

10355174  
02/25/2008 09:30 AM \$0.00  
Book - 9573 Pg - 4795-4807  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UDEQ/DERR  
P.O. BOX 144840  
SALT LAKE CITY UTAH 84114-4840  
BY: ARG, DEPUTY - MA 13 P.

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

**RE: Cummins Intermountain Voluntary Cleanup Site (VCP #C039)  
1030 South 300 West, Salt Lake City, Salt Lake County, Utah**

## **CERTIFICATE OF COMPLETION**

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

The Executive Director of Utah Department of Environmental Quality, through his undersigned designee below, has determined that CII Nevada, Incorporated; Cummins Rocky Mountain, LLC and its wholly owned subsidiary Cummins Intermountain, LLC; SLC 1030 LLC, and Cummins Incorporated, hereinafter collectively referred to as "Applicant", have completed a Utah Department of Environmental Quality supervised voluntary cleanup of the real property described in Attachment A (the "Property" or the "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 May 24, 2005, and that the Applicant is granted this Certificate of Completion ("COC") pursuant to section 19-8-111, subject to the conditions set forth in section three below. A figure depicting the site is included in Attachment B, Figure 1.

### **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 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 that may reasonably be expected to be related to the Site as identified in the Site Characterization and Remedial Action Report, dated November 10, 2006 revised December 20, 2007, and other documents related to the investigation

**RECEIVED**

**MAR 04 2008**

**DEQ**  
Environmental Response & Remediation



DERR-2008-000786  
Received Date: 03/04/2008

and cleanup of the Property, and does not apply to the Underground Storage Tank facility (Facility ID# 4000203) located on the north side of the east service bays and any release associated with the Facility as determined by the Executive Secretary of the UST program.

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

Depending upon the use of the Property, different investigation and cleanup requirements are imposed before a COC is issued through the Voluntary Cleanup Program. This COC is issued based upon the Applicants' representation that the Property will be used for industrial uses similar to current land use of manufacturing, distribution, and repairing of diesel engines and diesel engine parts. In addition, the future land use will be 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 ingestion and dermal contact to hazardous constituents for duration of 25 years at a frequency of 250 days/year for 8 hours/day.

This COC is not issued for use of the Property for commercial industries that include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the Site are not approved as future uses of the Site. Commercial industries that would expose children to hazardous constituents at the Site for extended periods of time (such as day care and school facilities) are also not approved as future uses of the Site. Residential uses are not approved. Uses that are not approved as stated above would be inappropriate and unacceptable for this Site. Additional investigation and possible remediation would be required and the Agreement/COC amended before the Site could be used for uses that are not approved.

This COC is issued based upon the Applicant's representation that groundwater will not be accessed via wells, pits or sumps for drinking water, bathing and/or irrigation purposes.

This COC is issued even though contamination remains around the footings of the buildings as shown in Attachment B, Figure 3. Selected contaminant types and results are included on the Figure, but are not a comprehensive list. The administrative record provides more information. The contamination does not present an unacceptable risk for the industrial use of the Property represented by the Applicant provided the contamination and the footings of the building are not disturbed. Disturbance of the building footings or the contamination shall be a change in use making this COC invalid. However, the Applicant or future owner may submit a work plan to DEQ that describes the proposed disturbance or demolition and indicates: a) the measures that will be taken to mitigate the risk of exposing the contamination, b) a sampling plan and c) a cleanup plan, if any. If DEQ approves these plans and the Applicant or future owner demonstrates compliance with the same, the demolition or disturbance of the building foundation or contamination shall not constitute a change in use making this COC invalid, provided that the Applicant or future owner pays the UDEQ its costs in reviewing and overseeing the plans and their implementation.

This COC is subject to the conditions set forth above in this Section 3.

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

Use of the Property that is not consistent with Section 3 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 2 unavailable.

#### **5. Amended Certificate of Completion**

Upon completion of sampling and/or cleanup conducted upon or during the demolition/disturbance of the building foundation, the applicant, current, or future owners may request in writing that the Executive Director of the Department of Environmental Quality approve the termination or modification of the land use controls noted in Section 3 above. The controls may be terminated in whole or in part if the Executive Director determines that an unacceptable risk is not posed to public health, safety, welfare, or the environment. The Executive Director may require additional remediation, sampling, or other work before making any such determination. If the Executive Director determines that the controls may be terminated or modified, the Executive Director will prepare and record an amended COC.

The requesting party will be required to pay oversight costs for the evaluation of any data or information relating to the request for the termination or modification of the land use controls in the COC. The requesting party will also be required to pay oversight costs for the preparation of such an amendment.

#### **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 (DERR) office located at 168 North 1950 West, Salt Lake City, Utah.

**7. Final Signature**

Dated this 19<sup>th</sup> day of FEBRUARY 2008.

Brad T Johnson

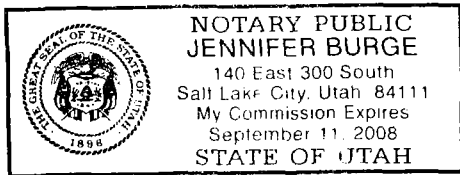
Brad T Johnson, Director  
Division of Environmental Response and Remediation  
And Authorized Representative of the  
Executive Director of the Utah  
Department of Environmental Quality

STATE OF UTAH \_\_\_\_\_ )

:ss.

COUNTY OF Salt Lake )

On this 19 day of February, 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.



Jennifer Burge  
NOTARY PUBLIC

Residing At: S.L.C.

My Commission Expires 9-11-08

**ATTACHMENT A.**

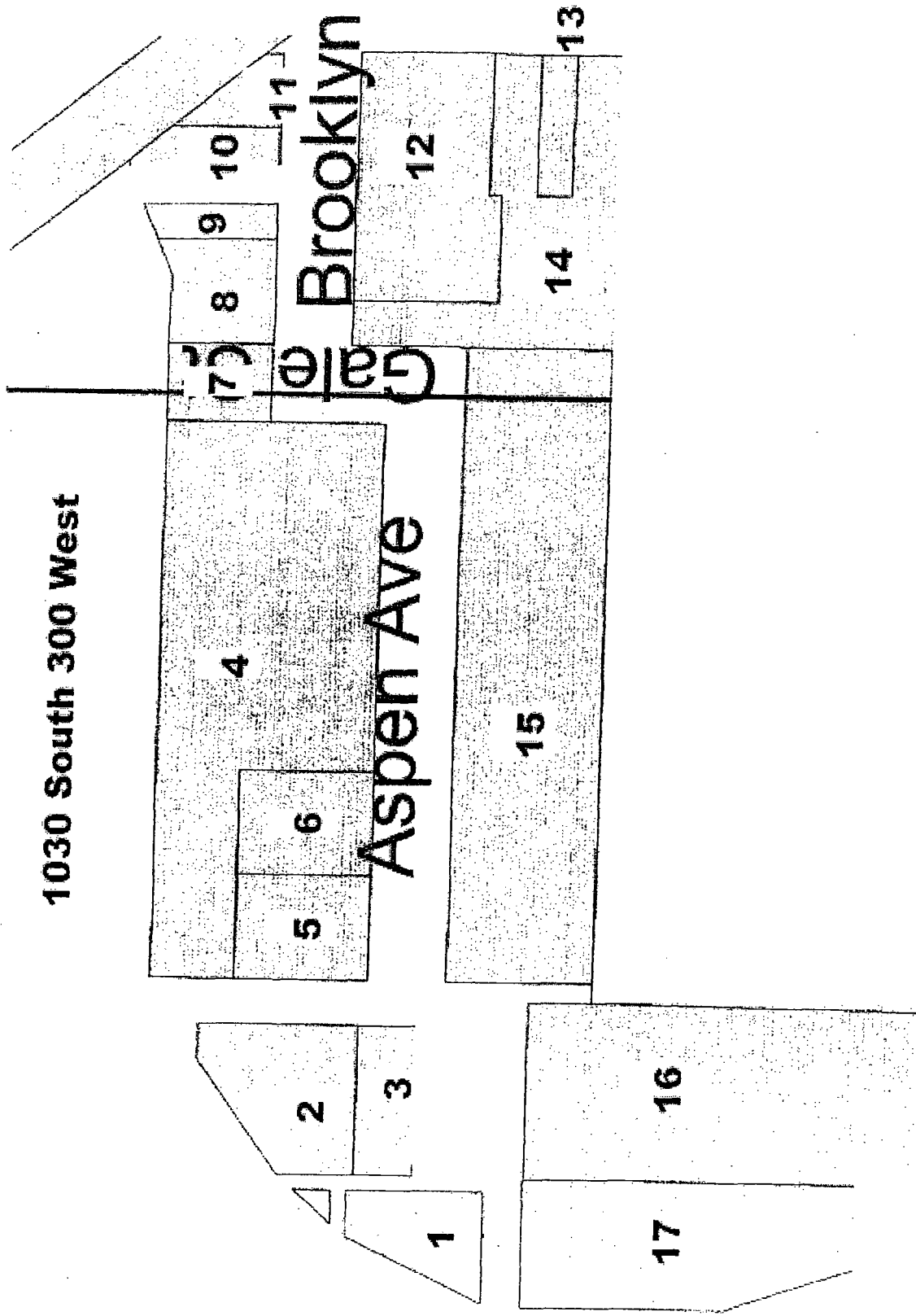
**Legal Property Description**

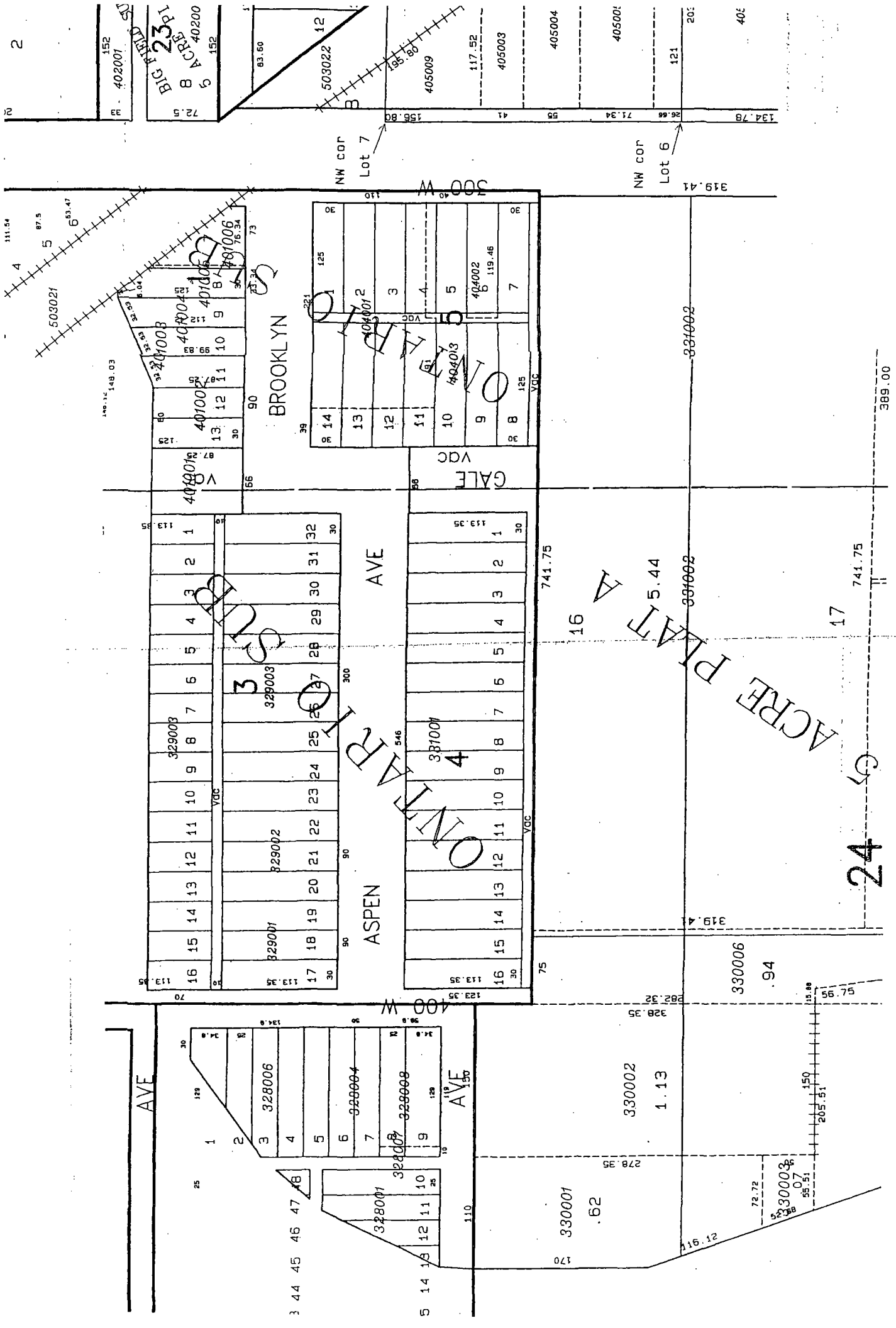
- 1- (328001) Beginning Southeast corner lot 10, Dolan's Subdivision; West 95 feet; Northeasterly 128 feet more or less to a point 10 feet east from northwest corner lot 11, SD Subdivision; Northeasterly 62 feet more or less 62 feet to a point 84.29 feet south from northeast corner lot 48, SD Subdivision; South 160.31 feet to point of beginning.
- 2- (328006) Beginning Northeast corner of lot 1, Dolan's Sub; South 134.8 Feet; West 129 feet; North 64.8 feet; Northeasterly 121 feet more or less to a point 30 feet west of the point of beginning; East 30 feet to beginning
- 3- (328004) Lots 6 and 7, Dolan's Subdivision
- 4- (329003) South 60 feet of lots 1 thru 16, all lots 23 thru 32, block 3, Ontario Subdivision, together with vacated alley abutting SD Lots.
- 5- (329001) Lots 17 thru 19, block 3, Ontario Subdivision.
- 6- (329002) Lots 20 thru 22, block 3, Ontario Subdivision.
- 7- (401001) Commencing at southwest corner lot 13, block 1, Ontario Subdivision, North 87.25; feet West 66 feet; South 87.25 feet; East 66 feet to the point of beginning.
- 8- (401002) Beginning 25.17 feet south of northeast corner lot 11, block 1, Ontario Subdivision; South 99.83 feet; west 90 feet; North 87.25 feet; East 60 feet; North 67-15 feet; East 32.53 feet more or less to point of beginning.
- 9- (401003) Lot 10, Block 1, Ontario Subdivision. Except beginning 12.58 feet south from northeast corner said lot 10; North 12.58 feet; West 30 feet; South 25.17 feet; North 67-15 feet; East 32.53 feet more or less to the point of beginning.
- 10- (401005) West 3.34 feet of Lot 7 and all lot 8 block1, Ontario Subdivision.
- 11- (401006) The East 73 feet of lot 7, block 1, Ontario Subdivision.
- 12- (404001) Commencing at the northeast corner of Lot 1, Block 5, Ontario Subdivision; South 110 feet; West 130 feet; South 10 feet; West 91 feet; North 120 feet; East 221 feet to point of beginning less street.
- 13- (404002) West 112.46 feet of lot 6, block 5, Ontario Subdivision, together with  $\frac{1}{2}$  vacated alley and abutting on west.
- 14- (404003) Commencing at northwest corner of lot 14, block 5, Ontario Subdivision; East 39 feet; South 120 feet; East 91 feet; North 10 feet; East 130 feet; South 40 feet; West 130 feet; South 30 feet; East 130 feet; South 40 feet; West 260 feet; North 220 feet to point of beginning.
- 15- (331001) Block 4, Ontario Subdivision together with all vacated alley abutting on South also all vacated street abutting on East.

16- (330002) Commencing 75.3 rods South and 538.05 feet East from the Northwest corner of block 24, 5 acre plat A, Big field surrounding; East 150 feet; South 19.9 rods; West 150 feet; North 19.9 rods to point of beginning.

17- (330001) Beginning 75.3 rods south and 438.05 feet East from Northwest corner block 24, five acre plat A, big field surrounding East 100 feet; South 19.9 rods; West 55.51 feet, more or less to Easterly line state road; Northwesterly 169 feet to a point West 10 feet and South 170 feet from beginning; North 170 feet along said Easterly line; East 10 feet to beginning, except Northwest corner; East 55.51 feet; North 50 feet; West 72.72 feet, more or less to Easterly line state road; Southeasterly along said line to beginning; 0.62 acres, more or less.

1030 South 300 West





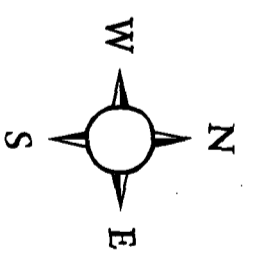
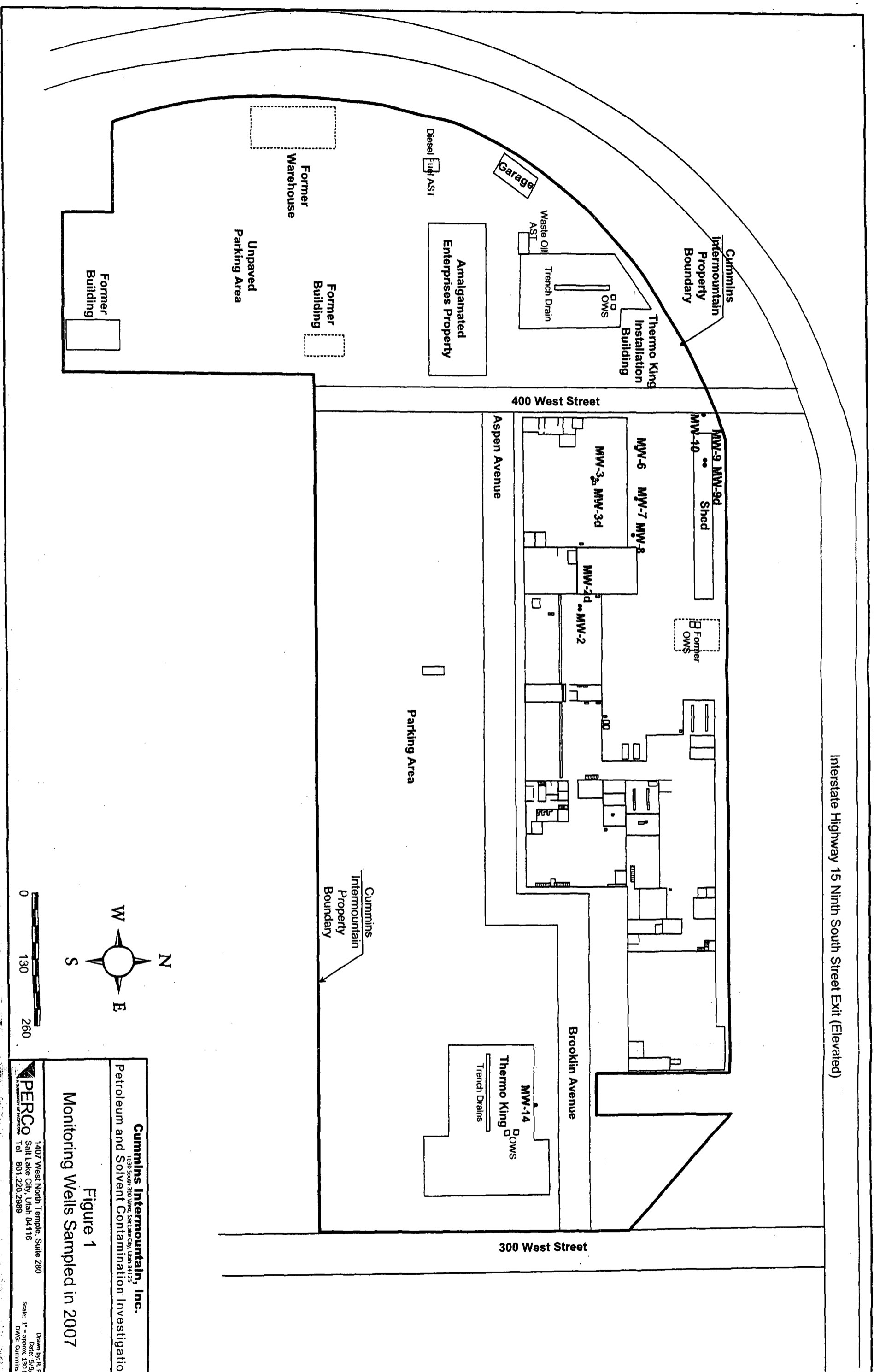
## Tax ID#'s

15-12-329-001-0000	1033 S. 400W.
15-12-329-002-0000	374 W. Aspen Ave.
15-12-329-003-0000	1030 S. Gale St.
15-12-331-001-0000	375 W. Aspen Ave.
15-12-401-001-0000	338 W. Brooklyn Ave.
15-12-401-002-0000	332 W. Brooklyn Ave.
15-12-401-003-0000	320 W. Brooklyn Ave.
15-12-401-005-0000	310-12 W. Brooklyn Ave.
15-12-401-006-0000	310 W. Brooklyn Ave.
15-12-328-001-0000	408 W. Dalton Ave.
15-12-328-004-0000	1035 S. 400 W.
15-12-328-006-0000	1033 S. 400 W.
15-12-330-001-0000	409 W. Dalton Ave.
15-12-330-002-0000	405 W. Dalton Ave.
15-12-404-001-0000	1038 S. 300 W.
15-12-404-002-0000	1050 S. 300 W.
15-12-404-003-0000	321-23 W. Brooklyn Ave.

# **ATTACHMENT B.**

## **Site Map**

Interstate Highway 15 Ninth South Street Exit (Elevated)



**Cummins Internountain, Inc.**  
1030 South 300 West, Salt Lake City, Utah 84115  
Petroleum and Solvent Contamination Investigation  
**Figure 1**  
Monitoring Wells Sampled in 2007

**PERCO**  
1407 West North Temple, Suite 280  
Salt Lake City, Utah 84116  
Tel 801 220 2989  
Drawn by: R. Poole  
Date: 5/9/07  
Scale: 1" = approx. 130 feet  
DWG: Cummins.dwg

