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July 30, 2018

DSHW-2018-007306

Mr. Scott Anderson, Director  
Utah Department of Environmental Quality  
Division of Waste Management and  
Radiation Control  
195 North 1950 West  
PO Box 144880  
Salt Lake City, Utah 84114-4880

**Subject** Site Management Plan/Environmental Covenant  
Western Metals Recycling - West Salt Lake City  
4201 W 700 S, Salt Lake City, UT 84104

Dear Mr. Anderson:

Western Metals Recycling (WMR) has prepared the attached Site Management Plan (SMP) and Environmental Covenant (EC) in response to the letter from the Utah Department of Environmental Quality dated February 15, 2018. These documents have been prepared to address residual environmental risks associated with the Western Metals Recycling – West Salt Lake City facility. The SMP has been prepared in accordance with the requirements of R315-101 “Cleanup Action and Risk-Based Closure Standards” and presents the planned approach for long-term management of impacted soil and groundwater, including inspections and continued groundwater sampling activities to be conducted at the WMR facility. The Environmental Covenant has been prepared to be recorded with the Salt Lake County Recorder.

If you have any questions regarding the Site Management Plan or Environmental Covenant please call Wil Pineda or Brett Mustoe at (801) 904-4000.

Sincerely,  
**AECOM Technical Services, Inc.**



Wil Pineda, PE  
Project Manager



N. Brett Mustoe, P.G.  
Vice President

# **SITE MANAGEMENT PLAN**

**Western Metals Recycling – West Salt Lake City Site  
4201 W 700 S, Salt Lake City, UT 84104**

To:

Mr. Scott Anderson, Director  
Utah Department of Environmental Quality  
Division of Waste Management and Radiation Control  
195 North 1950 West  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880

Prepared For:

Western Metals Recycling, LLC  
4201 West 700 South  
Salt Lake City, Utah 84104

Prepared By:

**AECOM**

AECOM Technical Services, Inc.  
756 E Winchester St. Suite 400  
Salt Lake City, Utah 84107

July 2018

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**SITE MANAGEMENT PLAN**  
**Western Metals Recycling – West Salt Lake City**  
**4201 W 700 S, Salt Lake City, UT 84104**

## 1.0 INTRODUCTION

Western Metals Recycling (WMR) has prepared this Site Management Plan (SMP) to describe the planned long-term approach for monitoring and managing impacts to soil and groundwater at the WMR West Salt Lake City facility. This SMP has been developed to mitigate risks due to total polychlorinated biphenyl (PCB)-Aroclors, methyl-tert butyl ether (MTBE), and arsenic in soil and groundwater at and near the facility.

This SMP has been prepared in accordance with the requirements of R315-101 "Cleanup Action and Risk-Based Closure Standards" which establishes information required to support risk-based cleanup and closure standards. Provisions of the SMP relating to the land use limitations shall be the responsibility of the "Owner" (as defined in the Environmental Covenant [EC]) of the property.

### 1.1 Site Description

The WMR facility consists of two parcels totaling 22.14 acres in size, and is located at 4201 West 700 South in Salt Lake City, Utah. Legal description, parcel number, and address information obtained from the Salt Lake County Assessor's office are presented below:

#### East Parcel

- Legal Description - BLKS 4, 5 & 6 LESS THE N 25 FT M OR L & BLKS 11 & 12 LYING NOF LOS ANGELES & SALT LAKE RR, SENIOR S FIVE AC PLAT. LESS THE W 99.8 FT OF LOTS 6 & 11, SD SUB. ALSO LESS STREET, AS PER WESTERN METALS ROAD DEDICATION PLAT. 2012P-26. 14.20 AC M OR L. 4581-1173 5409-2417 THRU 2423 6637-203 7031-2100 9803-4795, 4782
- Parcel Record - 15072000340000
- Address – 4201 W 700 S, Salt Lake City, Utah

#### West Parcel

- Legal Description - LOT 7, SENIORS FIVE ACRE PLAT AMENDED LOT 7. LESS STREET. ASPER WESTERN METALS ROAD DEDICATION PLAT. 2012P-26. 7.94 AC MOR L. 7561-1788.
- Parcel Record - 15072000330000.
- Address – 4221 W 700 S, Salt Lake City, Utah

A Facility Location Map and Facility Parcel Map are presented as Figures 1 and 2, respectively.

### 1.2 Site Background

WMR is a metals recycling facility in Salt Lake City, Utah. The west side of the facility is used to receive, process, and ship ferrous iron scrap metal. The eastern portion of the facility is used to receive, process, and ship specialty metals (e.g., aluminum and copper), and for shearing and torching activities. A facility feature map is presented as Figure 3.

The site is divided into five areas of concern (AOCs) per the Utah Department of Environmental Quality (UDEQ) Division of Solid and Hazardous Waste (DSHW) recommendations (see Figure 2):

- AOC 1 is in the northwest corner of the site and includes the former office/maintenance building, storage areas, and former torching/shearing area.
- AOC 2 is in the center portion of the west side of the property and includes the auto fluid handling area, aboveground storage tanks, tin pile, shredder feed area, and conveyor.
- AOC 3 is in the southwestern portion of the site and includes the shredder, various storage buildings, and the areas where processed materials (iron, fluff) are temporarily stored.
- AOC 4 is the east side of the property and includes the storm water retention pond and new torching/shearing areas. Historically, this area was covered with fluff and debris from the operations of the former site owner. The material was removed from AOC 4 to facilitate construction of the facility.
- OSN-1 is identified as Off-site North 1 (OSN-1). There is no formal boundary for OSN-1. This area includes the Salt Lake City right-of-way and 700 South roadway, as well as vacant land and commercial properties north of 700 South.

Soil and groundwater samples were collected as part of several due diligence and site investigation efforts between 2008 and 2016. JBR Environmental Consultants completed a Phase II Investigation Report of the facility in August 2008. Granite Environmental completed a Draft Phase II Environmental Site Assessment in October of 2008 as well as a Draft Phase II Subsurface Investigation that was completed in 2010.

URS Corporation, now AECOM, began on-site investigations in 2011. The first of four groundwater monitoring events began in September of 2014 and was documented in the Site Characterization Report. The subsequent three monitoring events were documented in the Second, Third, and Fourth Quarter Monitoring Reports, respectively. Additional on and off-site characterization was performed in August 2015.

A list of previous investigations conducted at the WMR facility and the properties north of the facility is presented below:

- JBR Environmental Consultants, Phase II Investigation Report, August 2008
- Granite Environmental, Draft Phase II Environmental Site Assessment (data only), October 2008
- Granite Environmental, Draft Phase II Subsurface Investigation, March 2010
- URS Corporation, Additional Investigation Report, December 2011
- URS Corporation, Additional Samples at Depth per UDEQ Request (no report), March 2012
- URS Corporation, Salt Lake City Right of Way Samples (no report), September 2012
- URS Corporation, Site Characterization Report, September 2014
- URS Corporation, Confirmation Samples of Areas Exceeding Preliminary Remediation Goals for AOC 2 (no report), September 2014
- URS Corporation, Second Quarter Monitoring Report, December 2014
- URS Corporation, Third Quarter Monitoring Report, March 2015
- URS Corporation, Fourth Quarter Monitoring Report, June 2015
- AECOM, Additional On and Off-Site Characterization – 2015, November 2015

- AECOM, Additional On and Off-Site Characterization Work Plan, December 2015
- AECOM, Additional On and Off-Site Characterization – 2016, June 2016
- AECOM, Response to the August 11, 2016 Site Characterization Review Letter from UDEQ, September 2016

## 2.0 RISK ASSESSMENT AND SITE-SPECIFIC SCREENING LEVELS

Submittal of a Human Health Risk Assessment (HHRA) was required as stated in the “Approach for Site Management – Western Metals Recycling” dated November 14, 2013. AECOM submitted the Final HHRA for the WMR facility in January 2018.

The HHRA presented a site-specific, quantitative analysis of the site under current and future land use scenarios based on the nature of the human health constituents of interest detected in environmental media, potential exposure pathways to human receptors, and the degree to which these exposures may pose adverse effects.

The following analytes were identified as risk drivers in the HHRE:

- Arsenic in groundwater is the main driver of risk, with arsenic concentrations exceeding regulatory criteria (Environmental Protection Agency Regional Screening Level) in all AOCs, with the highest historical concentrations in AOC-4. Monitoring wells in AOC-4 were most recently sampled in 2015 and 2016; dissolved arsenic concentrations ranged from 29.5 micrograms per liter ( $\mu\text{g/L}$ ) to 1,390  $\mu\text{g/L}$ . Arsenic in groundwater may be elevated due to liberation of arsenic from soils due to decreased oxidation – reduction potential as a side effect of biological degradation of organic compounds. Background concentrations of arsenic may be elevated due to the historic industrial nature of the site and surrounding areas. While some on-site receptors and exposure pathways demonstrate potential for unacceptable risks in some areas, these risks are mitigated by a concrete/asphalt cover at the site, and no use of the shallow groundwater. All of AOCs 1 through 3 are covered in concrete or asphalt, and significant portions of AOC 4 have been previously excavated and are covered by concrete, asphalt, buildings, or the storm water pond.
- Total PCBs – Aroclors in on-site groundwater were derived using a maximum detected result from a geoprobe sample. There is a high level of uncertainty associated with groundwater samples collected via this method due to a high percentage of sediment suspended in the groundwater sample; sedimentation may have biased the results. Results for a groundwater sample collected from a properly developed monitoring well in AOC-1 indicated all PCB Aroclors were less than the detection limit.

The HHRA results also indicate that unacceptable risk is attributed to potable use of groundwater for the off-site indoor industrial worker and hypothetical off-site residents; however, on-site and off-site groundwater is currently not used for any purposes; the city of Salt Lake City provides supplied water to the site and surrounding areas.

Cumulative risks for each receptor at each AOC were detailed in the HHRA and are summarized in Table 1 on the following page. Complete calculations of chemical cancer risks and non-cancer hazards are presented in Appendix D of the HHRA.

Table 1: Summary of Risk Drivers by AOC and Receptor

Medium	Receptor/Medium	AOC 1	AOC 2	AOC 3	AOC 4	OSN 1
Total Soil	Construction Worker/Soil	CR= 2E-06 HQ = 1 Risk drivers: Arsenic, PCBs, b(a)p	CR= 9E-08 HQ = 0.04 Risk drivers: --	CR= 2E-07 HQ = 0.1 Risk drivers: --	CR= 6E-07 HQ = 0.3 Risk drivers: --	NE
	Construction Worker/Outdoor Air	CR= 3E-09 HQ = 0.003 Risk drivers: --	CR= 1E-08 HQ = 0.01 Risk drivers: --	CR= 8E-10 HQ = 0.001 Risk drivers: --	CR= 2E-09 HQ = 0.003 Risk drivers: --	NE
	Indoor Industrial/Worker Soil	NE	NE	NE	CR= 3E-05 HQ = 1 Risk drivers: Arsenic, PCBs	NE
	Indoor Industrial Worker/Outdoor Air	NE	NE	NE	CR= 5E-08 HQ = 0.003 Risk drivers: --	NE
	Outdoor Industrial Worker/Soil	NE	NE	NE	CR= 2E-05 HQ = 1 Risk drivers: Arsenic, PCBs	NE
	Outdoor Industrial Worker/Outdoor Air	NE	NE	NE	CR= 4E-08 HQ = 0.003 Risk drivers: --	NE
Groundwater	Construction Worker/Groundwater	CR= 4E-06 HQ = 2 Risk drivers: Arsenic, VOCs, PCBs*	CR= 1E-05 HQ = 2 Risk drivers: Arsenic, VOCs	CR= 2E-06 HQ = 0.3 Risk drivers: Arsenic	CR= 2E-05 HQ = 3 Risk drivers: Arsenic	CR= 3E-06 HQ = 0.4 Risk drivers: Arsenic
	Construction Worker/Outdoor Air	CR= 6E-11 HQ = 0.00003 Risk drivers: --	CR= 4E-10 HQ = 0.0001 Risk drivers: --	CR= 0E-0 HQ = 0.0 Risk drivers: --	CR= 4E-12 HQ = 0.00003 Risk drivers: --	CR= 2E-13 HQ = 0.00000002 Risk drivers: --
	Construction Worker/Indoor Air	CR= 3E-08 HQ = 0.001 Risk drivers: --	NE	NE	NE	NE
	Indoor Industrial Worker/Outdoor Air	NE	NE	NE	CR= 6E-10 HQ = 0.2 Risk drivers: --	NE
	Outdoor Industrial Worker/Outdoor Air	NE	NE	NE	CR= 6E-10 HQ = 0.0001 Risk drivers: --	NE
	Hypothetical Off-site Resident/Groundwater (Adult)	NE	NE	NE	NE	CR= 9E-04 HQ = 7 Risk drivers: Arsenic
	Hypothetical Off-site Resident/Indoor Air	NE	NE	NE	NE	CR= 4E-09 HQ = 0.00002 Risk drivers: --
	Hypothetical Off-site Resident/Groundwater (Child)	NE	NE	NE	NE	CR= 4E-04 HQ = 11 Risk drivers: Arsenic, MTBE
	Hypothetical Off-site Resident/Groundwater (Lifetime)	NE	NE	NE	NE	CR= 1E-03 HQ = NE Risk drivers: Arsenic, MTBE
	Indoor Industrial Worker/Groundwater	NE	NE	NE	NE	CR= 4E-04 HQ = 2 Risk drivers: Arsenic
Indoor Industrial Worker/Indoor Air	NE	NE	NE	NE	CR= 2E-09 HQ = 0.00001 Risk drivers: --	

Shading indicates a cumulative HQ greater than 1 or a cumulative CR greater than 1x10-6.

\* - Results for a groundwater sample collected from a properly developed monitoring well in AOC-1 indicated all PCB Aroclors were less than the detection limit, so will not be considered a risk driver.

b(a)p - Benzo[a]pyrene

CR – Cancer Risk

HQ – Hazard Quotient

NE – Not Evaluated

MTBE - Methyl tert-butyl ether

PCBs - Polychlorinated biphenyls

VOCs - Volatile organic compounds

### 3.0 SITE MANAGEMENT

Western Metals Recycling shall implement the following site management tasks pursuant to Utah Code R315-101-6.

#### 3.1 Institutional Controls

Based on the HHRE results for the WMR facility, the “Owner”, Western Metals Recycling, LLC, as defined in the EC, will comply with activity and use limitations placed on the property as outlined in the EC that will be recorded on the property with the Salt Lake County Recorder’s Office and as summarized below.

##### 3.1.1 Land Use Restrictions

The land use at the WMR facility and all off-site locations are limited to industrial purposes only. The site and all off-site parcels included in the project are zoned as M-1 Light Manufacturing Uses. Unapproved uses include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the WMR facility and all off-site locations. Uses that would expose children to contaminants at the WMR facility and all off-site locations for extended periods of time (such as day care and school facilities) are also not approved. Residential uses are prohibited.

Property-Wide Groundwater Use Limitations. With the exception of environmental sampling, groundwater will not be accessed via wells, pits, sumps, or other means for any use or purpose including bathing or drinking.

Future Development or Disturbances. If activities are undertaken that access or disturb soils or groundwater under the WMR facility (below the building floors or asphalt roads/concrete), onsite workers and/or construction workers may be exposed to contaminated soil and groundwater and WMR shall ensure that steps are taken to prevent worker exposure to contamination. Management and disposal of impacted media from the WMR facility must be consistent with all pertinent federal and state environmental laws.

##### 3.1.2 Cover Maintenance

The Owner of the WMR facility shall maintain the current cover materials over AOCs 1 through 3 to minimize potential for contact with underlying soils and groundwater. WMR will conduct an annual visual inspection (to be completed in June of each year) of the cover in AOC 1 through AOC 3 to ensure that the cover is sufficient to prevent exposure to soil ingestion, fugitive dust, vapors and contact with groundwater. The resulting inspection report shall be submitted to Utah DWMRC within 30 days of completing the inspection.

Before any changes to the configuration of the asphalt or concrete are made, such as excavation for new foundations, WMR will first develop a work plan to notify and limit any onsite workers and/or construction workers that may be exposed to total PCB-Aroclors and arsenic contaminated groundwater and soil, and WMR shall ensure that steps are taken to prevent worker exposure to contamination. Routine and temporary asphalt and concrete maintenance and utility maintenance requiring disturbances shall not require a work plan. Reconfiguration of the parking lots, working areas or building floors on the WMR facility must not increase the potential for contact with impacted groundwater and soils beyond the current land use.

### 3.2 Groundwater Monitoring

Annual groundwater monitoring, including appropriate off-site wells, will continue at the WMR facility until statistical analysis demonstrates that monitoring can be discontinued. Monitoring will be conducted along the center line of each plume (dissolved arsenic and MTBE) to assess the plume stability and attenuation. A summary list of wells to be samples and corresponding analyte list is presented below.

Arsenic, dissolved: MW-6, MW-16, MW-17, MW-15, MW-103, MW-104

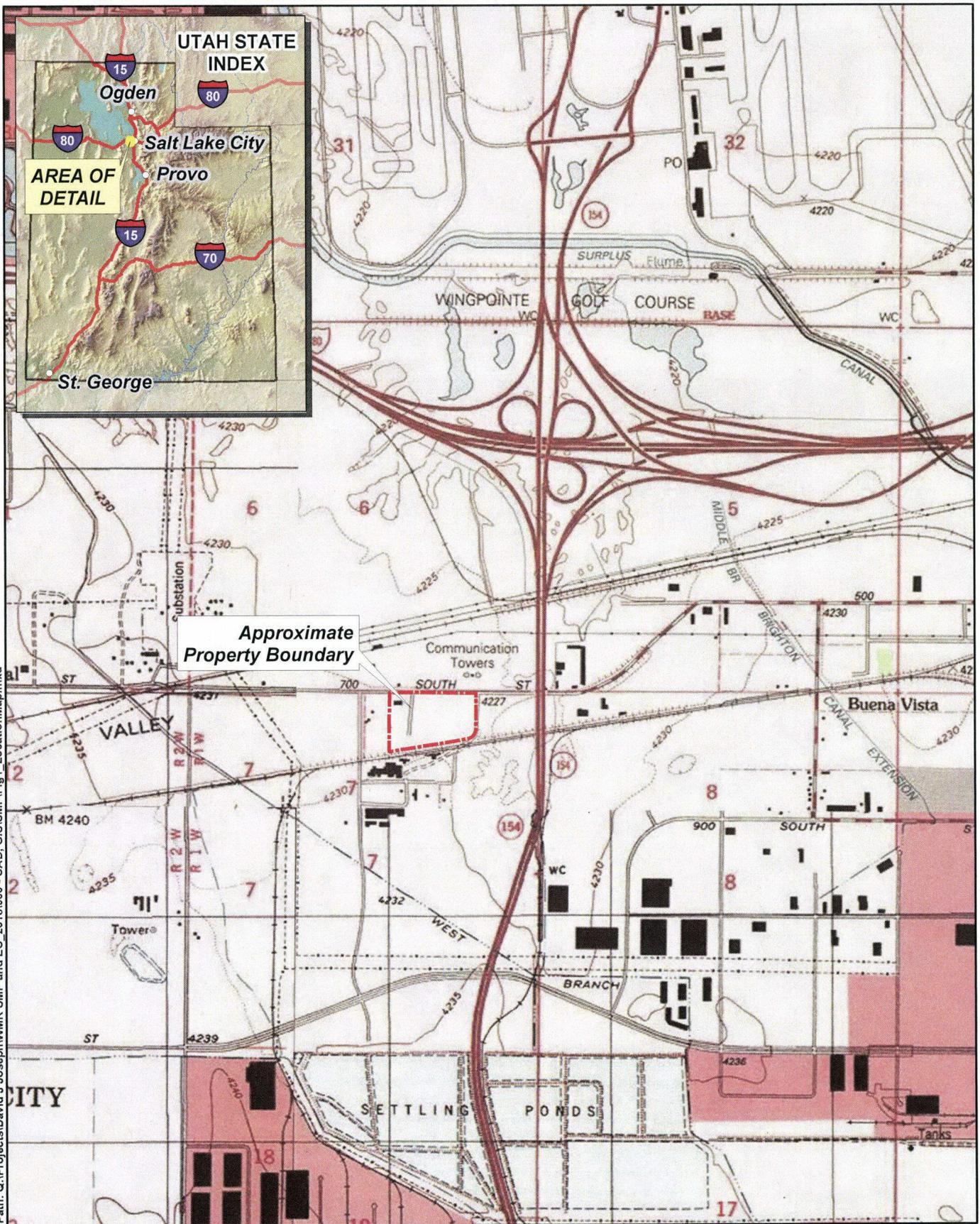
MTBE: MW-3, MW-17, MW-14, MW-101, MW-104

### 3.3 Communications with Off-site Property Owners

WMR will provide a formal notice to adjacent off-site property owners within OSN-1 that communicates the results of the HHRA and the requirements of this SMP. Specifically, WMR will notify the property owners that potential exposure routes off-site are related to use of shallow groundwater and encourage them to use only city-provided water sources. In addition, WMR will provide updates to off-site property owners after each sampling event in accordance with the reporting schedule to UDEQ.

### 3.4 Environmental Covenant

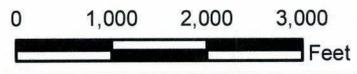
An EC containing the above referenced institutional controls will be filed for recording in the same manner as a deed to the property, with the Salt Lake County Recorder's Office.



Path: Q:\Projects\David J Joseph\WMR SMP and EC\_2018\900 - CAD\_GIS\SMPI\Fig1\_LocationMap.mxd

Base Map: Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, IPC, USGS

 **Approximate Property Boundary**



<b>Title:</b> Facility Location Map	
<b>Project:</b> Site Management Plan	<b>Proj No:</b>
<b>Client:</b> Western Metals Recycling	<b>Figure:</b> 1
	<b>Date:</b> March 2018
	<b>AECOM</b>

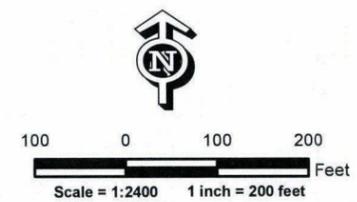
Path: O:\Projects\David J Joseph\WMP SMP and EC\_2018\900 - CAD\_GIS\SMP\Fig2\_WM\_FacilityParcel.mxd



Source Aerial Photograph: AECOM 2009 High Resolution Ortho-Imagery 1 Foot Color

-  Approximate Property Boundary
-  AOC Boundary
-  Parcel Boundary

**Note:**  
 OSN 1 - includes the Salt Lake right-of-way and 700 South roadway, as well as vacant land and commercial properties north of 700 South.



Title: <b>Facility Parcel Map</b>	
Project: <b>Site Management Plan</b>	Proj No:
Client: <b>Western Metals Recycling</b>	Figure: <b>2</b>
	Date: <b>March 2018</b>
	<b>AECOM</b>

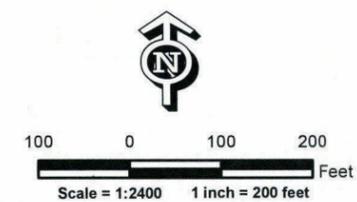
Path: Q:\Projects\David J. Joseph\WMR SMP and EC\_2018\900 - CAD, GIS\SMP\Fig3\_WM\_FacilityFeature.mxd



Source Aerial Photograph: © 2012 High Resolution Ortho-Imagery 12 Inch Color

- Sample Location - URS 2011/2012
- ⊕ Sample Location / Monitoring Well - Granite 2010
- Sample Location - JBR 2008
- Sample Location / Hugo Neu Boring - Granite 2008
- Sample Location / Hugo Neu Trench - Granite 2008
- Direct Push Sample Location - URS 2014
- ⊕ Monitoring Well - URS 2014

- ⬜ Approximate Property Boundary
- - - AOC Boundary
- ⊕ Monitoring Well - AECOM 2015/2016



Title: <b>Facility Feature Map</b>	
Project: <b>Site Management Plan</b>	Proj No: Figure: <b>3</b>
Client: <b>Western Metals Recycling</b>	Date: <b>March 2018</b> <b>AECOM</b>

When Recorded Return To:

Mr. Tim Fox  
Western Metals Recycling, LLC  
4201 West 700 South  
Salt Lake City, Utah 84104

With Copy To:

Scott T. Anderson, Director  
Utah Division of Waste Management and Radiation Control  
Box 144880  
Salt Lake City, UT 84114-4880

**ENVIRONMENTAL COVENANT**

1. This Environmental Covenant is entered into by Western Metals Recycling, LLC, ("Owner") and the Director, Utah Division of Waste Management and Radiation Control (Director), pursuant to Utah Code Ann. §§ 57-25-101 et seq., for the purpose of subjecting the Property described in Paragraph 2 to the activity and use limitations set forth herein.

**PROPERTY**

2. The properties encumbered by this environmental covenant are parcels 15072000340000 and 15072000330000 occupied by the Western Metals Recycling - West Salt Lake City facility located in Salt Lake City, Utah. The legal descriptions of the parcels affected by this environmental covenant are:

15072000340000 (4201 West 700 South)

BLKS 4, 5 & 6 LESS THE N 25 FT M OR L & BLKS 11 & 12 LYING NOF LOS ANGELES & SALT LAKE RR, SENIOR S FIVE AC PLAT. LESS THE W 99.8 FT OF LOTS 6 & 11, SD SUB. ALSO LESS STREET, AS PER WESTERN METALS ROAD DEDICATION PLAT. 2012P-26. 14.20 AC M OR L. 4581-1173 5409-2417 THRU 2423 6637-203 7031-2100 9803-4795,4782

15072000330000 (4221 West 700 South)

LOT 7, SENIORS FIVE ACRE PLAT AMENDED LOT 7. LESS STREET. ASPER WESTERN METALS ROAD DEDICATION PLAT. 2012P-26. 7.94 AC MOR L. 7561-1788.

**ENVIRONMENTAL RESPONSE PROJECT**

3. The Environmental Response Project is referred to as Western Metals Recycling Facility, 4201 West 700 South, Salt Lake City, Utah. The project administrative records are maintained and managed by the Division of Waste Management and Radiation Control (DWMRC), the Records Center or State Archives, in accordance with the Division's Documents Retention Schedule, and is referenced by Facility Identification Number SW025. Paragraphs 4 through 10 summarize the investigations conducted to delineate the extent of soil and groundwater contamination at the site, as well as the remedial efforts conducted at the site. More detail about the remedial work performed at the site is available in the administrative record.
4. The Western Metals Recycling facility is a metals recycling facility in Salt Lake City. The west side of the facility has been used and continues to be used to receive, process, and ship ferrous iron scrap metal. The eastern portion of the facility is used to receive, process, and ship specialty metals (e.g. aluminum, copper) and for shearing and torching activities. The WMR facility is located south of Interstate Highway I-80, and approximately 0.25 miles west of Bangerter Highway in Salt Lake City, Utah (as depicted on Figure 1 of Appendix A, attached hereto). The Western Metals Recycling facility consists of two parcels occupying a total of 22.14 acres as depicted on Figure 2 of Appendix A).

5. The site was broken into the following areas of concern (AOCs) per the Utah Department of Environmental Quality (UDEQ) Division of Solid and Hazardous Waste (DSHW) recommendations:
  - AOC 1 is in the northwest corner of the site and includes the former office/maintenance building, storage areas, and former torching/shearing area.
  - AOC 2 is in the center portion of the west side of the property and includes the auto fluid handling area, aboveground storage tanks, tin pile, shredder feed area, and conveyor.
  - AOC 3 is in the southwestern portion of the site and includes the shredder, various storage buildings, and the areas where processed materials (iron, fluff) are temporarily stored.
  - AOC 4 is the east side of the property and includes the storm water retention pond and new torching/shearing areas. Historically, this area was covered with fluff and debris from the operations of the former site owner. The material was removed from AOC 4 to facilitate construction of the facility.
  - OSN-1 is identified as Off-site North 1 (OSN-1). There is no formal boundary for OSN-1. This area includes the Salt Lake City right-of-way and 700 South roadway, as well as vacant land and commercial properties north of 700 South.
6. JBR Environmental Consultants completed a Phase II Investigation Report of the facility in August 2008.
7. Granite Environmental completed a Draft Phase II Environmental Site Assessment in October of 2008 as well as a Draft Phase II Subsurface Investigation that was completed in 2010.
8. URS Corporation, now AECOM, began on-site investigations in 2011. The first of four groundwater monitoring events began in September of 2014 and was documented in the Site Characterization Report. The subsequent three monitoring events were documented in the Second, Third, and Fourth Quarter Monitoring Reports, respectively. Additional on and off-site characterization was performed in August 2015.
9. A complete list of previous investigations conducted at the WMR facility and the properties north of the facility is presented in the SMP.
10. AECOM prepared a Human Health Risk Assessment (HHRA) for the WMR facility in 2018. The HHRA presents a site-specific, quantitative analysis of the site under current and future land use scenarios based on the nature of the human health constituents of interest detected in environmental media, potential exposure pathways to human receptors, and the degree to which these exposures may pose adverse effects.

Results of the HHRA indicate the following:

#### On-Site Areas

- The potential on-site cancer risks are acceptable for Outdoor Industrial Worker, Construction Worker, and the Indoor Industrial Worker in AOC 1 through AOC 4.
- The potential for on-site adverse non-carcinogenic effects is acceptable for the Outdoor Industrial Worker, Construction Worker and Indoor Industrial Worker in AOC 2 and AOC 3.
- The potential for adverse non-carcinogenic effects is unacceptable for the Construction Worker in AOC 1 and AOC 4. The target organ analysis shows potential risk to the nervous system (total-PCB-Aroclors) and skin (dissolved arsenic). Total PCB-Aroclors and dissolved arsenic are identified as constituents of concern in on-site groundwater. However, on-site groundwater is not currently being used (no current exposure) and water in the area is provided by Salt Lake City.

### Off-Site Areas

- The potential for off-site cancer risks and adverse non-carcinogenic effects are unacceptable for the Indoor Industrial Worker and the Hypothetical Resident in regards to dissolved arsenic in off-site groundwater. However, off-site groundwater is not currently being used (no current exposure) and water in the area is provided by Salt Lake City.

11. Now therefore, Western Metals Recycling, LLC, and the Director agree to the following:
12. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to Utah Code Ann. §§57-25-101 et. seq.
13. Property: This Environmental Covenant applies to two parcel occupied by the Western Metals Recycling facility parcels numbers, 15072000340000 and 15072000330000, located at 4201 West 700 South in Salt Lake City, Utah, consisting of 22.14 acres of real property; owned by Western Metals Recycling, LLC. The legal description of these properties is provided in Paragraph 2 above.
14. Owner. Western Metals Recycling, LLC, is the owner of the Property and is located at 4201 West 700 South in Salt Lake City, Utah. Consistent with this Environmental Covenant, the obligations of the Owner are imposed on assigns and successors in interest, including any Transferee. The term "Transferee" as used in this Environmental Covenant, includes the future of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, or lessees.
15. Holder. Owner, whose address is listed above, and which is located at 4201 West 700 South, Salt Lake City, Utah 84104 is the holder of this Environmental Covenant.
16. Activity Use and Limitations: As part of the Site Management Plan (SMP), Owner hereby imposes and agrees to comply with the following activity and use limitation:

**A. Western Metals Recycling Facility Restrictions: Apply to parcel numbers 15072000340000 and 15072000330000**

- a) The Land use at the Western Metals Recycling facility is limited to commercial/industrial use consistent with the commercial/industrial worker exposure scenario as described in the site specific HHRE drafted by AECOM in 2018. Uses that include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the Western Metals Recycling facility property are not approved uses. Uses that would expose children to contaminants at the Western Metals Recycling facility property for extended periods of time (such as day care and school facilities) are also not approved. Residential uses are prohibited.
- b) Groundwater monitoring. Annual groundwater monitoring, including appropriate on-site and off-site wells, will continue at the WMR facility until statistical analysis demonstrates that monitoring can be discontinued. In addition, WMR will provide updates to off-site property owners after each sampling event in accordance with the reporting schedule to UDEQ.
- c) Site Management Plan. The Owner shall comply with the Site Management Plan ("SMP"), dated May 2018, and contained in the Administrative Record described above as it affects the Property.
- d) Site Inspections. The Owner of the WMR facility shall conduct an annual visual inspection (to be completed in June of each year) of the cover materials (concrete and asphalt). The resulting inspection report shall be submitted to Utah DWMRC within 30 days of completing the inspection.
- e) Western Metals Recycling Facility Restrictions. The following restrictions apply to the Western Metals Recycling facility.

Cover Maintenance. The 'Owner' shall maintain the current cover materials over AOCs 1 through 3 to minimize potential for contact with underlying soils and groundwater.

Future Development or Disturbances. Before any changes to the configuration of the asphalt or concrete are made, such as excavation for new foundations, WMR will first develop a work plan to notify any onsite workers and/or construction workers that may be exposed to total PCB-Aroclors and arsenic contaminated groundwater and soil, and WMR shall ensure that steps are taken to prevent worker exposure to contamination. Routine and temporary asphalt and concrete maintenance and utility maintenance requiring disturbances shall not require a work plan. Reconfiguration of the parking lots, working areas or building floors on the WMR facility must not increase the potential for contact with impacted groundwater and soils beyond the current land use.

Land Use. The land use at the WMR facility and all off-site locations are limited to industrial purposes only. The site and all off-site parcels included in the project are zoned as M-1 Light Manufacturing Uses. Unapproved uses include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the WMR facility and all off-site locations. Uses that would expose children to contaminants at the WMR facility and all off-site locations for extended periods of time (such as day care and school facilities) are also not approved. Residential uses are prohibited.

Property-Wide Groundwater Use Limitations. With the exception of environmental sampling, groundwater will not be accessed via wells, pits, sumps, or other means for any use or purpose including bathing or drinking.

17. Running with the Land: This Environmental Covenant shall be binding upon the Owner[s] and all assigns and successors in interest, including any Transferee, and shall run with the land, pursuant to Utah Code Ann. § 57-25-105, subject to amendment or termination as set forth herein. The term "Transferee," as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/or lessees.
18. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to Utah Code Ann. § 57-25-111. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director from exercising any authority under applicable law.
19. Rights of Access. Owner hereby grants to the Director, its agents, contractors, and employees the right of access to the Property for implementation or enforcement of this Environmental Covenant, subject to the constitutional limitation on warrantless searches and seizures. Nothing in this Environmental Covenant shall be construed as limiting or expanding any access and inspection authorities of the Director under State law.
20. Notice Upon Conveyance. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED \_\_\_\_\_, 20\_\_\_\_, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE \_\_\_\_\_ COUNTY RECORDER ON \_\_\_\_\_, 20\_\_\_\_, IN [DOCUMENT \_\_\_\_\_, or BOOK \_\_\_\_\_, PAGE\_\_\_\_]. THE LANGUAGE OF PARAGRAPH 26(A) OF THE ENVIRONMENTAL COVENANT (ACTIVITY AND USE LIMITATIONS) IS INCORPORATED HEREIN VERBATIM BY REFERENCE.

Owners shall notify the Director within ten (10) days after each conveyance of an interest in any portion of the Property. Owner's notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and an unsurveyed plat that shows the boundaries of the property being transferred.

21. Representations and Warranties. Owner hereby represents and warrants to the other signatories hereto:
- A. That the Owner is the sole owner of the Property;
  - B. That the Owner holds fee simple title to the Property which is free, clear, and unencumbered;
  - C. That the Owner has identified all other persons that own an interest in or hold an encumbrance on the Property, and notified such persons of the Owner's intention to enter into this Environmental covenant;
  - D. That this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document, or instrument to which the Owner is a party or by which the Owner may be bound or affected; and
  - E. That the Owner has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided, and to carry out all obligations hereunder.
22. Amendment or Termination. This Environmental Covenant may be amended or terminated by written consent of all of the following: the Owner or a Transferee, and the Director, pursuant to Utah Code Ann. § 57-25-110 and other applicable law. The term "Amendment" as used in this Environmental Covenant shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term "Termination" as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.
23. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.
24. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Utah.
25. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owner[s] shall file this Environmental Covenant for recording, in the same manner as a deed to the Property, with the Salt Lake County Recorder's Office.
26. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a document of record for the Property with the Salt Lake County Recorder.
27. Distribution of Environmental Covenant. The Owner shall distribute a file and date- stamped copy of the recorded Environmental Covenant to Director within 30 days of recordation.
28. Notice. Unless otherwise notified in writing by or on behalf of the current owner or the Director, any document or communication required by this Environmental Covenant shall be submitted to:

Mr. Scott T. Anderson, Director  
Utah Division of Waste Management and Radiation Control  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880

The undersigned Owner and Holder represent and certify that they are authorized to execute this Environmental Covenant.

**IT IS SO AGREED:**

Western Metals Recycling, LLC

\_\_\_\_\_  
Signature of Owner[s]

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

ss:

Before me, a notary public, in and for said county and state, personally appeared \_\_\_\_\_, a duly authorized representative of \_\_\_\_\_, who acknowledged to me that [he/she] did execute the foregoing instrument on behalf of \_\_\_\_\_.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this day of \_\_\_\_\_, 20 .

\_\_\_\_\_  
Notary Public

Division of Waste Management and Radiation Control

\_\_\_\_\_  
Scott T. Anderson, Director

\_\_\_\_\_  
Date

State of Utah )

County of Salt Lake )

ss:

Before me, a notary public, in and for said county and state, personally appeared Scott T. Anderson, Director of the Division of Waste Management and Radiation Control, who acknowledged to me that he did execute the foregoing instrument.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this day of \_\_\_\_\_, 20 .

\_\_\_\_\_  
Notary Public

Western Metals Recycling, LLC

\_\_\_\_\_  
Signature of Holder

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

State of \_\_\_\_\_ )

) ss:

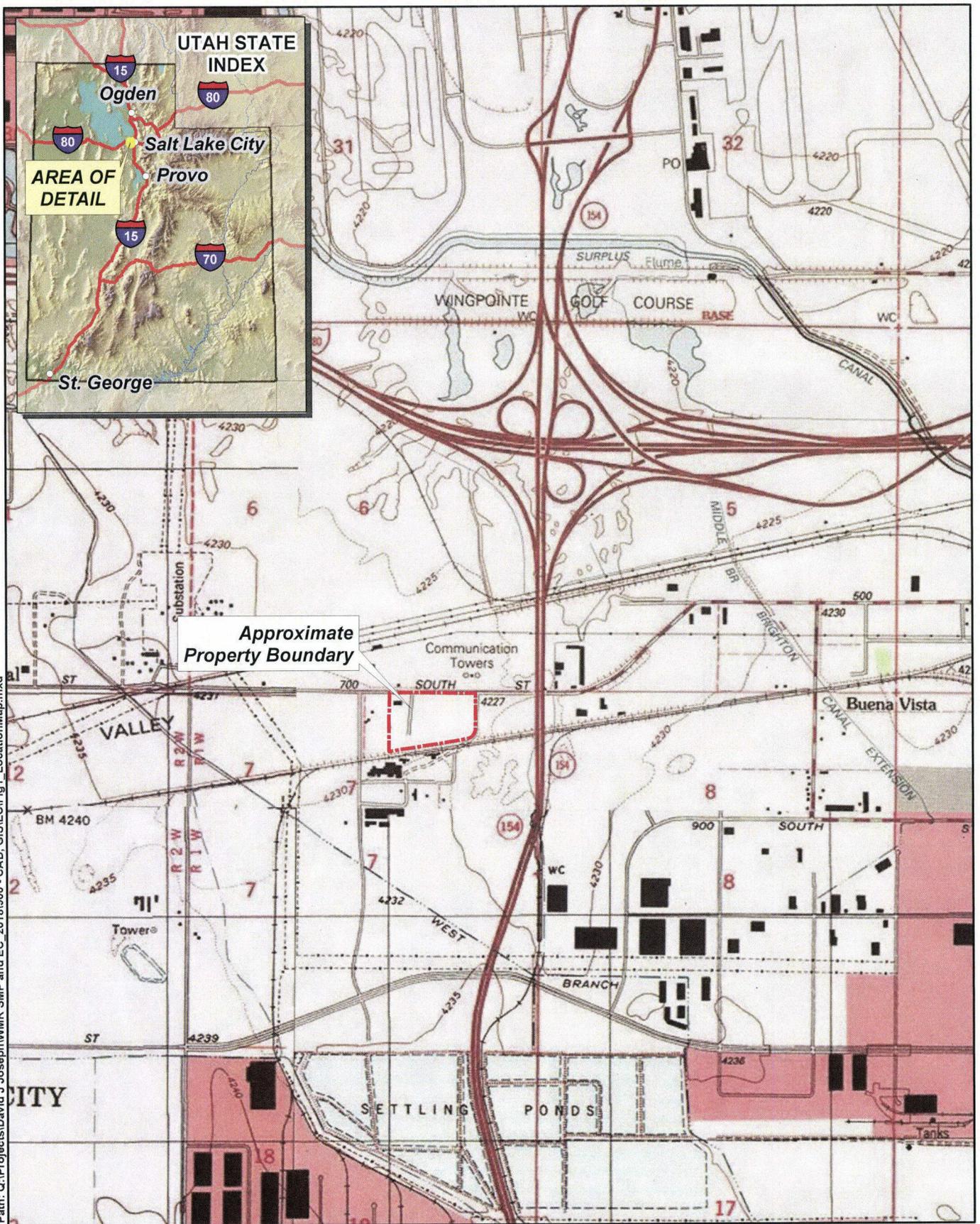
County of \_\_\_\_\_)

Before me, a notary public, in and for said county and state, personally appeared \_\_\_\_\_, a duly authorized representative of \_\_\_\_\_, who acknowledged to me that *[he/she]* did execute the foregoing instrument on behalf of \_\_\_\_\_.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this day of \_\_\_\_\_, 20 .

\_\_\_\_\_  
Notary Public

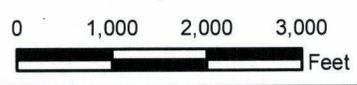
This instrument prepared by:  
AECOM Technical Services, Inc.  
756 E. Winchester St. Suite 400  
Salt Lake City, UT 84107



Path: Q:\Projects\David J Joseph\WMR SMP and EC\_2018\900 - CAD, GIS\EC\Fig1\_LocationMap.mxd

Base Map: Sources: Esri, DeLorme, NAVTEQ, TomTom, Intermap, IPC, USGS

 **Approximate Property Boundary**



<b>Title:</b> Facility Location Map	
<b>Project:</b> Environmental Covenant	<b>Proj No:</b>
<b>Client:</b> Western Metals Recycling	<b>Figure:</b> 1
	<b>Date:</b> March 2018
	<b>AECOM</b>

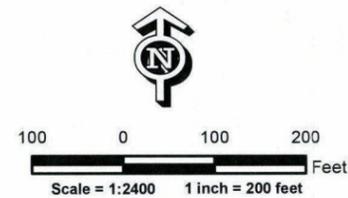
Path: O:\Projects\David J Joseph\WMR SMP and EC\_2018\900 - CAD, GIS\EC\Fig2\_WML\_FacilityParcel.mxd



Source Aerial Photograph: AECOM 2009 High Resolution Ortho-Imagery 1 Foot Color

-  Approximate Property Boundary
-  AOC Boundary
-  Parcel Boundary

**Note:**  
**OSN 1** - includes the Salt Lake right-of-way and 700 South roadway, as well as vacant land and commercial properties north of 700 South.



Title: <b>Facility Parcel Map</b>	
Project: <b>Environmental Covenant</b>	Proj No: <b>2</b>
Client: <b>Western Metals Recycling</b>	Date: <b>March 2018</b>
<b>AECOM</b>	