Road in Utah County, Utah. The property is referred to herein as "Parish Chemical" and depicted on Exhibit B (Figures 1 and 2) attached hereto and hereby incorporated by reference herein.
4. Environmental Response Project. Under the regulatory oversight of the Utah Department of Environmental Quality (DEQ), Division of Waste Management and Radiation Control (DWMRC), an environmental response project, as defined at Section 57-25-102(5) of the Utah Code Annotated, and more fully described in a Site Management Plan (SMP) approved by the DWMRC for Parish Chemical, has been undertaken to address elevated concentrations of metals in soil at the former Parish Chemical facility.

Parish Chemical first came to the attention of the United States Environmental Protection Agency (U.S. EPA) in 1992 when a ½-mile radius around the Facility was evacuated due to a fire on the second floor of the Facility manufacturing building. Facility inspections by local and state regulators led to a request by the Utah DEQ and

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the U.S. EPA to conduct a removal assessment and, if warranted, conduct a removal action. During a 2008 joint inspection by the U.S. EPA and Utah DEQ, numerous hazardous waste violations were identified.

In April 2008, the U.S. EPA conducted response actions at the Facility. These response actions included the removal of large quantity containers (hazardous materials such as acids, ethers, oxidizers, corrosives, and caustics) and smaller containers (5 to 3,000 grams of material) that were in the process of failing, leaking, or in serious disrepair.

Following the 2008 removal action, several joint U.S. EPA/Utah DEQ follow-up inspections were conducted at the Facility between 2009 and 2013. Many of the same concerns identified during the 2008 inspection were noted. These concerns included, but were not limited to:

- Appropriate chemical segregation was not maintained throughout the Facility;
- Storage of hazardous materials was subject to extreme temperature fluctuations;
- Reoccurring, inconsistent, and/or non-existent labeling in chemical storage areas throughout the facility;
- Open wiring and/or ignition sources throughout the Facility;
- Storage container deterioration throughout the Facility;
- Secondary containment was not present and/or functional throughout the Facility;
- Flammable and combustible materials were not stored in an approved flammable liquid storage room; and
- Numerous fire code violations presenting danger to individuals at the facility and surrounding areas.

In 2013, after Parish Chemical ceased operations at the Facility, the U.S. EPA conducted another removal assessment and removal action to secure and properly dispose of the remaining hazardous substances at the facility. These activities included:

- Inspecting the Facility to verify the integrity of the Facility equipment and determine the volume of hazardous substances;
- Segregation of incompatible chemicals and addressing property storage issues throughout the Facility;
- Hazard categorizing of unknown products, intermediaries, and wastes;
- Transfer of contents of tanks and drums for bulk waste shipments;
- Transportation and disposal of all wastes; and
- Decontamination of the Parish Chemical facility/equipment as necessary to prevent further releases of hazardous substances to the environment.

In summary, the U.S. EPA conducted two removal actions at the Facility in 2008 and 2013, which consisted of the removal and disposal of hazardous substances and waste from the Facility, and the decontamination of Facility equipment.

During groundwater monitoring activities conducted on the adjoining west former Geneva Steel facility, bis(2-chloroethyl) ether (BCEE) was detected in groundwater in one monitoring well located west of the Facility in 1998. To investigate the BCEE in groundwater, numerous monitoring wells were installed at the former Geneva Steel facility, which included the installation of two monitoring wells, PC-North and PC-South, located west of the former impoundments in the southwestern portion of the Facility. Subsequent groundwater monitoring events identified a BCEE plume in groundwater at the Geneva Steel facility that appeared to originate from the adjoining east, and hydraulically up-gradient, Parish Chemical facility. The Corrective Action Levels (CALs) approved by the U.S. EPA for BCEE in groundwater at the former Geneva Steel facility are 0.0143 milligrams per liter (mg/L) for residential and 0.0783 mg/L for construction workers. The U.S. EPA Regional Screening Level (RSL) for tap water for BCEE is 0.000071 mg/L.

In April 2009, a source area investigation was conducted by Anderson Geneva Development at the Facility in an effort to determine if the Facility was the source of the BCEE plume. Seven soil borings (PCS-001 through PCS-007) were completed at the Facility as presented on Figure 1. One soil and one groundwater sample were collected from each location and analyzed for volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs). Information obtained from a June 26, 2009, Status Letter for the Source Investigation at the Facility prepared by Anderson Geneva Development documents that concentrations of VOCs and SVOCs were detected in both soil and groundwater samples from the Facility. The report documents that analysis of groundwater resulted in detections of BCEE greater than the U.S. EPA RSL for tap water at locations PCS-002 (0.018 mg/L), PCS-003 (8.6 mg/L [highest observed BCEE concentration in groundwater associated with the plume]), PCS-004 (0.0058 mg/L), and PCS-005 (0.00064 mg/L). Several other VOCs (tetrachloroethene, ethylbenzene, methylene chloride, styrene, and xylenes) were detected in groundwater samples at concentrations that exceeded their respective U.S. EPA federal Maximum Contaminant Levels (MCLs) or U.S. EPA RSLs for tap water.

Additionally, soil samples collected from just above the water table at these locations also exhibited detections of BCEE. Soil samples collected from 5 feet below ground surface (bgs) at sample location PCS-002 contained a BCEE concentration of 0.12 milligrams per kilogram (mg/kg), and soils collected from 5 feet bgs from sample location PCS-003 exhibited a BCEE concentration of 0.8 mg/kg. The soil sample collected from PCS-003 exceeded the U.S. EPA RSL for residential soil of 0.23 mg/kg, and both samples exceeded the DAF-20 groundwater protection level of 0.000072 mg/kg. The U.S. EPA RSL for BCEE in industrial soil is 1.0 mg/kg. Based on the results of this April 2009 investigation, Anderson Geneva Development concluded that it appeared that Parish Chemical is the source for the large off-site BCEE plume, and this source may need to be removed to prevent additional groundwater contamination. Several other constituents (dimethyl phthalate, acetone, ethylbenzene, total xylenes, and chloroethane) were detected in the soil samples; however, all reported concentrations were well below their respective U.S. EPA RSLs for residential soil.

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Soil gas samples were collected to evaluate the potential for impacts to indoor air related to the groundwater plume. Sample PC216-SG was collected near the suspected source area of the BCEE plume. BCEE was detected in the source area soil gas sample at a concentration of 0.94 micrograms per cubic meter. Only one sample had been collected in this area and uncertainty remained regarding risk to indoor air at the Facility.

In October 2009, the URS Operating Services, Inc., Superfund Technical Assessment and Response Team was tasked by the U.S. EPA to conduct an investigation at the Facility. The investigation activities included the installation and sampling of seven groundwater monitoring wells (PC-GW-01 through PC-GW-07) at the Facility as depicted on Figure 1. Additionally, two previously installed monitoring wells (formerly PC-North and PC-South, now identified as PC-GW-08 and PC-GW-09) at the Facility were also sampled. These monitoring wells were installed in 2006 during BCEE plume investigation activities for the adjoining former Geneva Steel facility and are located west of the former impoundments in the southwest portion of the Facility as depicted on Figure 1.

Groundwater samples were collected from each monitoring well and analyzed for VOCs, SVOCs, pesticides, polychlorinated biphenyls (PCBs), and total metals. The analytical results indicate that no VOCs, pesticides, or PCBs were detected in any of the collected groundwater samples at concentrations that exceed their respective U.S. EPA federal MCLs or U.S. EPA RSLs for tap water.

BCEE was detected in three groundwater samples (PC-GW-03, PC-GW-08, and PC-GW-09) at concentrations ranging from 0.0023 to 0.0078 mg/L. All concentrations exceed the U.S. EPA RSL for tap water of 0.000071 mg/L. It should be noted that BCEE was detected in groundwater at locations in the southwestern portion of the Facility during the October 2009 investigation, and not in the northwestern portion of the Facility as previously detected during the April 2009 investigation. BCEE was not detected in the groundwater samples collected from the two up-gradient monitoring wells (PC-GW-01 and PC-GW-02); therefore, it appeared that the source of the BCEE plume was within the Facility.

Additionally, arsenic was detected in groundwater samples PC-GW-03 through PC-GW-05, and PC-GW-07 through PC-GW-10, at concentrations ranging from 0.0139 mg/L to 0.135 mg/L, above its U.S. EPA MCL of 0.01 mg/L. As with BCEE, arsenic was not detected in the groundwater samples collected from the two up-gradient monitoring wells; therefore, it appeared that the likely source for arsenic in groundwater was within the Facility.

In an effort to reduce BCEE concentrations in groundwater, in 2011, Anderson Geneva Development dug three trenches (depicted on Figure 1) just west of, and hydraulically down-gradient from, the Facility to expose the groundwater to sunlight to assess the degradation potential of BCEE after exposure to atmosphere and sunlight.

The easternmost trench (Trench #1) was approximately 126 feet by 42 feet and 12 feet deep, and was located approximately 12 feet from the Facility. The center trench (Trench #2) was 112 feet by 56 feet and 12 feet deep, and was located approximately 10 to 15 feet from the west edge of Trench #1. The westernmost trench (Trench #3) was approximately 70 feet by 40 feet and 12 feet deep, and was located approximately 15 feet from the west edge of Trench #2.

Groundwater in the trenches was sampled and analyzed for SVOCs. Anderson Geneva Development originally intended that the groundwater be sampled in only the summer and fall of 2011; however, the trenches were left open and sampling continued through the winter, spring, summer, and fall of 2012. The analytical results indicated that BCEE was the only SVOC which exceeded its CAL.

BCEE concentrations in groundwater samples collected from Trench #1 went from 1.10 mg/L shortly after the trench was constructed (June 2011) to 0.13 mg/L and 0.14 mg/L in June and August of 2012, respectively. BCEE concentrations in groundwater samples collected from Trench #2 went from a maximum of 1.70 mg/L in June 2011 to 0.053 mg/L in August 2012. BCEE concentrations in groundwater samples collected from Trench #3 went from 0.40 in June 2011 to 0.14 mg/L and 0.15 mg/L in June and August of 2012, respectively.

Based on the analytical results, it was the opinion of Anderson Geneva Development that the utilization of open trenches for the degradation of BCEE in groundwater by exposure to atmosphere and sunlight had been successful, and that the effort to reduce the mass load of BCEE in the local groundwater plume would continue to enhance attenuation of residual BCEE levels.

In July 2018, Wasatch completed additional subsurface investigation activities at the Facility. Wasatch advanced 12 exploratory soil borings (GP-1 through GP-12) using the direct-push method to evaluate soil and groundwater conditions as depicted on Figure 1. Soil borings were advanced in potential source areas (areas of previous chemical storage, near building floor drains, inside the former impoundments, etc.). Two soil samples and one groundwater sample were collected from each boring. Additionally, groundwater samples were collected from monitoring wells located at the facility (PC-GW-06, PC-GW-08, and PC-GW-09), as well as one monitoring well, PC-213, located adjoining west of the Facility. All soil and groundwater samples were analyzed for the following:

- VOCs using U.S. EPA Method 5035A/8260C (both high/low range),
- SVOCs using U.S. EPA Method 8070D + Selected Ion Monitoring (SIM),
- Pesticides using U.S. EPA Method 8081B,
- Herbicides using U.S. EPA Method 8151A, and
- Resource Conservation and Recovery Act (RCRA) D-List metals using U.S. EPA Methods 6020B and 7470A/7471B.

Several VOCs were detected in the soil samples; however, all VOCs were detected at concentrations well below their respective U.S. EPA RSLs for Residential and Industrial Soil. Chloroform was detected in soil sample GP-9 (0.2') at a concentration of 8.10 micrograms per kilogram ($\mu\text{g}/\text{kg}$), above its U.S. EPA Protection of Groundwater Risk-Based Site-Specific Dilution Attenuation Factor (DAF) of 20 Soil Screening Level (SSL) of 1.22 $\mu\text{g}/\text{kg}$. Although this concentration is above this site-specific regulatory action level, this is a conservative action level, and the concentration was below its U.S. EPA Protection of Groundwater MCL-Based Site-Specific DAF of 20 SSL of 440 $\mu\text{g}/\text{kg}$. Additionally, this elevated concentration of chloroform was limited to shallow soil only and was not detected in deeper soil.

Numerous SVOCs were detected in the soil samples collected; however, all detected concentrations were well below their respective U.S. EPA RSLs for Residential and Industrial Soil. It should be noted that BCEE was not detected in any of the soil samples. Naphthalene was detected in soil samples GP-6 (7-8') and GP-9 (0-2') at concentrations of 11.9 $\mu\text{g}/\text{kg}$ and 59.7 $\mu\text{g}/\text{kg}$, respectively, exceeding its U.S. EPA Protection of Groundwater Risk-Based Site-Specific DAF of 20 SSL of 10.8 $\mu\text{g}/\text{kg}$. Although these concentrations are above these site-specific regulatory action levels, no SVOCs, including naphthalene, were detected in the groundwater at the facility; therefore, SVOCs have not been shown to be leaching into the groundwater at concentrations above their respective U.S. EPA MCLs.

Numerous metals were detected in the soil samples; however, with the exception of total arsenic, all detected concentrations were well below their respective U.S. EPA RSLs for Residential and Industrial Soil. Total arsenic was detected in the soil samples at concentrations ranging from 1.82 mg/kg to 69.8 mg/kg. Many of these arsenic concentrations are above the U.S. EPA RSL for Industrial Soil for arsenic of 3.0 mg/kg. In addition, all of the arsenic concentrations are above the U.S. EPA Protection of Groundwater Risk-Based Site-Specific DAF of 20 SSL of 0.03 mg/kg, and many are above the U.S. EPA Protection of Groundwater MCL-Based DAF of 20 SSL of 5.8 mg/kg.

No pesticides or herbicides were detected in any of the soil samples collected.

With the exception of chloroform, no VOCs were detected in any of the groundwater samples. Chloroform was detected in the groundwater sample collected from GP-11 at a concentration of 3.03 micrograms per liter ($\mu\text{g}/\text{L}$), well below its U.S. EPA MCL of 80 $\mu\text{g}/\text{L}$.

No SVOCs, including BCEE, were detected in any of the on-site groundwater samples; however, BCEE was detected in the off-site monitoring well PC-213 (located adjacent west of/or within the BCEE source area) at a concentration of 10.3 $\mu\text{g}/\text{L}$, exceeding its U.S. EPA RSL for tap water of 0.00014 mg/L.

Dissolved arsenic was detected in all of the groundwater samples collected at concentrations ranging from 0.00203 mg/L to 0.122 mg/L. Nine of the groundwater

samples collected (GP-3, GP-5, GP-8, GP-9, GP-10, PC-GW-08 and duplicate, PC-GW-09, and PC-213) exhibited dissolved arsenic concentrations above its federal MCL of 0.01 mg/L. It should be noted that borings GP-8 and GP-9 had some of the highest concentrations of arsenic in groundwater and the highest concentrations of arsenic in soil.

One pesticide, endosulfan I, was detected in the groundwater sample GP-10 at a concentration of 0.0234 µg/L, well below its U.S. EPA RSL for tap water of 100 µg/L. No other pesticides were detected in any of the groundwater samples.

No herbicides were detected in any of the groundwater samples.

Based on the results of previous investigations and at the request of the Utah DWMRC, Wasatch conducted surficial soil sampling activities at the Facility to evaluate for potential source areas.

In May and June 2019, Wasatch completed surficial soil sampling activities at the Facility. Wasatch collected 23 surficial soil samples (SS-1 through SS-23 and SS-22-1) at the Facility in areas of potential concern as depicted on Figure 1. As requested by Utah DWMRC personnel, the soil samples were analyzed for SVOCs and RCRA D-List metals.

Numerous SVOCs were detected in the soil samples; however, all detected concentrations were well below their respective U.S. EPA RSLs for Industrial Soil. Several SVOCs were detected at concentrations exceeding their respective U.S. EPA Protection of Groundwater Risk/MCL-Based Site-Specific DAF of 20 SSLs; however, SVOCs were not detected in any of the groundwater samples collected during our July 2018 investigation.

Numerous metals were detected in the soil samples; however, with the exception of total arsenic and total lead, all detected concentrations were well below their respective U.S. EPA RSLs for both Residential and Industrial Soil.

Total arsenic was detected in all soil samples at concentrations ranging from 1.27 mg/kg to 13,000 mg/kg. Many of these arsenic concentrations were above the U.S. EPA RSL for Industrial Soil for arsenic of 3.0 mg/kg. In addition, all of the arsenic concentrations were above the U.S. EPA Protection of Groundwater Risk-Based Site-Specific DAF of 20 SSL of 0.03 mg/kg, and many are above the U.S. EPA Protection of Groundwater MCL-Based DAF of 20 SSL of 5.8 mg/kg.

Total arsenic was detected in soil sample SS-22 and its field duplicate SS-26 at concentrations of 2,930 mg/kg and 13,000 mg/kg, respectively. Because there was such a large difference between the two results, on June 20, 2019, Wasatch personnel collected an additional soil sample (SS-22-1) and an additional field duplicate (SS-26-1) in the area of SS-2. Total arsenic was reported at concentrations of 1,590 mg/kg and 1,790 mg/kg, in the respective samples SS-22-1 and SS-26-1; however, these

concentrations are still the highest detected at the Facility, and are well above the U.S. EPA RSL for Industrial Soil and above the U.S. EPA Protection of Groundwater Risk/MCL-Based Site-Specific DAF of 20 SSLs. This area shows some soil staining and appears to be limited in size to approximately 15 feet by 20 feet.

Total lead was detected in soil samples SS-5, SS-22, SS-22-1, and its field duplicate SS-26-1, at concentrations ranging from 819 mg/kg to 1,740 mg/kg above its U.S. EPA RSL for Industrial Soil of 800 mg/kg. Additionally, several soil samples had reported concentrations of lead exceeding the U.S. EPA Protection of Groundwater MCL-Based Site-Specific DAF of 20 SSL of 280 mg/kg.

With the exception of arsenic and lead, all metals were reported at concentrations below their respective U.S. EPA RSLs for Residential and Industrial Soil in all of the collected soil samples. The highest concentrations of lead and arsenic appear to be primarily limited to the area of SS-22 (including field duplicates and additional samples collected in this area). Additionally, during sample collection, the soils in this area appeared to be stained. Based on the analytical results, it appeared a metals release had occurred in the area of soil sample SS-22.

Some constituents, primarily metals, were detected at concentrations that exceed their respective U.S. EPA RSLs for Industrial Soil and/or U.S. EPA Protection of Groundwater Risk/MCL-Based Site-Specific DAF of 20 SSLs; therefore, an Industrial Risk Evaluation was conducted for the Facility by AQS Environmental Science. The risk assessment was conducted following the Utah DWMRC and U.S. EPA approved methodologies and U.S. EPA RSLs (April 2019). Samples included 24 surface soil samples (SS-1 through SS-23 and SS-22-1). Samples SS-24 through SS-26 and SS-26-1 were duplicates. Samples were analyzed for SVOCs and metals.

The results of the risk assessment did not support industrial/commercial use without additional actions. Based on the results of the preliminary industrial risk evaluation, there was an apparent hot spot around sample SS-22 that drives site risk. Arsenic concentrations were significantly elevated in the area of SS-22. Based on the results of the Industrial Risk Evaluation, it was necessary to remove and transport the soil in this area to an appropriate disposal facility and to collect confirmation soil samples for metals to demonstrate remaining concentrations were within acceptable levels for industrial/commercial use.

In February 2020, Wasatch supervised the removal of approximately 173 tons of arsenic-impacted soil in the area around SS-22. Four composite confirmation sidewall samples and two composite confirmation base soil samples were collected from the excavation as depicted on Figure 2. Numerous metals were detected in the soil samples; however, with the exception of total arsenic, all detected concentrations were well below their respective U.S. EPA RSLs for Industrial Soil.

Total arsenic was detected in all of the confirmation soil samples at concentrations ranging from 2.91 mg/kg to 16.1 mg/kg. Many of these arsenic concentrations are

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above the U.S. EPA RSL for Industrial Soil for arsenic of 3.0 mg/kg; however, none of the total arsenic concentrations exceed the Geneva Steel Background-Based Remediation Goal of 22.8 mg/kg for arsenic. The Geneva Steel Background-Based Remediation Goal of 22.8 mg/kg is the Utah DWMRC approved screening level for Parish Chemical; therefore, all remaining arsenic conditions meet industrial/commercial risk.

Total lead was detected in all of the confirmation soil samples at concentrations ranging from 9.10 mg/kg to 44.2 mg/kg, below the U.S. EPA RSL for Industrial Soil of 800 mg/kg, as well as, the U.S. EPA Protection of Groundwater MCL-Based Site-Specific DAF of 20 SSL of 280 mg/kg for total lead.

Total barium was detected in all confirmation soil samples at concentrations ranging from 29.8 mg/kg to 153 mg/kg, below its U.S. EPA RSLs for Industrial Soil of 220,000 mg/kg. These concentrations are also below their respective U.S. EPA Protection of Groundwater MCL-Based Site-Specific DAF of 20 SSL and Risk-Based Site Specific DAF of 20 SSL of 1,640 mg/kg and 3,200 mg/kg for total barium.

Total cadmium was detected in several of the confirmation soil samples at concentrations ranging from 0.580 mg/kg to 0.924 mg/kg. These concentrations are below its U.S. EPA RSL for Industrial Soil of 980 mg/kg, as well as, the U.S. EPA Protection of Groundwater MCL-Based Site-Specific DAF of 20 SSL of 7.6 mg/kg for total cadmium.

Total chromium was detected in most of the confirmation soil samples at concentrations ranging from 17.1 mg/kg to 40.1 mg/kg, below its U.S. EPA RSL for Industrial Soil of 1,800,000 mg/kg, and below the U.S. EPA Protection of Groundwater Risk-Based Site-Specific DAF of 20 SSL of 800,000,000 mg/kg for chromium.

Total mercury was detected in two of the confirmation soil samples (CS-W and CS-N) at concentrations of 0.0595 mg/kg and 0.0715 mg/kg, respectively, below its U.S. EPA RSL for Industrial Soil of 46 mg/kg. These concentrations are also below the U.S. EPA Protection of Groundwater Risk-Based Site-Specific DAF of 20 SSL of 0.66 mg/kg, and its U.S. EPA Protection of Groundwater MCL-Based Site-Specific DAF of 20 SSL of 2.0 mg/kg for total mercury.

Total selenium was detected in duplicate confirmation soil sample CS-E, CS-Ed at a concentration of 3.81 mg/kg, below its U.S. EPA RSLs for Industrial Soil of 5,800 mg/kg. These concentrations are also below its U.S. EPA Protection of Groundwater MCL-Based Site-Specific DAF of 20 SSL of 5.2 mg/kg, as well as, its U.S. EPA Protection of Groundwater Risk-Based Site-Specific DAF of 20 SSL of 10.4 mg/kg for total selenium.

Total silver was not detected in any of the confirmation soil samples.

Based on the analytical results, the remaining metal concentrations are within acceptable levels for industrial/commercial use. As remaining metal concentrations do

not meet residential standards, the Facility can only be used for industrial/commercial purposes.

Through the SMP and this Environmental Covenant (EC), including necessary activity and use limitations, the risk posed by residual metal impacts in soil at the former Parish Chemical facility will be mitigated. The management requirements of the SMP and activity and use limitations of the EC will be protective of human health and the environment.

5. Administrative Record. The SMP project administrative record, Parish Chemical, is maintained and managed by the Utah DEQ DWMRC in accordance with Utah Code, § 636-2.

6. Grantor. The Grantor of this Environmental Covenant is also an Owner as defined in Paragraph 7.

7. Owner. The Owner of the former Parish Chemical facility is a person who controls, occupies, or holds any interest (other than this Environmental Covenant) in Parish Chemical at any given time, including, without limitation, fee simple estate, any assign, successor in interest, mortgagee, lender, easement holder, or lessee. Because this Environmental Covenant runs with the land, the obligations of the Owner are transferred to the Transferee. Except as provided in this Environmental Covenant, upon transfer of an Owner's interest in the former Parish Chemical facility, the Owner shall have no further rights or obligations hereunder. Notwithstanding the foregoing, nothing herein shall relieve the Owner during the time it holds an interest in the former Parish Chemical facility of its responsibilities to comply with the terms hereof and all other provisions of applicable law or of responsibility for its failure to comply during the time it held an interest in the former Parish Chemical facility.

8. Transferee. The Transferee is a person to whom an Owner transfers the Owner's obligations under this Environmental Covenant. A Transferee is any assign, successor in interest, including without limitation a future owner of an interest in fee simple, mortgagee, lender, easement holder, lessee, and any other person or entity who acquires any interest whatsoever in the former Parish Chemical facility, or any portion thereof, whether or not any reference to this Environmental Covenant or its provisions are contained in the deed or other conveyance instrument, or other agreements by which such person or entity acquires its interest in the former Parish Chemical facility or any portion thereof.

9. Holder. AFP West, LLC, is the grantee and Holder of this Environmental Covenant as defined in Sections 57-25-102(6), 103(1), and 103(3)(b) of the Utah Code Annotated.

10. Rights and Obligations of Holder. Holder may enforce this Environmental Covenant. Holder's obligations hereunder are limited to the specific provisions and the

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limited purposes described in this Environmental Covenant. Subject to the provisions hereof, Holder's rights and obligations survive the transfer of Parish Chemical.

11. Agency. The Utah DEQ is the Agency (as defined in the Act) under this Environmental Covenant. The Utah DEQ may enforce this Environmental Covenant. The Utah DEQ assumes no affirmative duties through the execution of this Environmental Covenant. The Director of the DWMRC is the Utah DEQ representative for this Environmental Covenant.

12. Activity and Use Limitations. As part of the environmental response project described above, Grantor hereby imposes the following activity and use limitations on Parish Chemical:

A. **Land Use Limitations** Parish Chemical is suitable for commercial and industrial use consistent with applicable local zoning laws. Parish Chemical is not suitable for use as residential or day care.

B. **Groundwater Limitations** Groundwater shall not be accessed or used for potable, culinary, domestic, commercial or industrial process(es), irrigation, livestock water, or any other purposes except for investigation or remediation thereof.

13. Notice of Breach. If any event or action by or on behalf of a person or entity who holds an interest in or holds an encumbrance on Parish Chemical constitutes a breach of the activity and use limitations, Owner or Transferee shall notify the Director within 30 days of becoming aware of the event or action, and shall remedy the breach of the activity and use limitations within 60 days of becoming aware of the event or action, or such other time frame as may be agreed to by the Owner or Transferee and Director.

14. Running with the Land. This Environmental Covenant shall be binding upon the Owner and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to Utah Code Ann. § 57-25-105, subject to amendment or termination as set forth herein.

15. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to Utah Code Ann. § 57-25-111. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce correction of any non-compliance. Nothing in this Environmental Covenant shall restrict the Director from exercising any authority under applicable law.

16. Rights of Access. Grantor hereby grants to the Utah DEQ and all Holders, the right of access to Parish Chemical for necessary response actions, inspections, and implementation or enforcement of this Environmental Covenant.

17. Compliance Reporting. Upon request from the Director, Owner or any Transferee shall submit to the Director written documentation verifying that the activity

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and use limitations remain in place and are being complied with. If such limitations do not remain in place, are not being complied with, or both, the Owner or any Transferee shall explain the circumstances.

18. Notice upon Conveyance. Owner shall notify the Agency and Holder within 20 days after each transfer of ownership of all or any portion of Parish Chemical. Owner's notice to the Agency and Holder shall include the name, address and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and an unsurveyed plat that shows the boundaries of the property being transferred. Instruments that convey any interest in Parish Chemical (fee, leasehold, easement, encumbrance, etc.) shall include a notification to the person or entity who acquires the interest that Parish Chemical is subject to this Environmental Covenant and shall identify the date, entry no., book and page number at which this document is recorded in the records of the Utah County Recorder, in the State of Utah. Failure to provide notification shall have no effect upon the enforceability and duty to comply with this Environmental Covenant.

19. Representations and Warranties. Grantor hereby represents and warrants to the other signatories hereto:

- A. that the Grantor is the sole owner of the former Parish Chemical facility;
- B. that the Grantor holds fee simple title to the former Parish Chemical facility which is free, clear and unencumbered;
- C. that the Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided, and to carry out all obligations hereunder;
- D. that the Grantor has identified all other persons who own an interest in or hold an encumbrance on the former Parish Chemical facility and notified such persons of the Owner's intention to enter into this Environmental Covenant; and
- E. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Grantor is a party or by which Grantor may be bound or affected.

20. Amendment or Termination. Amendment or Termination. This Environmental Covenant may be amended or terminated pursuant to the Act. Except as set forth herein, Grantor and Holder waive any and all rights to consent or notice of amendment concerning any parcel of the former Parish Chemical facility to which Grantor or Holder has no fee simple interest at the time of amendment or termination. Nothing in this Environmental Covenant shall be interpreted to mean that the Director waives the right to consent or notice of amendment or termination of this Environmental Covenant.

21. Effective Date, Severability, and Governing Law. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a document of record for the former Parish Chemical

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facility with the Utah County Recorder. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Utah.

22. Recordation and Distribution of Environmental Covenant. Within 30 days after the date of the final required signature upon this Environmental Covenant, Owner[s] shall file this Environmental Covenant for recording, in the same manner as a deed to the former Parish Chemical facility, with the Utah County Recorder's Office. The Owner shall distribute a file-and date-stamped copy of the recorded Environmental Covenant to: the Director, any lessee, and any other person designated by the Director; see Utah Code Ann. §§ 57-25-107.

23. Notice. Unless otherwise notified in writing by or on behalf of the current owner or the Director, any document or communication required by this Environmental Covenant shall be submitted to:

If to the Director:

Director
Utah Division of Waste Management and Radiation Control
P.O. Box 144880
Salt Lake City, Utah 84114-4880

If to AFP West, LLC:

Steve Pruitt
AFP West, LLC
3963 East Alpine Valley Circle
Sandy, Utah 84092

24. Governmental Immunity. In approving this covenant, the Agency does not waive governmental immunity afforded by law. The Grantor, Owner, and Holder, for themselves and their successors, assigns, and Transferees, hereby fully and irrevocably release and covenant not to sue the State of Utah, its agencies, successors, departments, agents, and employees (State) from any and all claims, damages, or causes of action arising from, or on account of the activities carried out pursuant to this Environmental Covenant except for an action to amend or terminate the Environmental Covenant pursuant to Sections 57-25-109 and 57-25-110 of the Utah Code Ann., or for a claim against the State arising directly or indirectly from or out of actions of employees of the State that would result in (i) liability to the State of Utah under Section 63G-7-301 of the Governmental Immunity Act of Utah, Utah Code Ann. Section 63G-7-101, *et seq.*, or (ii) individual liability for actions not covered by the Governmental Immunity Act as indicated in Sections 63G-7-202 and -902 of the Governmental Immunity Act, as determined in a court of law.

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25. Payment of Agency's Costs. Consistent with the Act and other applicable law, the Owner, if invoiced, shall reimburse the Utah DEQ for the Utah DEQ's costs related to this Environmental Covenant. The invoice may be based on actual costs incurred by Agency or on the fee schedule approved by the legislature or both as applicable.

26. The undersigned representative of Grantor represents and certifies that he or she is authorized to execute this Environmental Covenant.

Environmental Covenant
The Former Parish Chemical Facility
Page 15

AFP West, LLC
A Utah Limited Liability Company
as Grantor, Owner, and Holder



Steve Pruitt

5.26.21

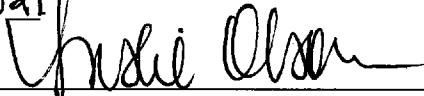
Date

State of Utah)
County of Salt Lake)

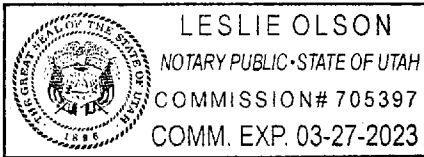
ss:

Before me, a notary public, in and for said county and state, personally appeared Steve Pruitt, a duly authorized representative of AFP West, LLC, who acknowledged to me that [he/she] did execute the foregoing instrument on behalf of Utah Driver License

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 21 day of May, 2021



Notary Public



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The Former Parish Chemical Facility
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UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

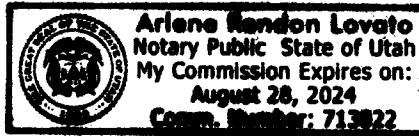
On behalf of the Utah Department of Environmental Quality, the Director of the Division of Waste Management and Radiation Control approves the foregoing Environmental Covenant pursuant to Utah Code Ann. Sections 57-25-102(2) and 57-25-104(1)(e).

Jalynn Knudsen
Jalynn Knudsen, Interim Director
Division of Waste Management and Radiation
Control

May 5, 2021
Date

State of Utah)
)
County of Salt Lake)

ss:



Comm. Number 713822

Before me, a notary public, in and for said county and state, personally appeared Jalynn Knudsen, Interim Director of the Utah Division of Waste Management and Radiation Control, who acknowledged to me that she did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 5th day of May, 2021.

Arlene Rendon Lovato
Notary Public Arlene Rendon Lovato

This instrument prepared by:

Wasatch Environmental, Inc.
2410 West California Avenue
Salt Lake City, Utah 84104

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Exhibit A

Exhibit A
Legal Description

COM N 619.57 FT & W 86.68 FT FR E 1/4 COR. SEC. 17, T6S, R2E, SLB&M; S 88 DEG 15' 39" W 101.64 FT; N 89 DEG 23' 38" W 99.15 FT; N 4 DEG 18' 31" E 43.84 FT; N 63 DEG 2' 20" W 18.38 FT; N 3 DEG 37' 44" E 362.19 FT; N 85 DEG 54' 55" E 18.18 FT; N 2 DEG 55' 14" W 39.03 FT; N 89 DEG 51' 49" E 65.96 FT; N 89 DEG 31' 52" E 106.34 FT; N 88 DEG 41' 54" E 14.37 FT; S 1 DEG 20' 52" W 295.79 FT; ALONG A CURVE TO R (CHORD BEARS: S 1 DEG 48' 4" W 157.47 FT, RADIUS = 9950 FT) TO BEG.

CONTAINS 2.147 ACRES.

ENT 104923 : 2021 PG 19 of 21

Figures

PARISH CHEMICAL WEI 1315-002B

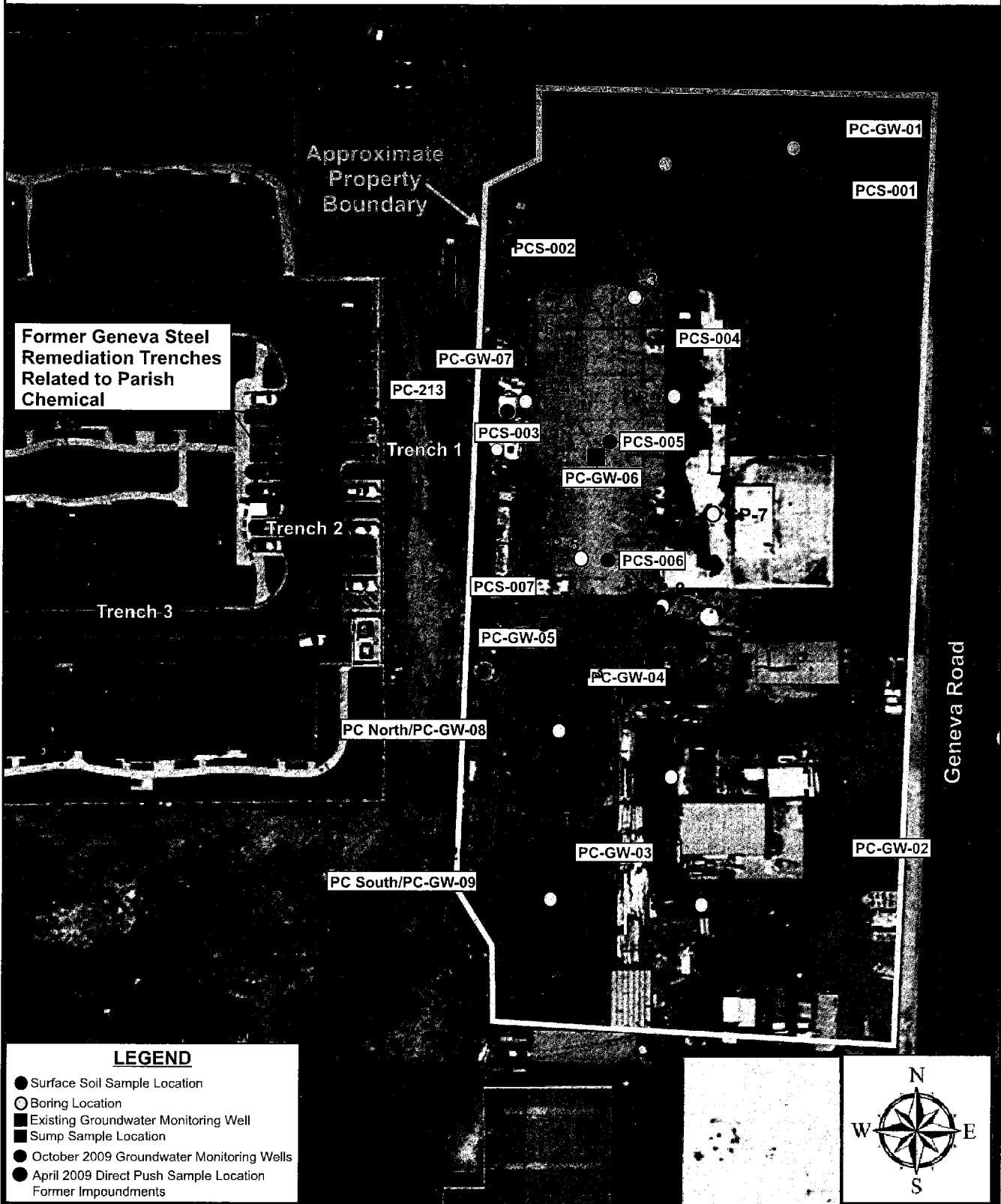
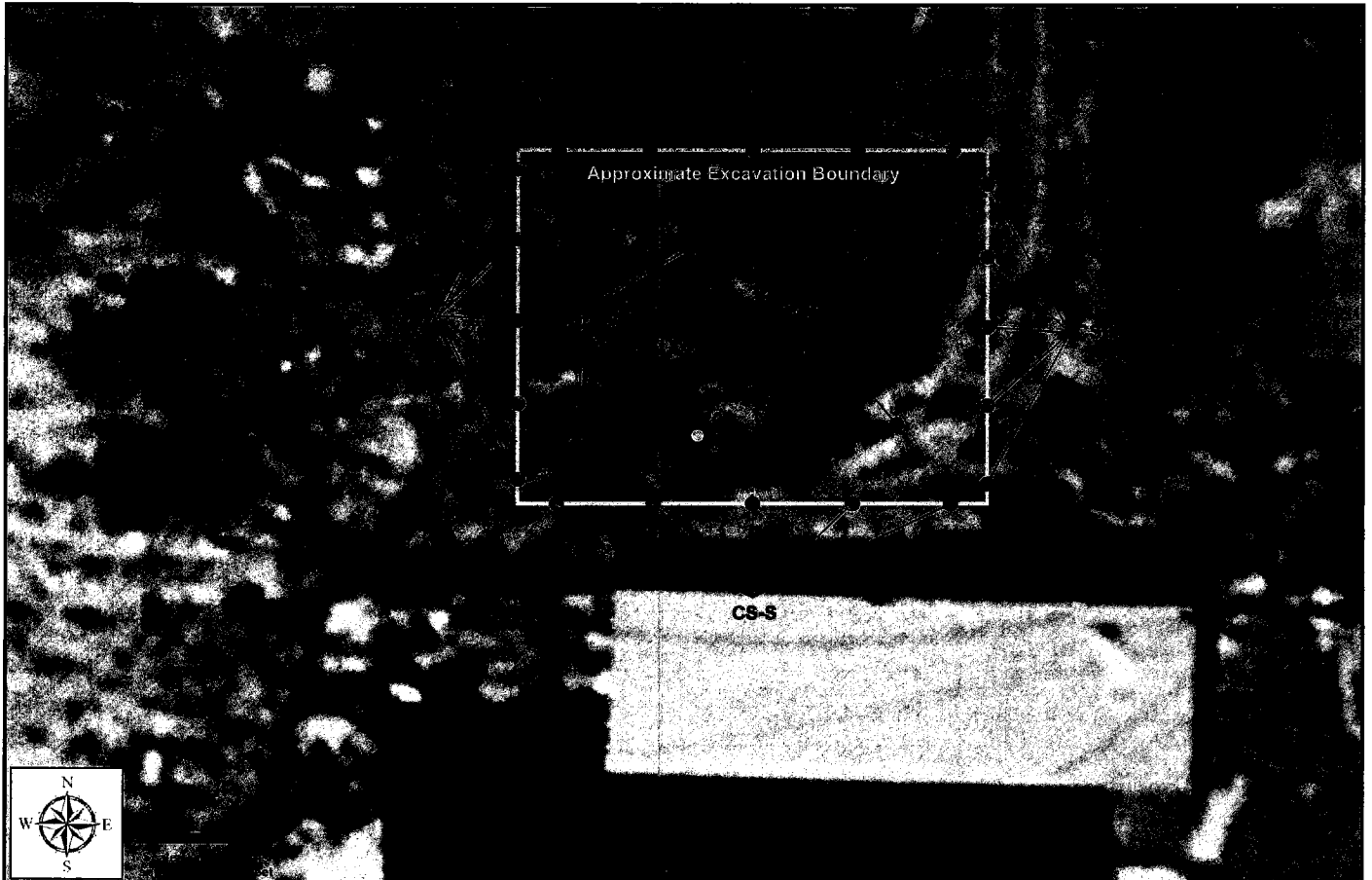



Figure 1 - Historical Sample Location Map

Scale: 1 inch equals approximately 64 feet



<ul style="list-style-type: none">○ Previous Surficial Soil Sample● Approximate Aliquot Floor Sample Location● Approximate Aliquot Sidewall Sample Location	 WASATCH ENVIRONMENTAL <i>Environmental Science and Engineering</i>	Excavation and Soil Confirmation Sample Location Map		
		Parish Chemical		
		PROJECT NO.: 1315-002B	DATE: 3/27/2020	FIGURE 2