



State of Utah

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DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
Scott T. Anderson  
*Director*

June 15, 2018

Hal J. Pos, Esq.  
Parsons Behle & Latimer  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111

RE: Request for Comfort Letter  
RG IV, LLC  
Undeveloped 900 Acres – East of Sheep Lane and North of SR-112 in Tooele, Utah

Dear Mr. Pos:

This letter is written in response to your letter of May 17, 2018 requesting a “Comfort Letter” for RG IV, LLC, concerning its contemplated acquisition of 900 acres of undeveloped land located east of Sheep Land and north of SR-112 in Tooele, Utah (the “Property”). Your letter states that RG IV plans to develop the Property primarily for industrial use with the possibility of retail and office space.

Based on the information I have concerning this site and RG IV’s relationship to it, including your letter of May 17, 2018, I do not expect RG IV to obtain a permit under the Solid and Hazardous Waste Act. I do not anticipate taking an enforcement action against RG IV for contamination that existed or for violations that occurred at the Property prior to the time RG IV acquires interest in it. However, I may initiate enforcement proceedings or take other action in accordance with Utah law if circumstances at the Property change or if additional information makes such action appropriate.

I am aware of groundwater conditions at the Property the RG IV plans to buy and it is my understanding that the RG IV was not responsible for causing contamination at the Property it intends to purchase. I am also aware from the supporting documentation submitted with the comfort letter request that the concentrations of contaminants in the groundwater are at risk levels that requires site management and the imposition of an Environmental Covenant.

The Site Management Plan and Environmental Covenant will need to address the following:

- 1) Groundwater at the property will not be used for potable, culinary, domestic, process irrigation or any other purposes.

(Over)

DSHW-2018-005368

195 North 1950 West • Salt Lake City, UT  
Mailing Address: P.O. Box 144880 • Salt Lake City, UT 84114-4880  
Telephone (801) 536-0200 • Fax (801) 536-0222 • T.D.D. (801) 536-4284  
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- 2) The locations of the groundwater monitoring wells installed by Tooele Army Depot for purposes of monitoring the groundwater management area that encompasses portions of the property will be considered in development plans. The wells need to be protected and accessible for on-going groundwater monitoring.
- 3) Any contamination not previously identified that is encountered in the development effort will be properly characterized and managed appropriately.

My providing this comfort letter is based on my understanding that the RG IV will take no action that would cause or threaten further releases or distribution of the contaminants identified in your request or that would increase risk to human health, the environment or natural resources.

This letter is provided solely for informational purposes and does not limit my authority to enforce those Utah laws for which I have responsibility at the Property. It is not a determination that no further action is necessary at the Property; nor is it a release of liability.

If you have any questions, please call Raymond Wixom at (801) 536-0213 or Brad Maulding at (801) 536-0205.

Sincerely,



Scott T. Anderson, Director  
Division of Waste Management and Radiation Control

STA/RDW/km

- c: Jeff Coombs, EHS, Health Officer, Tooele County Health Department  
Bryan Slade, Environmental Health Director, Tooele County Health Department  
Raymond Wixom, Utah Attorney General's Office (Email)  
Bill Rees, Division of Environmental Response and Remediation (Email)