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07/27/2005 12:19 PM \$22.00  
Book - 9164 Pg - 5506-5512  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
UTAH DEPARTMENT OF ENVIRONMENT  
168 N 1950 W  
PO BOX 144840  
SALT LAKE CITY UT 84114  
BY: AMF, DEPUTY - WI 7 P.

After recording, return to:

Melissa Turchi, LUST Project Manager  
Utah Department of Environmental Quality  
Division of Environmental Response and Remediation  
168 North 1950 West  
P. O. Box 144840  
Salt Lake City, Utah 84114-4840

Recording requested by:

Dennis L. Harper, Real Estate Transaction Services Manager  
PacifiCorp  
1407 West North Temple, Suite 320  
Salt Lake City, Utah 84116

### AMENDED INSTITUTIONAL CONTROLS

Pursuant to the Utah Environmental Institutional Control Act (Utah Code Sections 19-10-101, et seq., PacifiCorp (sometimes referred to "Owner" herein), owner of the property located at 1407 West North Temple, in Salt Lake City, Salt Lake County, State of Utah ("Property"), Parcel No. 0834477004; more particularly described as:

Commencing at the Southeast corner of Section 34, Township 1 North, Range 1 West, Salt Lake Base and Meridian, thence West 36 rods, thence North 40 rods to the South line of North Temple Street, thence East 632.9 feet, thence South 250 feet, thence East 536 feet, thence South 410 feet, thence West 574.9 feet to the Point of Beginning (containing 14.64 acres).

hereby makes and imposes upon the Property the Institutional Controls below for the reasons and subject to the terms and conditions herein stated.

1. Institutional Controls are Necessary to Protect Public Health, Safety, Welfare or the Environment at the Property for the reasons described below.

During the course of its operation, the Salt Lake Automotive Center ("SLAC") on the Property utilized a 10,000-gallon gasoline and 1,000-gallon used oil underground storage tank (UST) (please refer to attached site maps). The gasoline tank was located near the front (northwest) corner of the building and was used to fuel company vehicles. The used oil tank was buried along the east side of the building near the southeast corner and was used to contain waste oil drained from company vehicles. The tanks were registered with Utah Department of Environmental Quality, Division of Environmental Response and Remediation (DERR) but have since been removed. The DERR has assigned Facility Identification Number 4001207 to this Property.

In 1986, the 10,000-gallon UST was removed from the northwest corner of the site adjacent to the SLAC building and no contamination was reported. In 1990, the 1,000-gallon used oil UST was removed from the southeast corner of the site adjacent to the SLAC building. Environmental samples contained RCRA-listed solvents and waste oil. In 1997, Utah Power over excavated contaminated soils around both former USTs and identified two separate releases. Contamination near the waste oil UST was associated with contamination from an adjacent abatement canal. The DERR considers this area of contamination a separate release unrelated to the gasoline UST and has assigned this release to its CERCLA Branch for management. The DERR-UST Branch is regulating the clean up of the release from the gasoline UST. The DERR has identified the release as "EGEI" in its files. Release EGEI was over-excavated to the extent practicable totaling approximately 1,348 tons of gasoline-contaminated soils that were excavated and transported off-site for disposal. Soil excavation was limited by the presence of buildings and utilities on-site. Residual soil and groundwater contamination were characterized and left on-site.

Based upon information currently available in the DERR's release file the DERR has determined that health and environmental risks arising from the contamination at the Property can be managed with institutional controls. Therefore, the DERR does not object to no further action being taken to address the characterized residual soil and groundwater contamination provided that the land use remains the same and that the institutional controls set forth below are followed.

Information about the contamination for Facility Identification Number 4001207; Release EGEI is available for public review in the files of the DERR at 168 North 1950 West, 1st Floor, Salt Lake City, Utah, 84116. The DERR contact person is currently Melissa Turchi, DERR project Manager, at (801) 536-4100.

2. The following Institutional Controls are imposed on the property:

a) Site Controlled Access

Access to the SLAC Site shall be limited to employees only through a security gate system located just west of the SLAC building. These gates may remain open during normal business hours to allow for parking and access to the main office and other buildings. The gates shall remain closed after hours with access being granted to only those employees with approved access. The Owner shall ensure that the gate is properly operated and maintained. In addition, the Owner shall ensure that the surface soil will be covered by asphalt, concrete, and/or buildings on the subject property to prevent dermal contact or ingestion of contaminated soils and/or groundwater (please refer to attached site map for location of residual contamination).

b) SLAC Building Ventilation

The Owner shall ensure ventilation of the SLAC building. The SLAC building is used to perform limited maintenance on vehicles and used to park vehicles during colder months. Residual contamination near the building may create contaminated vapors entering through the building floor. The Owner shall mitigate this potential hazard by ventilation of the building. The use of the building results in bay doors often being opened and closed providing ventilation to the building. In addition, a positive pressure ventilation fan is currently installed in the SLAC building for use during the winter months. The fan is window mounted introducing outside air into the building, which then escapes through vents in the ceiling and open doors. The fan is operated by an electronic timer to ensure ventilation in the building is provided throughout the day. The fan shall continue to be utilized daily during the winter months when bay doors and windows are not opened as frequently. It shall also be utilized in conjunction with open bays and windows during the summer months when employees are present in the building. The ventilation fan shall be included in the PacifiCorp "Preventive Maintenance Program for Critical Equipment" at the North Temple Complex and shall in accordance with that program receive the routine quarterly maintenance established for equipment critical to the safe and efficient daily operations of PacifiCorp facilities. In addition, all problems or concerns observed with the operation of the ventilation fan shall, at any time, be reported to the company maintenance program to ensure timely and effective repairs are made.

c) Limited Groundwater Use

The owner shall not use or allow anyone else to use on-site groundwater for any purpose.

d) PacifiCorp Environmental Remediation Company (PERCo) Oversight of Excavations On-Site

Owner shall ensure that excavation activities are overseen by environmental professionals and that 40-hr HAZWOPER trained personnel monitor construction workers to prevent unnecessary exposure to residual contamination at the SLAC Site (please refer to attached site map for location of residual contamination). PacifiCorp has established protocol for PERCo personnel to oversee all excavation activities performed at the Property to implement this institutional control. PERCo personnel are 40-hr HAZWOPER trained and shall provide the necessary services for construction worker oversight.

e) Public Notice of Residual Contamination

Owner shall post a public notice acknowledging the residual contamination, potential risks, and risk management in the SLAC building and shall also distribute guidelines to workers advising them of the risk and training them how to minimize exposure to residual contamination. A copy of this institutional controls document shall be stationed in plain sight within the SLAC building and with

facility personnel responsible for construction and maintenance activities at the subject property.

3. The above described Institutional Controls run with the land and shall be operated and maintained in perpetuity unless terminated or modified as provided in Utah Code Section 19-10-105.

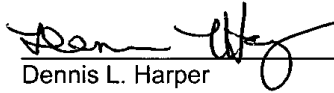
4. The Executive Director of the Utah Department of Environmental Quality, or his/her designated representative, shall have access to the Property at all reasonable times to verify that this Institutional Control is being maintained and that the party or parties in possession of the Property are complying with the Institutional Control.

5. These Institutional Controls may be enforced and/or protected as provided in Utah Code Section 19-10-106.

6. These Institutional Controls may only be terminated in accordance with the provisions of Utah Code Section 19-10-105 and with the prior written approval of the Executive Director of the Utah Department of Environmental Quality.

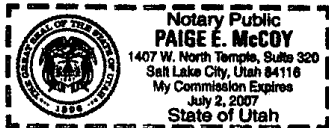
7. These Institutional Controls replace the Institutional Controls recorded on June 9, 2005 at Book 9142 Page 7887-7893 by the Salt Lake County Recorder.


EXECUTED as of the 13<sup>th</sup> day of July, 2005

  
Dennis L. Harper  
Real Estate Transaction Services Manager  
PacifiCorp

STATE OF UTAH )  
County of Salt Lake ss.

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of July, 2005 by Dennis L. Harper, the signer of said instrument.



  
Notary Public, residing at:  
Salt Lake City, Utah

My Commission expires: 07/02/07

Dianne Nielson, Executive Director of the Utah Department of Environmental Quality, or her designated representative, hereby approves the foregoing Institutional Control pursuant to Utah Code Section 19-10-103.

Dianne R. Nielson

Dianne Nielson  
Executive Director  
Utah Department of Environmental Quality

STATE OF UTAH )  
                  ) ss.  
County of Salt Lake)

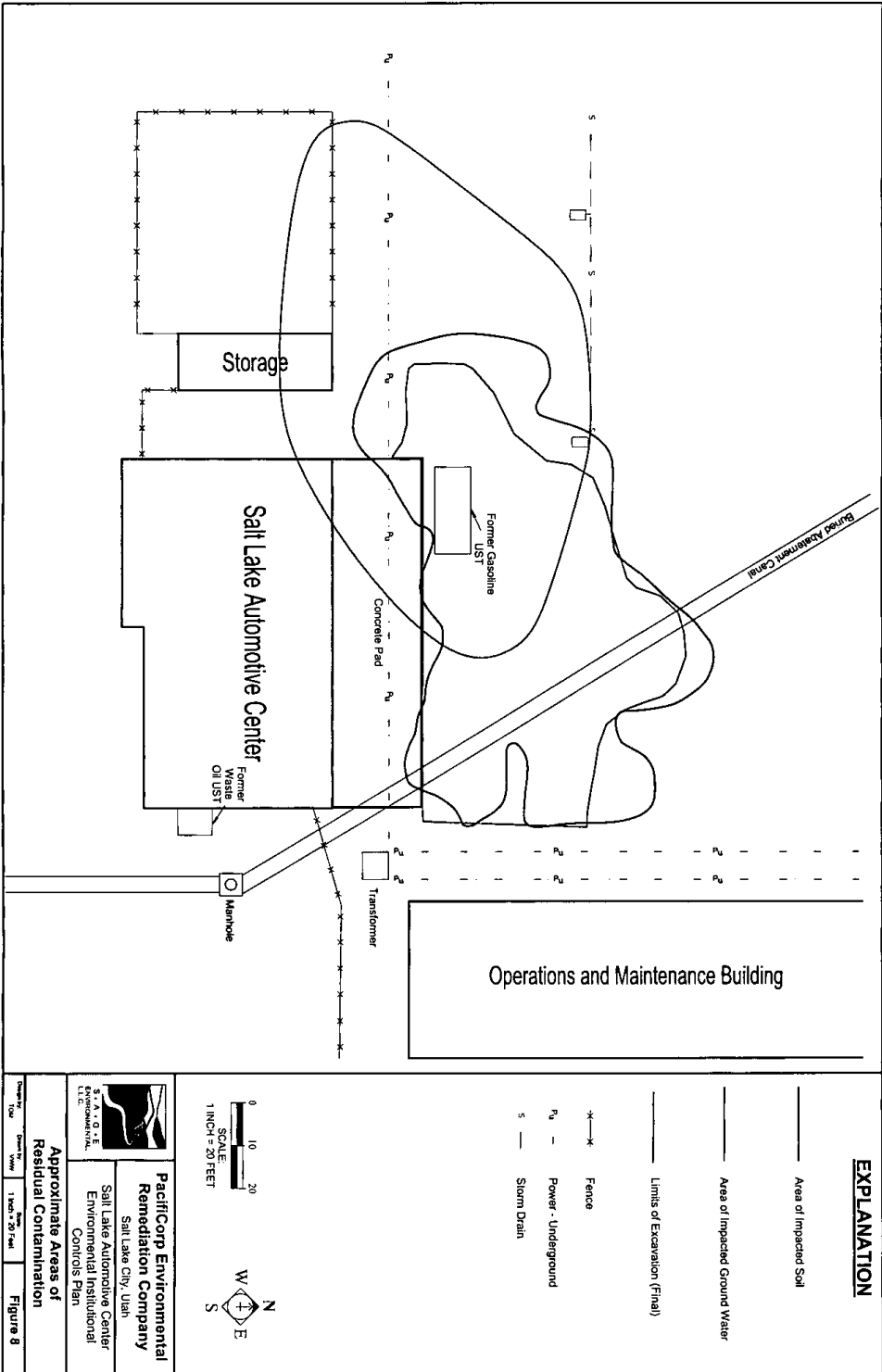
Subscribed and sworn to before me this 20 day of July, 2005,  
by Dianne Nielson, Executive Director of the Utah Department of Environmental Quality,  
or his/her designated representative.

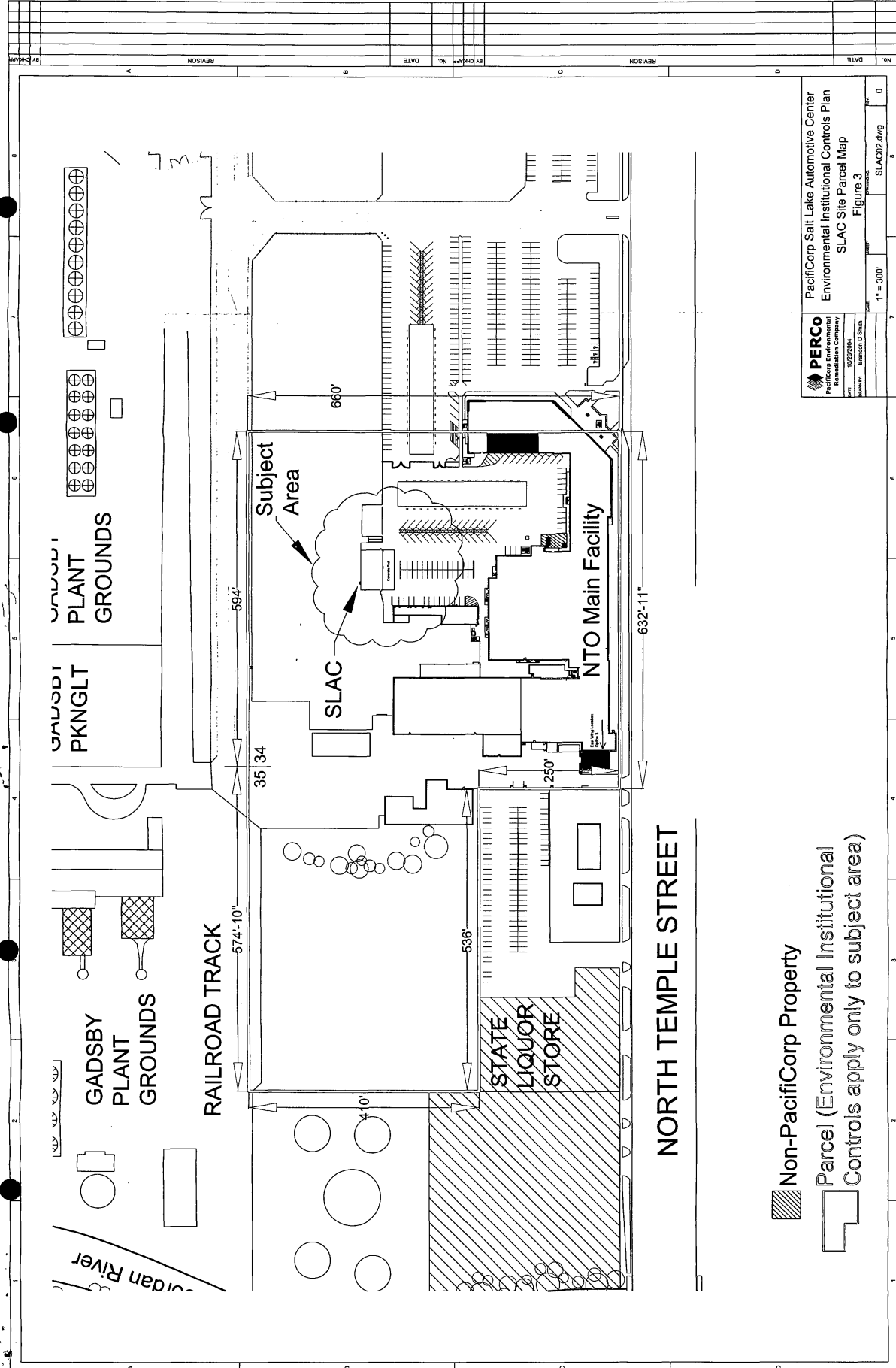
Mary Charlene Lamph  
Notary Public, residing at:

Kaysville, UT

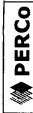
My Commission expires: December 15, 2007







 Non-PacifiCorp Property  
 Parcel (Environmental Institutional Controls apply only to subject area)

 **PERCO**  
 Pacific Environmental Remediation Company  
 10020054  
 Brandon D. Smith

PacifiCorp Salt Lake Automotive Center  
 Environmental Institutional Controls Plan  
 SLAC Site Parcel Map  
 Figure 3

Scale: 1" = 300'  
 Drawing: SLAC02.dwg  
 No. 0

NO.	DATE	REVISION	BY	CHECKED	DATE