

SCANNED

DEQ 2008-00423

10514681
09/05/2008 04:35 PM \$0.00
Book - 9640 Pg - 7598-7600
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
UT ST-ENVIRONMENTAL QUALITY
BY: ZJM, DEPUTY - MA 3 P.

After Recording 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

RECEIVED

SEP 16 2008

DEQ
Environmental Response & Remediation

Amendment to Certificate of Completion to Release Site Management Plan Requirements Outlined in the Specified Land Use Section

This amendment to the Certificate of Completion ("COC") dated March 9, 2006, and recorded March 22, 2006, entry no. 9670109, book 9269, pages 9504-9508, with the office of the Salt Lake County Recorder, is made effective on the date of recording for the following property parcels, more particularly described in Attachment "A":

Parcel # 15-15-351-08 1812 South Empire Road
Parcel # 15-15-351-09 1950 South Industrial Road
Salt Lake City, Salt Lake County, Utah

RECITALS

1. WHEREAS, the COC required compliance with a Site Management Plan on file with the Utah Department of Environmental Quality (DEQ),
2. WHEREAS, among other things, the Site Management Plan required groundwater monitoring and contaminated soil management,
3. WHEREAS, Section 5 of the COC provided that the COC could be amended upon a showing that the Site Management Plan was no longer necessary,
4. WHEREAS, Associated Food Stores, Inc. has demonstrated that the Site Management Plan is no longer necessary by completing soil treatment and groundwater monitoring requirements,
5. WHEREAS, Associated Food Stores, Inc., in accordance with the terms of the COC has requested the DEQ to amend the COC to provide notice that the Site Management Plan is no longer a necessary land use restriction.

NOW THEREFORE, the COC is amended to release the Site Management Plan requirements associated with land use as follows:

1. Section 3 of the COC entitled, "Specified Land Use for Certificate of Completion" is hereby amended and restated as follows:

This COC is issued based on Associated Food Stores, Inc. representation that the Property will be used for commercial/industrial uses, consistent with the commercial/industrial worker exposure scenario described in the Risk

Attachment A
Associated Food Stores, Inc.
Legal Property Descriptions

Parcel 1

Address: 1812 South Empire Road, Salt Lake City, Utah
Property Parcel # 15-15-351-08

Beginning at the point of intersection of the east line of Industrial Road and the north line of Associated Avenue, said point being north 0°03'08" west 25.00 feet and north 89°56'52" east 25.00 feet from the Salt Lake City monument in the intersection of Industrial Road and Associated Avenue, said monument being south 89°45'30" west 1599.40 feet and north 0°03'08" west 1051.80 feet from the south quarter corner of Section 15, Township 1 south, Range 1 west, Salt Lake base and meridian; thence north 0°03'08" west 1535.53 feet along said east line to the south line of 1700 South Street; thence north 89°56'30" east 516.08 feet along said south line; thence south 0°03'08" east 267.77 feet; thence south 43°34'43" east 82.77 feet; thence south 0°03'08" east 203.44 feet to a point on the arc of a 70.09 foot radius curve to the left; thence southeasterly along said curve 82.17 feet (chord bears south 36°59'29" east 77.54 feet); thence south 65°03'06" east 58.92 feet; thence north 89°56'40" east 262.77 feet; thence south 0°03'08" east 917.51 feet to said north line of Associated Avenue; thence south 89°56'52" west 935.85 feet along said north line to the point of beginning.

Contains 27.514 acres.

Parcel 3

Address: 2010 South Industrial Road, Salt Lake City, Utah
Property Parcel # 15-15-351-09

Beginning at a point on the west line of Industrial Road, said point being north 0°03'08" west 83.51 feet and south 89°42'23" west 25.00 feet from the Salt Lake City monument in the intersection of 2100 South Street and Industrial Road, said monument being south 89°45'30" west 1599.40 feet from the south quarter corner of Section 15, Township 1 south, Range 1 west, Salt Lake base and meridian; thence south 89°42'23" west 866.61 feet to a point on the arc of a 1203.54 foot radius curve to the right, said point being on the easterly right of way line of Interstate 215; thence along said right of way the next five (5) courses and distances: Northwesterly along said curve 52.10 feet (chord bears north 36°45'15" west 52.09 feet) and north 31°28'00" west 474.36 feet to a point on the arc of a 1060.92 foot radius curve to the right and along said curve 607.07 feet (chord bears north 16°50'33" west 598.82 feet) and south line of Ingersoll Industrial Park Subdivision; thence north 89°57'04" east 899.15 feet along said south line; thence north 0°03'08" north 89°57'04" east 406.65 feet along the south line of said subdivision to the west line of Industrial Road; thence south 0°03'08" east 1328.54 feet along said west line to the point of beginning.

Contains 34.668 acres.

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 ingestion 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 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.

This COC requires no use of groundwater from the shallow aquifer located beneath the Property for drinking water or irrigation purposes.

2. Except as expressly modified herein the original COC, dated March 9, 2006, shall remain in full force and effect.
3. Final signature for Associated Food Stores, Inc. amended COC.

UDEQ Representative



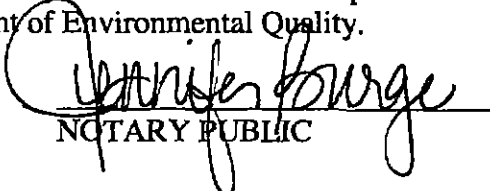
Brad T. Johnson, Director
Division of Environmental
Response and Remediation

DATE 8/26/2008

State of Utah)
 :ss.
County of Salt Lake)

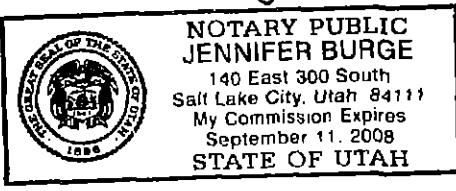
On this 26 day of August, 2008, personally appeared before me

Brad T. Johnson and duly acknowledged that he executed the above Amendment to the Utah Department of Environmental Quality Certificate of Completion as an authorized representative of the Utah Department of Environmental Quality.



NOTARY PUBLIC

My Commission Expires 9-11-08
Residing at: SLC, UT



9

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

9670109
03/22/2006 02:48 PM \$0.00
Book - 5269 Pg - 9504-9505
GARY W. OTT
RECORDER, SALT LAKE COUNTY, UT
UT ST-ENVIRONMENTAL QUALITY
BY EJM, DEPUTY - UT S R.

Re: Associated Food Stores, Inc., VCP# C025

RECEIVED

MAR 29 2006

DEO
Environmental Response & Remediation

CERTIFICATE OF COMPLETION

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 Associated Food Stores, Inc, hereinafter referred to as "Applicant," has completed a Utah Department of Environmental Quality ("UDEQ") supervised voluntary cleanup of the real property described in Attachment A (the "Property"), in accordance with sections 19-8-108 and 19-6-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on June 29, 2000, and that the Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111 and subject to the conditions set forth in section 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 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. All documents associated with the Property are on file and may be reviewed at the UDEQ/ Division of Environmental Response and Remediation office.

3. Specified Land Use for Certificate of Completion

Depending on the use of the Property, different investigation and cleanup requirements are applied before a COC is issued through the Voluntary Cleanup Program. This COC is issued based on the Applicant's representation that the property will be used for commercial/industrial purposes. The commercial/industrial exposure scenario is defined as exposure to adults to incidental ingestion and dermal contact to hazardous constituents for 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 managed care facilities, hospitals, or residential use (including caretakers that live 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 continued compliance with this document as well as the applicable portions of the Site Management Plan ("SMP"). The COC and SMP require:

- a. The Property to be used in a manner that is consistent with the land use described above;
- b. Treatment of residual soil contamination as described in the SMP;
- c. Continued monitoring of groundwater in Monitoring Well 12;
- d. Submission of quarterly reports to UDEQ;
- e. No use of groundwater from the shallow aquifer located beneath the Property for drinking water or irrigation purposes;
- f. Continued reimbursement to UDEQ Applicant for oversight of SMP activities;
- g. Continued consent for access to the property for authorized representatives of UDEQ in order to monitor compliance with the SMP.

4. Unavailability of Release of Liability

Use of the Property that is not consistent with section three or failure to comply with the conditions described above shall constitute a change in land use expected to result in increased risks to human health and the environment making the release of liability described 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 UDEQ to record an amended COC to delete compliance with the SMP as a condition of land use.

Dated this 9th day of MARCH, 2006.

Brad T Johnson

Brad T Johnson
Authorized Representative of the
Executive Director of the
Utah Department of Environmental Quality

STATE OF UTAH)

ss:

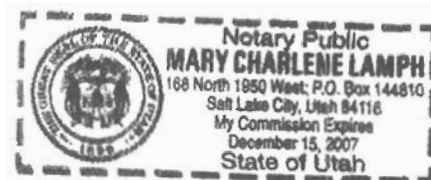
COUNTY OF Salt Lake)

On this 9th day of March, 2006, 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 Department of Environmental Quality.

Mary Charlene Lamph
NOTARY PUBLIC

Residing At: Kaysville

My Commission Expires December 15, 2007



ATTACHMENT A
Legal Property Description

Parcel 1

Address: 1812 South Empire Road, Salt Lake City, Utah

Beginning at the point of intersection of the east line of Industrial Road and the north line of Associated Avenue, said point being north 0°03'08" west 25.00 feet and north 89°56'52" east 25.00 feet from the Salt Lake City monument in the intersection of Industrial Road and Associated Avenue, said monument being south 89°45'30" west 1599.40 feet and north 0°03'08" west 1051.80 feet from the south quarter corner of Section 15, Township 1 south, Range 1 west, Salt Lake base and meridian; thence north 0°03'08" west 1535.53 feet along said east line to the south line of 1700 South Street; thence north 89°56'30" east 516.08 feet along said south line; thence south 0°03'08" east 267.77 feet; thence south 43°34'43" east 82.77 feet; thence south 0°03'08" east 203.44 feet to a point on the arc of a 70.09 foot radius curve to the left; thence southeasterly along said curve 82.17 feet (chord bears south 36°59'29" east 77.54 feet); thence south 65°03'06" east 58.92 feet; thence north 89°56'40" east 262.77 feet; thence south 0°03'08" east 917.51 feet to said north line of Associated Avenue; thence south 89°56'52" west 935.85 feet along said north line to the point of beginning.

Contains 27.514 acres.

Parcel 3

Address: 2010 South Industrial Road, Salt Lake City, Utah

Beginning at a point on the west line of Industrial Road, said point being north 0°03'08" west 83.51 feet and south 89°42'23" west 25.00 feet from the Salt Lake City monument in the intersection of 2100 South Street and Industrial Road, said monument being south 89°45'30" west 1599.40 feet from the south quarter corner of Section 15, Township 1 south, Range 1 west, Salt Lake base and meridian; thence south 89°42'23" west 866.61 feet to a point on the arc of a 1203.54 foot radius curve to the right, said point being on the easterly right of way line of Interstate 215; thence along said right of way the next five (5) courses and distances: Northwesterly along said curve 52.10 feet (chord bears

north $36^{\circ}45'15''$ west 52.09 feet) and north $31^{\circ}28'00''$ west 474.36 feet to a point on the arc of a 1060.92 foot radius curve to the right and along said curve 607.07 feet (chord bears north $16^{\circ}50'33''$ west 598.82 feet) and south line of Ingersoll Industrial Park Subdivision; thence north $89^{\circ}57'04''$ east 899.15 feet along said south line; thence north $0^{\circ}03'08''$ north $89^{\circ}57'04''$ east 406.65 feet along the south line of said subdivision to the west line of Industrial Road; thence south $0^{\circ}03'08''$ east 1328.54 feet along said west line to the point of beginning.
Contains 34,668 acres.