

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

10874465  
01/07/2010 11:34 AM \$0.00  
Book - 9795 Pg - 836-843  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UT ST-ENVIRONMENTAL QUALITY  
BY: ZJM, DEPUTY - MA 8 P.

**RE: Utah Barrel and Scrap (VCP# C061)**

## **FIRST AMENDED CERTIFICATE OF COMPLETION**

The Certificate of Completion ("COC") is amended to reflect a modification of the Specified Land Use, #3 below. The First Amended Certificate of Completion replaces in its entirety the Certificate of Completion issued on May 6, 2009 and recorded on May 20, 2009 as Document #10707393 in Book 9725, Pages 1716-1724 with the Salt Lake County Recorder. This First Amended COC is effective on the date of recording.

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

The Executive Director of the Utah Department of Environmental Quality, through her undersigned designee below, has determined that Scrap, LLC, Artspace, and Barrel, LLC, hereinafter collectively referred to as "Applicant", have 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 December 11, 2007, and amended on October 15, 2008, and January 27, 2009. 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. Figures depicting the Property are 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.

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

The future use of the Site will be for commercial or mixed use (residential and commercial use). Cleanup levels were established based on a commercial land use and the exposure scenario is outlined below. Residential use is allowed above the ground floor of multi-unit buildings but is not allowed on or below the ground floor of multi-unit buildings. There will be no single family homes on the Property or vegetable gardens that grow from the ground. A future use consistent with the requirements of this Section, of commercial on the bottom floor and residential on the second floor and above, is protective since this mixed use is consistent with a commercial exposure scenario for which this Site was remediated to.

Commercial use of the Site will be consistent with the commercial worker exposure scenario described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. This 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.

Groundwater will not be accessed via wells, pits, or sumps for drinking water, bathing and/or irrigation purposes. Excavation is allowed in the two areas of hydrocarbon impacts located on the southern portion of the Site (as depicted in Attachment B, Petroleum Impacted Soils) provided the soil is managed according to the current environmental rules and regulations, workers are notified of the contamination and instructed of proper health and safety procedures and future use in the area is consistent with the land use described above. Before excavating or disturbing impacted soils, the Owner shall notify the DEQ and ensure any contaminated material will be properly managed.

In addition, this COC is issued based upon compliance with the following:

- a. The Property shall be used in a manner that is consistent with the land use described in section three above;
- b. 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; and
- c. Implementation and compliance with the Environmental Covenants (ECs) for the development and use of the Property and recorded with the Salt Lake County Recorder on April 29, 2009, Entry No. 10687187: Bk 9716, Pages 761-775 and Entry No. 10687188: Bk 9716, Pages 776-796.

### **4. Unavailability of Release of Liability**

Use of the Property that is not consistent with section three including failure to comply with the 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. 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.

**6. Final Signature for Utah Barrel and Scrap Certificate of Completion**

Dated this 16<sup>th</sup> day of December, 2009

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 SALT LAKE )

On this 16<sup>th</sup> day of December, 2009, personally appeared before me,

Brent H. Everett who duly acknowledged that he signed the above Certification of Completion as an authorized representative of the Executive Director of the Department of Environmental Quality.

Rosalinda Kenworthy  
NOTARY PUBLIC

Residing At: St. County

My Commission Expires 7-13-2011

Attachments: Attachment A: Legal Property Description  
Attachment B: Figure of Utah Barrel and Scrap



# **ATTACHMENT A**

Utah Barrel and Scrap  
Legal Property Description

**EXHIBIT A TO CERTIFICATE OF COMPLETION**

**Parcel 15-12-176-013-0000 (Northern Parcel)**

All of Lots 7 and 8, Block 8, Plat "A" Salt Lake City Survey, according to the official plat thereof, on file and of record in the office of the Salt Lake County Recorder.

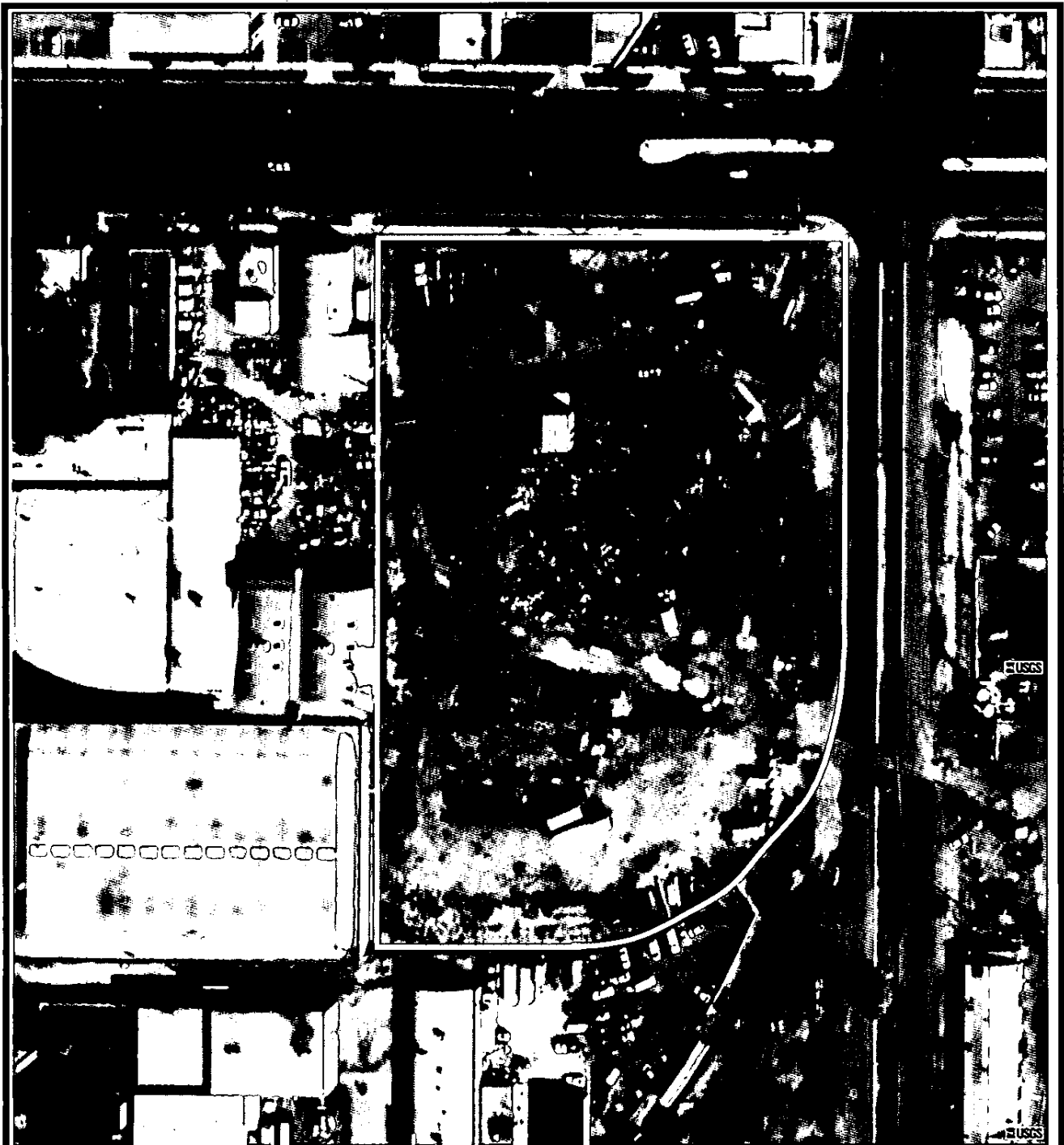
**Parcel 15-12-176-014-0000 (Southern Parcel)**

A parcel of land lying North of an existing screen wall being part of Lots 1, 2 and 3, Block 8, Plat "A" Salt Lake City Survey in Salt Lake County, Utah:

Beginning at the Northeast Corner of said Lot 1 and running thence South 0°00'16" West 64.12 feet (61.08 feet record) along the East Line of said Lot 1 also being the West Line of 400 West Street; thence Southwesterly along the arc of a 231.10 feet (230.99 feet record) radius curve to the right a distance of 200.73 feet (200.68 feet record)(Center bears North 56°49'12" West; Central Angle equals 49°46'00" and Long Chord bears South 58°03'49" West 194.48 feet) to a point on the Lot Line common to Lots 1 and 2 of said Block 8; thence South 0°00'14" East 0.65 feet along said Lot Line to the South edge of an existing block screen wall; thence South 89°49'17" West 173.49 feet to a point 8.45 feet West of the Lot Line common to Lots 2 and 3 of said Block 8; thence North 0°00'11" East 167.12 feet to the Lot Line common to Lots 3 and 6 of said Block 8 at a point 8.45 feet North 89°57'38" West along the Lot Line from the corner common to Lots 2, 3, 6 and 7 of said Block 8; thence South 89°57'38" East 8.45 feet along said Lot Line to said common Lot Corner; thence continuing South 89°57'38" East 165.04 feet (165.0 feet record) along the Lot Line common to Lots 2 and 7 of said Block 8 to the Lot Corner common to said Lots 1, 2, 7 and 8; thence continuing South 89°57'38" East 165.04 feet (165.0 feet record) along the Lot Line common to Lots 1 and 8 of said Block 8 to the Northeast Corner of said Lot 1 on the West Line of 4000 West street and the point of beginning.

# **ATTACHMENT B**

Utah Barrel and Scrap Figures

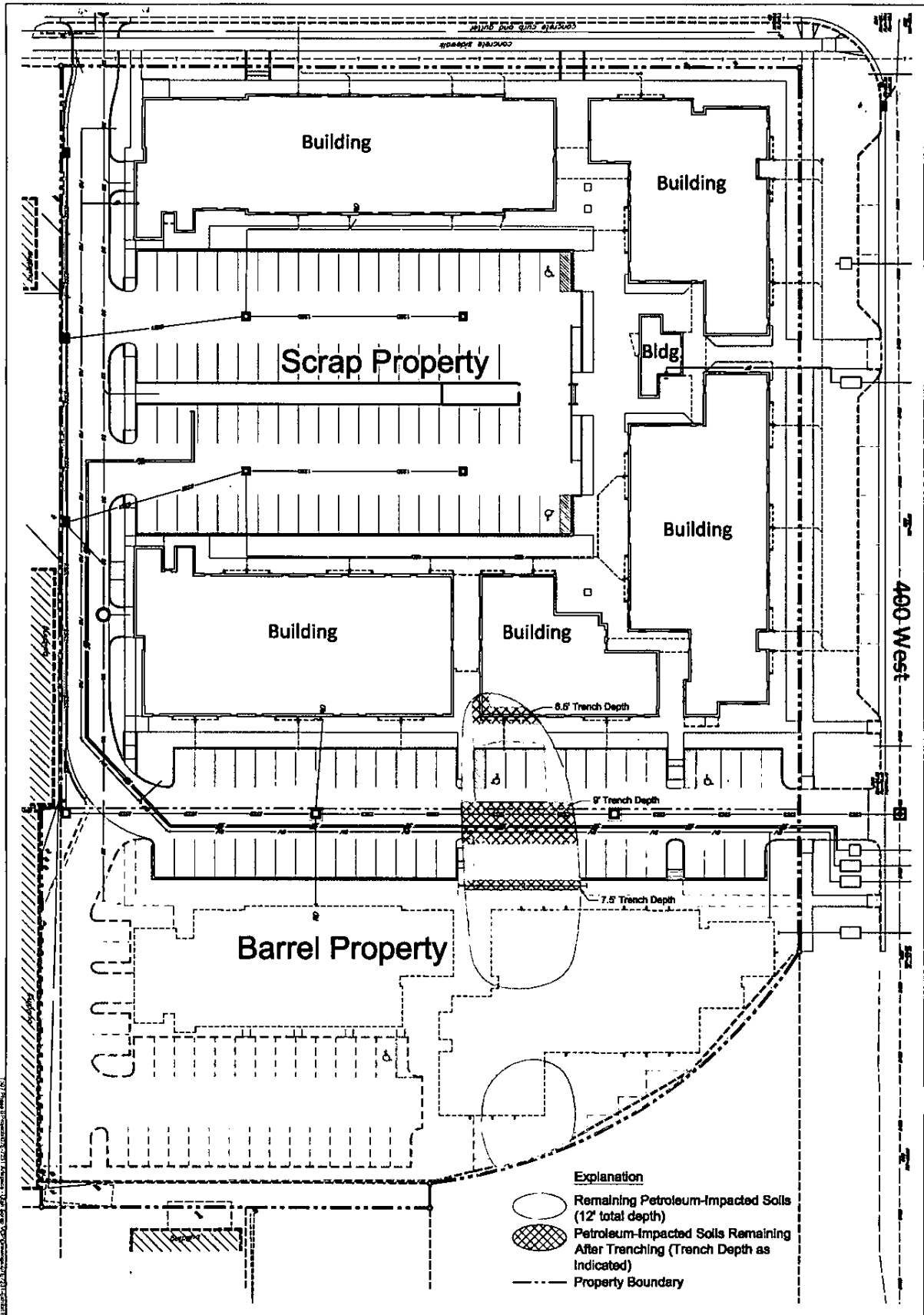


**IHI**  
ENVIRONMENTAL  
640 East Wilmington Avenue  
Salt Lake City, Utah 84106  
(801) 466-2223

Former Utah Barrel and Scrap  
850 South 400 West  
Salt Lake City, Utah

Figure 1

**Site Map – 2008 Aerial Photograph**



PROJECT No. 07E-7231  
 CAD FILE No. 07E7231-E-B  
 DRAWN BY: MFB  
 DATE: 11.19.08  
 REVISED BY: MFB  
 DATE: 02.05.09

Artspace Commons  
 Former Utah Barrel Site  
 850 South 400 West  
 Salt Lake City, Utah  
 Exhibit B: Remaining Petroleum-Impacted Soils

