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GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
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When recorded return to:  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
Attention: Voluntary Cleanup Program Coordinator  
P.O. Box 144840  
Salt Lake City, Utah 84114-4840

**Re: Former Morgan Hanauer Smelter Voluntary Cleanup Site (VCP#C045)  
4200 South Main Street, Murray, Utah**

**FIRST AMENDED CERTIFICATE OF COMPLETION**

This First Amended Certificate of Completion ("Amendment") replaces in its entirety the Certificate of Completion issued on August 21, 2008 and recorded on August 28, 2008, Entry # 10509990, Book 9639, page 8351-8357 ("COC"). The purpose of this Amendment is to make two non-substantive administrative clarifications. The first clarification is that failure to follow Attachment B to the COC, a figure depicting the Hamlet Development at Fireclay development plan for the Property that was never realized, does not constitute a change in land use expected to result in increased risks to human health or the environment since the Property was cleaned to a level which allows residential uses. Therefore, this Amendment removes the reference to and deletes Attachment B from the COC. The second clarification is that the Site Management Plan dated July 21, 2008 and referenced in the COC may be amended from time to time by filing an amendment acceptable to the Executive Director (or designee) of the Utah Department of Environmental Quality ("UDEQ"). This Amendment also reflects the current address of the UDEQ and the Executive Director (or designee). Because this Amendment makes non-substantive administrative clarifications, this Amendment is retroactively effective to the date of issuance of the COC.

NOW THEREFORE, THIS AMENDMENT REPLACES THE COC IN ITS ENTIRETY AS FOLLOWS.

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

The Executive Director of the Utah Department of Environmental Quality, through the undersigned designee below ("Executive Director"), has determined that Hamlet Development and Gibbons Realty Company, 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 ("Property"), in accordance with sections 19-8-108 and 19-8-110 of the Utah Code Annotated and the Voluntary Cleanup Agreement entered into on March 14, 2006. 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 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**

This COC is issued based on the Applicant's representation that the Property will be used for mixed commercial and residential uses, consistent with the residential exposure scenario described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. The residential scenario is defined as exposure to adults to incidental ingestion and dermal contact to hazardous constituents for a duration of 30 years at a frequency of 350 days per year.

In addition, this COC is issued based upon compliance with the COC, as well as compliance with an Environmental Covenant ("EC"), dated August 12, 2008 and recorded in the records of the Salt Lake County Recorder as Entry No. 10497519 in Book 9634 at Page 2136, and the Site Management Plan dated July 21, 2008, as may be amended from time to time ("SMP"). The SMP may be amended by filing an amendment thereto acceptable to the Executive Director. The COC, EC, and SMP, among other things, require:

- a. The Property shall be used in a manner that is consistent with the land use described in section three above;
- b. Non-use of the groundwater located beneath the Property via wells, pits, sumps or other means;
- c. Compliance with the Environmental Covenant recorded with the Salt Lake County Recorder on August 12, 2008 in Book 9634 on pages 2136-2164;
- d. The SMP is implemented as proposed;
- e. Reports are submitted to UDEQ as described in the SMP;
- f. Continued reimbursement to UDEQ for its oversight of activities under the EC and SMP; and
- g. Continued consent to access by UDEQ to monitor compliance with the EC and SMP.

**4. Unavailability of Release of Liability**

Use of the Property that is not consistent with section three including failure to comply with the EC or SMP described in section three 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 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 office located at 195 North 1950 West, Salt Lake City, Utah.



**6. Final Signature for Former Morgan Hanauer Smelter Certificate of Completion**

Dated this 1<sup>st</sup> day of August 2013.

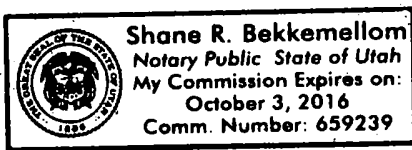
Brent H. Everett  
Brent H. Everett, Director  
Division of Environmental Response and Remediation  
And Authorized Representative of the  
Executive Director of the Utah  
Department of Environmental Quality

STATE OF UTAH )

:ss.

COUNTY OF SALT LAKE )

On this day of August 1<sup>st</sup>, 2013, personally appeared before me, Brent H. Everett who duly acknowledged that he signed the above First Amended Certificate of Completion as the authorized representative of the Executive Director of the Utah Department of Environmental Quality.



Shane R. Bekkemellom  
NOTARY PUBLIC

Residing At: Cottonwood  
Heights, Utah

My Commission Expires October 3, 2016

**ATTACHMENT A**

**Former Morgan Hanauer Smelter  
Legal Property Description**

**Former Morgan Hanauer Smelter  
4200 South Main Street  
Murray, Utah**

**Legal Property Description:**

The Former Morgan-Hanauer Smelter site consists of the following-described real property situated in Salt Lake County, State of Utah:

BEGINNING at the intersection of the 1968 Murray City Annexation Boundary in Big Cottonwood Creek recorded December 31, 1968 in Book GG at Page 18 of the Salt Lake County records and a line 33.00 feet perpendicularly distant westerly of the Main Street monument line, said point being North 87°15'51" East 16.28 feet (North 87°01'34" East 16.16 feet per 1968 Murray City Annexation Plat), North 00°30'11" East 1741.07 feet (00°15'54" East 1741.07 feet by record) along said Main Street monument line, and North 76°01'54" East 33.93 feet (North 76°16'11" West 33.93 feet by record) along said 1968 Murray City Annexation Boundary in Big Cottonwood Creek from the East Quarter Corner of Section 1, Township 2 South, Range 1 West, Salt Lake Base and Meridian (Basis of Bearings being North 00°30'11" East 1518.10 feet from the found centerline monument marking the intersection of Fireclay Avenue and Main Street to the found centerline monument marking the intersection of Central Avenue and Main Street), and running thence along said 1968 Murray City Annexation Boundary in Big Cottonwood Creek the following five courses: North 76°01'54" West 23.32 feet ( North 76°16'11" West by record), North 39°46'13" West 154.80 feet (North 40°00'30" West by record), North 68°12'37" West 290.80 feet (North 68°26'54" West by record), North 76°43'06" West 457 feet (North 76°57'23" West by record) and South 29°27'50" West 50.40 feet (South 29°13'33" West by record) to the easterly right-of-way line of the UTA Light Rail Transit Corridor, formerly Union Pacific Land Resources Corporation (UPRR) as shown on the 1996 Existing Union Pacific Railroad Track Alignment Survey filed as Survey S97-09-0651 in the Salt Lake County Surveyors Office; thence along said easterly right-of-way line the following two courses: South 08°47'37" East 709.28 ( South 09°02'48" East be record) and Southerly 216.19 feet along a 2897.82 foot radius curve to the right through a central angle of 04°16'28" and along a chord of South 06°39'23" East 216.13 feet to a point on the north line of the Road Dedication Plat Fireclay Avenue as recorded in Book 99-11P at Page 310 of said records; thence along said north line North 89°57'37" East 722.30 feet (North 89°42'43" East 722.44 feet per Road Dedication Play Fireclay Avenue) to the west line of Main Street; thence along said west line North 00°30'11" East 621.48 feet to the POINT OF BEGINNING.

Containing 658,857 square feet or 15.125 acres.