

Mr. Scott Anderson, Director  
Utah Department of Environmental Quality  
Division of Waste Management and Radiation Control  
195 North 1950 West, 2nd Floor  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880

January 16, 2017  
Project No.: 2091-001C

Div of Waste Management  
and Radiation Control

JAN 17 2017

DSHW-2017-000329

SUBJECT: Site Management Plan/Environmental Covenant  
Sunroc Facility  
520 South 800 West  
Lindon, Utah

Wasatch Environmental, Inc., (Wasatch) has prepared this Site Management Plan (SMP) to present the planned approach for long-term management of arsenic impacts following the capping of impacted soils and groundwater sampling activities conducted at the Sunroc facility. This SMP has been prepared in accordance with the requirements of R315-101 "Cleanup Action and Risk-Based Closure Standards."

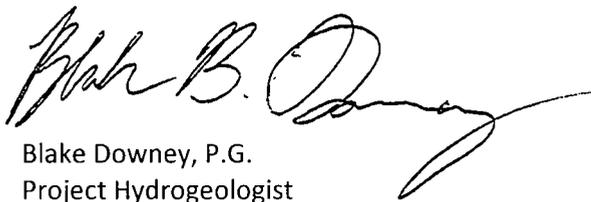
Concurrent with submittal of the SMP, Wasatch is requesting that the Sunroc facility be granted no further investigation at the site at this time.

Also, attached is the Environmental Covenant to be recorded.

Should you have any questions, please do not hesitate to contact us.

Sincerely,

WASATCH ENVIRONMENTAL, INC.

  
Blake Downey, P.G.  
Project Hydrogeologist

Distribution: (1) Addressee  
(1) Brent Sumsion, Clyde Companies Inc.  
(1) Brad Maulding, DWMRC

RECEIVED

JAN 17 2017

DEPARTMENT OF  
ENVIRONMENTAL QUALITY

**SITE MANAGEMENT PLAN  
SUNROC FACILITY  
520 SOUTH 800 WEST  
LINDON, UTAH**

**Project No. 2091-001C**

**To:**

**Mr. Scott Anderson, Director  
Utah Department of Environmental Quality  
Division of Waste Management and Radiation Control  
195 North 1950 West, 2<sup>nd</sup> Floor  
P.O. Box 144880  
Salt Lake City, Utah 84114-4880**

**Prepared For:  
Clyde Companies, Inc.  
(dba Sunroc Building Materials)  
P.O. BOX 1955  
Orem, Utah 84059**

**Prepared By:**

**Wasatch Environmental, Inc.  
2410 West California Avenue  
Salt Lake City, Utah 84104**

**January 16, 2017**

TABLE OF CONTENTS

<u>Section</u>	<u>Page No.</u>
1. INTRODUCTION.....	1
1.1 Site Description .....	1
1.2 Site Background.....	1
2. RISK ASSESSMENT AND SITE-SPECIFIC SCREENING LEVELS.....	2
3. SITE MANAGEMENT.....	2
3.1 Institutional Controls.....	2
3.1.1 Site Management Plan.....	3
3.1.2 Sunroc Facility Restrictions.....	3
3.1.2.1 Land Use Restrictions.....	3
3.1.3 Site Inspections.....	3
3.1.4 Infiltration Prevention .....	4
3.1.5 Environmental Covenant.....	4

Figures

- Figure 1 – Facility Location Map
- Figure 2 – Facility Parcel Map
- Figure 3 – Facility Feature Map

**SITE MANAGEMENT PLAN  
SUNROC FACILITY  
520 SOUTH 800 WEST  
LINDON, UTAH**

## **1. INTRODUCTION**

Wasatch Environmental, Inc., (Wasatch) has prepared this Site Management Plan (SMP) to present the planned long-term approach for monitoring and managing arsenic impacts to soil following the capping of source soils and groundwater sampling activities at the Sunroc facility. This SMP has been developed in an effort to mitigate risks due to arsenic contamination at the facility.

This SMP has been prepared in accordance with the requirements of R315-101 "Cleanup Action and Risk-Based Closure Standards" that establishes information requirements to support risk-based cleanup and closure standards at facilities for which remediation or removal of hazardous constituents to background levels is not expected to be achieved. Except as set forth in the Environmental Covenant (EC) recorded with the Utah County Recorder's Office, the "Holder" (as defined in the EC) shall comply with the SMP. Provisions of the SMP relating to the land use limitations shall be the responsibility of the "Owner" (as defined in the EC) of the property

### **1.1 Site Description**

The Sunroc facility is 9.9 acres in size and consists of one parcel located at 520 South 800 West in Lindon, Utah. Legal description, parcel number, and address information obtained from the Utah County Assessor's office are presented below:

- Legal Description - LOT 1, PLAT A, OLSEN INDUSTRIAL PARK SUB AREA 9.900 AC
- Parcel Number - 48.435.0001.
- Address – 520 South 800 West, Lindon, Utah.

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

### **1.2 Site Background**

The Sunroc facility is a manufacturing/warehousing facility used to cut, assemble, and store various wood construction materials and insulation, located northeast of interstate highway I-15, approximately 1,060 feet northwest of the intersection of 1600 North and I-15 in Lindon, Utah.

Baseline sampling activities were conducted in December 2014, in anticipation of Sunroc Building Materials purchasing the property from Mountain States Steel (the former owner and occupant). Wasatch concluded impacts to shallow soil and groundwater from volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) are minimal and well below applicable regulatory limits at the locations sampled. The adjoining east (hydraulically upgradient) properties do not appear to impact the groundwater at the Sunroc facility at the locations sampled. Arsenic impacts to groundwater above the United States (U.S.) Environmental Protection Agency (EPA) Maximum Contaminant Level (MCL) are present on the southern portion of the facility. Shallow arsenic impacts to soil at concentrations above the applicable U.S. EPA Regional Screening Levels (RSLs) and naturally occurring background concentrations are present at the facility. Arsenic concentrations in soil ranged from 6,860 micrograms per kilogram (ug/kg) to 177,000 ug/kg at the facility. The Utah Division of Waste Management and Radiation Control (DWMRC) has accepted the use of the background soil concentration for arsenic of 22,800 ug/kg developed by the nearby Geneva facility for use at the Sunroc Facility. In June 2014, the entire Sunroc facility was paved over or is covered by the facilities building. The Utah DWMRC has

accepted that the building and pavement constitute a competent cap of the arsenic impacted soils. No further investigation is required at this time. Institutional controls shall be maintained at the facility.

Following the Baseline Sampling Report dated January 9, 2015, Wasatch completed additional investigations to further define the nature of the chromium soil impacts at the facility. The speciation of the total chromium concentrations was completed to evaluate the potential for hexavalent chromium concentrations (a significant risk factor) at the facility.

Hexavalent chromium soil sampling activities occurred at the Sunroc facility on February 5, 2015. Based on the analytical results of the hexavalent chromium and total chromium soil samples, Wasatch concluded that hexavalent chromium soil concentrations were well below the EPA RSLs for industrial soils, and the total chromium soil concentrations consisted almost entirely of trivalent chromium, and do not require corrective action.

On July 1, 2015, Wasatch supervised the installation of four groundwater monitoring wells at the Sunroc facility in areas where previous investigations identified arsenic concentrations in groundwater above the MCL. See Figure 3 for the locations of the monitoring wells. The groundwater flow direction at the facility is generally west to southwest. Three groundwater monitoring events have occurred, one in July 2015, one in October 2015, and one in January 2016. Arsenic concentrations in the groundwater samples collected during the monitoring events ranged from 3.22 micrograms per liter (ug/L) to 32.4 ug/L. The Utah DWMRC has accepted the use of the background Corrective Action Level (CAL) of 300 ug/L developed for the nearby Geneva facility for arsenic in groundwater for use at the Sunroc facility. Therefore, the arsenic concentrations in groundwater detected at the Sunroc facility do not require corrective action.

## **2. RISK ASSESSMENT AND SITE-SPECIFIC SCREENING LEVELS**

The Utah DWMRC determined that a Human Health Risk Assessment would not be required for the Sunroc facility, given that the exposure pathways for on-site workers are not complete with the given site characteristics. Site-Specific Screening Levels (SSSLs) for arsenic in soil and groundwater were developed for the nearby Geneva Steel facility, and have been approved by the Utah DWMRC for the use at the Sunroc facility. A background arsenic concentration in soil of 22,800 ug/kg (which exceeds the EPA Regional Screening Level for arsenic in industrial soil), and a background CAL for arsenic in the groundwater of 300 ug/L was developed for the Geneva Steel facility.

Arsenic concentrations in soil ranged from 6,860 ug/kg to 177,000 ug/kg at the Sunroc facility. In June 2013, the entire Sunroc facility was paved over or is covered by the facility's building. The Utah DWMRC has accepted that the building and pavement constitute a competent cap of the arsenic impacted soils at the facility.

Analysis of the groundwater samples collected during the two monitoring events ranged from 3.22 ug/L to 32.4 ug/L. Based on the background CAL for arsenic in groundwater for the Sunroc facility, the groundwater at the Sunroc facility does not require corrective action.

## **3. SITE MANAGEMENT**

Sunroc shall implement the following management requirements within the site pursuant to Utah Code R315-101-6.

### **3.1 Institutional Controls**

Based on the arsenic concentrations detected in soil and groundwater at the Sunroc facility that exceed the SSSLs, and as part of the corrective action at the Sunroc facility, the "Owner", Sunroc Building

Materials, Inc., 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 Utah County Recorder's Office.

**3.1.1 Site Management Plan**

Except as specifically set forth in the EC, the Holder shall comply with the SMP submitted to the Utah DWMRC and contained in the Administrative Record described above as it affects the property

**3.1.2 Sunroc Facility Restrictions**

The following restrictions apply to the Sunroc facility property:

**3.1.2.1 Land Use Restrictions**

The land use at the Sunroc facility is limited to commercial/industrial uses consistent with the commercial/industrial worker exposure scenario as described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. Uses that include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the Sunroc facility property are not approved uses. Uses that would expose children to contaminants at the Sunroc facility property for extended periods of time (such as day care and school facilities) are also not approved. Residential uses are prohibited.

Groundwater monitoring. The Utah DWMRC has granted the Sunroc facility approval to discontinue the groundwater monitoring at the facility; therefore, groundwater sampling will no longer be conducted

Property-Wide Groundwater Use Limitations. With the exception of environmental sampling, groundwater will not be accessed for any residential use

Well Abandonment The groundwater monitoring wells have been abandoned following the regulations, procedures, and standards outlined in the State of Utah Well Handbook, Section R655-4-12

Future Development or Disturbances. If activities are undertaken that access or disturb soils or groundwater under the Sunroc facility (below the building floors or asphalt roads/storage yard/parking lot), onsite workers and/or construction workers may be exposed to arsenic contaminated soil or groundwater and Sunroc shall insure that steps are taken to prevent worker exposure to contamination. This includes any de-watering of the aquifer. Management and disposal of impacted media from the Sunroc facility must be consistent with all pertinent federal and state environmental laws.

Infiltration Prevention. The Owner of the Sunroc facility shall maintain the cap materials (asphalt parking lot/storage yard/roads and building floors) within their respective portion of the facility to minimize infiltration as described in Section 3.1.4

**3.1.3 Site Inspections**

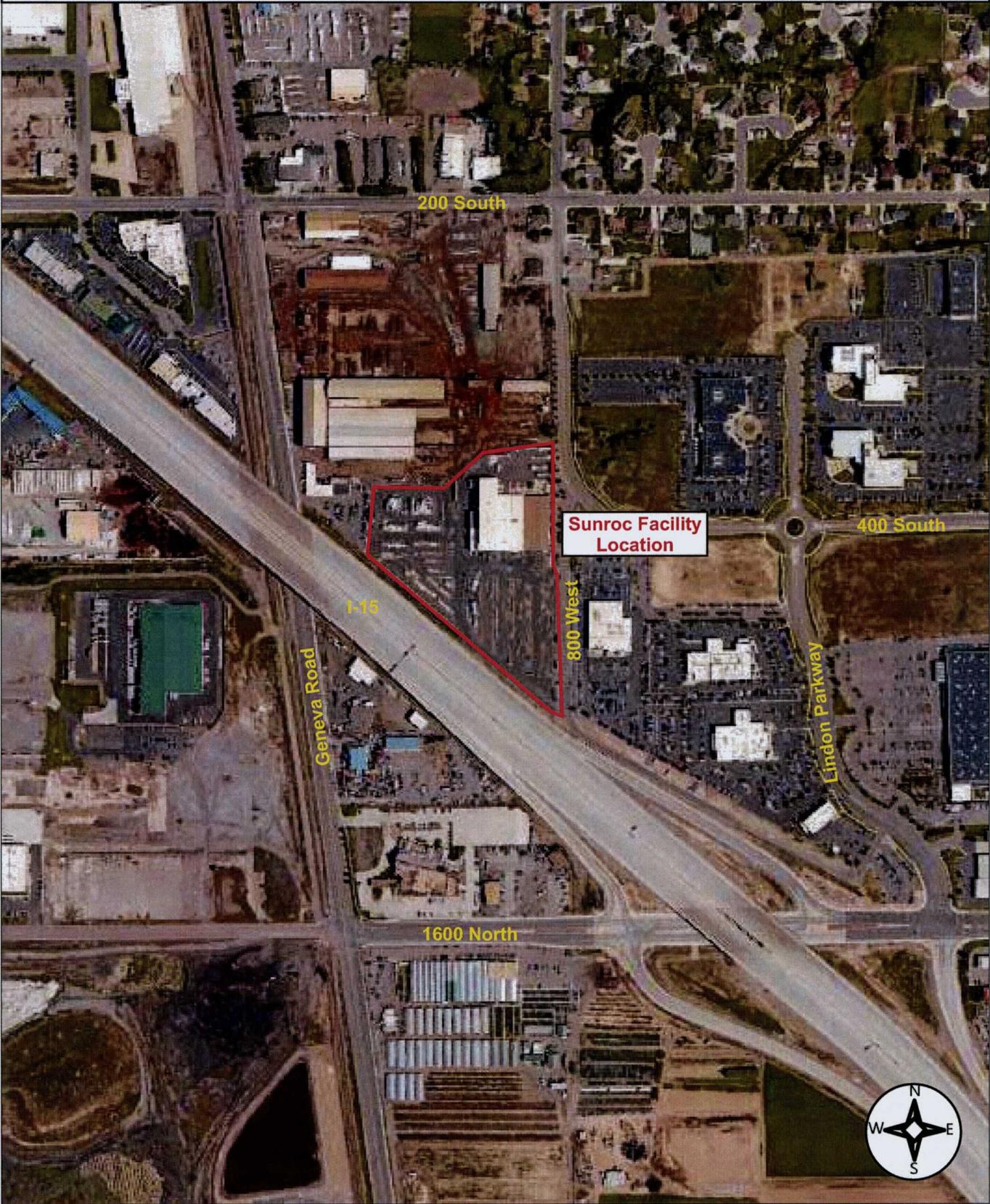
The Owner of the Sunroc facility shall conduct an annual visual inspection (to be completed in June of each year) of the cap materials (asphalt parking lot/storage yards/roads and building floors). The resulting inspection report shall be submitted to Utah DWMRC within 30 days of completing the inspection. These inspections would need to be completed to ensure the cap is in good condition.

**3.1.4 Infiltration Prevention**

The asphalt parking lot/storage yard/roads and building floors on the Sunroc facility will be maintained in good condition. Before any changes to the configuration of the asphalt parking lot/storage area/roads or building floors are made, the Owner of the affected portion of the Sunroc facility will first develop a work plan to notify and limit any onsite workers and/or construction workers that may be exposed to arsenic contaminated soil or groundwater, and Sunroc shall insure that steps are taken to prevent worker exposure to contamination. Notwithstanding the foregoing, routine and temporary asphalt parking lot/storage yard/road maintenance and utility maintenance requiring the asphalt parking lot/storage yard/road disturbances, shall not require a work plan. Reconfiguration of the parking lot or building floors on the Sunroc facility must not increase the potential for groundwater infiltration beyond the current land use. If at any time during a site inspection and/or general working hours significant cracks are observed in the cap materials, the observed crack(s) must be appropriately sealed to prevent water infiltration.

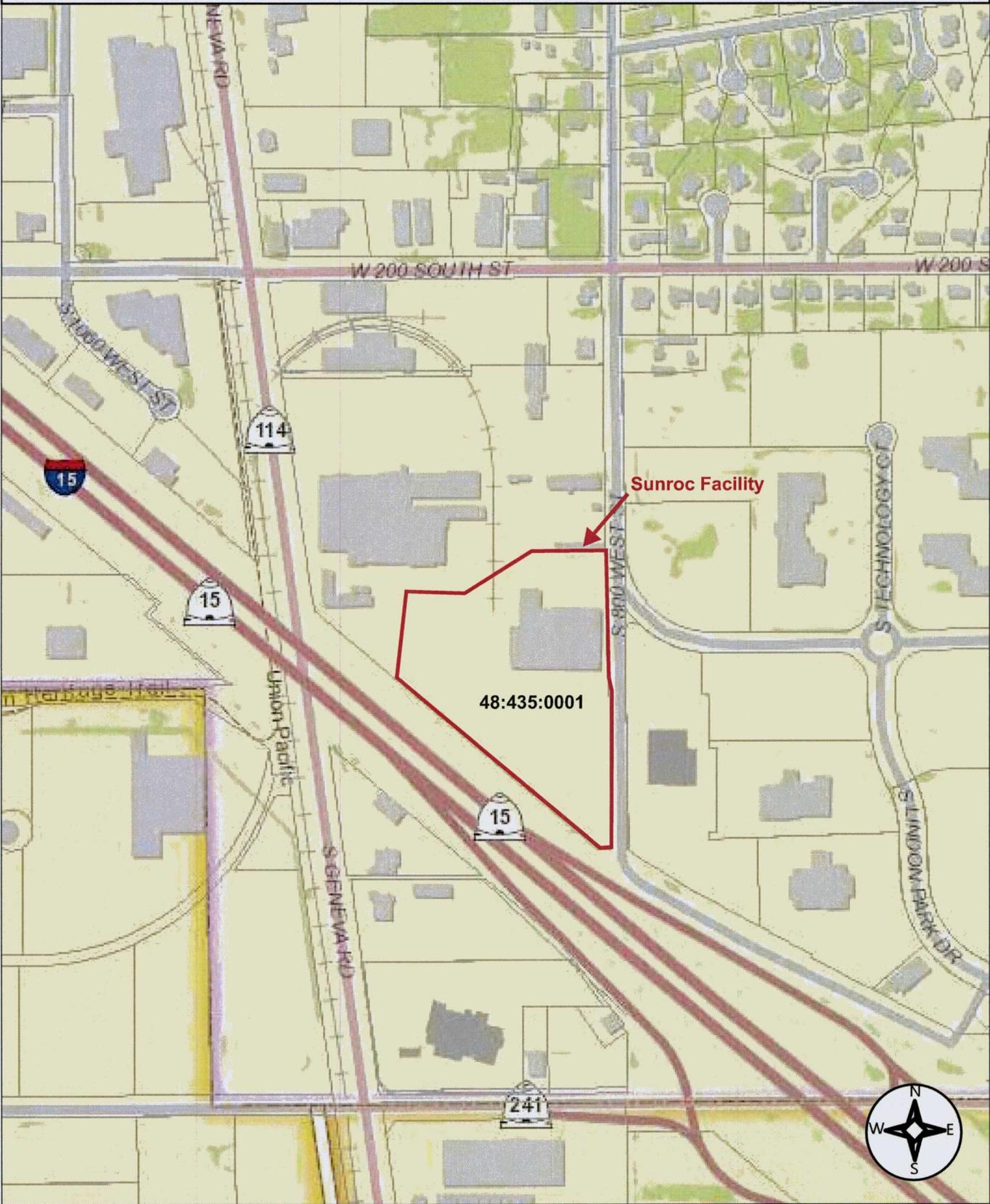
**3.1.5 Environmental Covenant**

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 Utah County Recorder's Office.

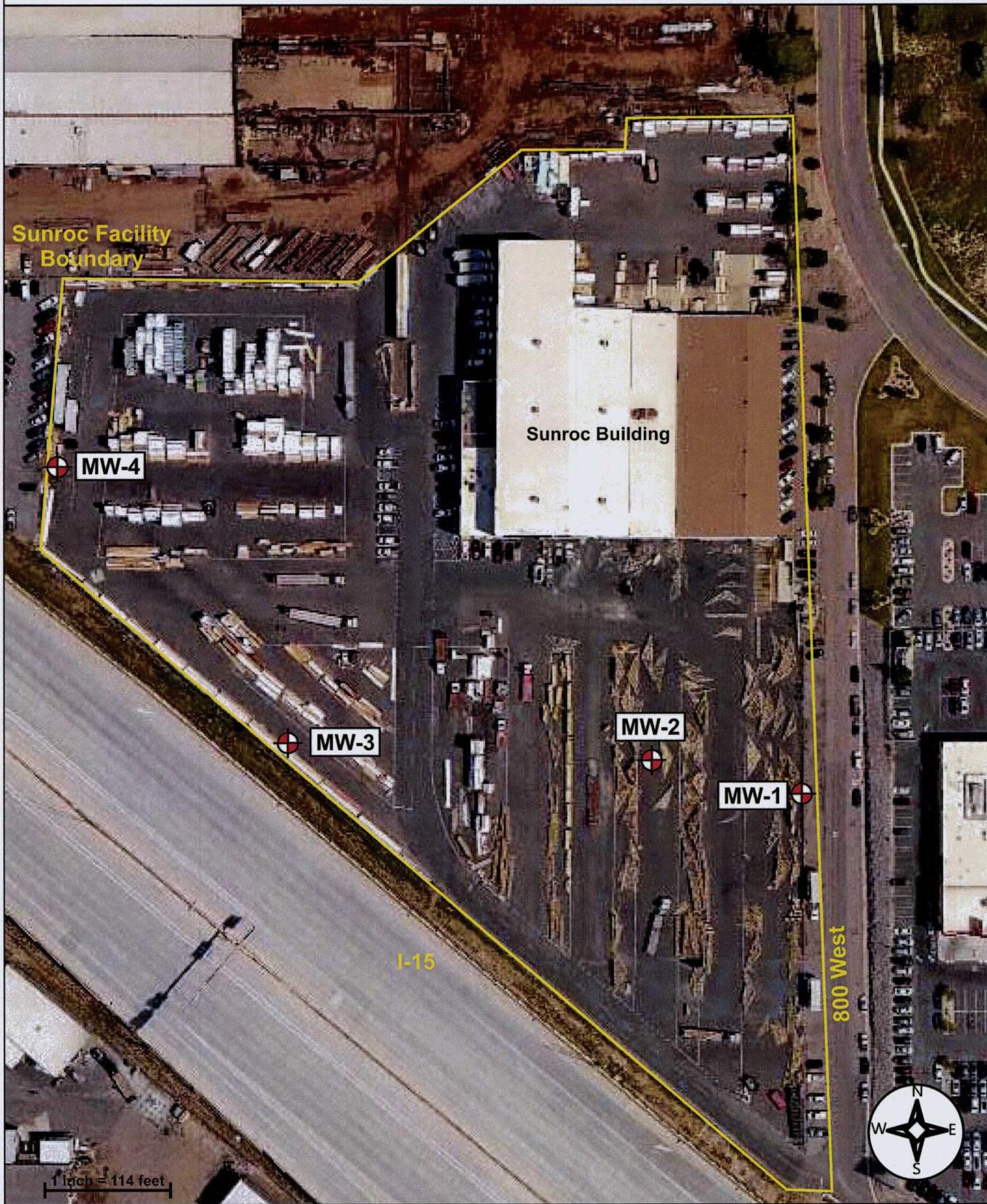


Facility Location Map Figure 1

SUNROC FACILITY WEI 2091-001C



Facility Parcel Map Figure 2



 Monitoring Well Location

Facility Feature Map

Figure 3

When Recorded Return To:  
Brent Sumsion  
Clyde Companies, Inc.  
P.O. BOX 1955  
Orem UT, 84059

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

### ENVIRONMENTAL COVENANT

1. This Environmental Covenant is entered into by Sunroc Building Materials, Inc., (“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 property encumbered by this environmental covenant is parcel 48:435.0001 (520 South 800 West); occupied by the Sunroc Building Materials facility located in Lindon, Utah. The legal description of the parcel affected by this environmental covenant is:

48:435.0001 (520 South 800 West)

LOT 1, PLAT A, OLSEN INDUSTRIAL PARK SUB AREA 9 900 AC.

### ENVIRONMENTAL RESPONSE PROJECT

3. The Environmental Response Project is referred to as Sunroc Facility, 520 South 800 West, Lindon, 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 8 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 Sunroc facility is a manufacturing/warehousing facility used to cut, assemble, and store various wood construction materials and insulation, located northeast of interstate highway I-15, approximately 1,060 feet northwest of the intersection of 1600 North and I-15 in Lindon, Utah (as depicted on Figure 1 of Appendix A, attached hereto). The Sunroc facility consists of one parcel occupying a total of 9.9 acres as depicted on Figure 2 of Appendix A).

5. Baseline sampling activities were conducted in December 2014. Shallow soil and groundwater impacts from volatile organic compounds (VOCs) and semi-volatile organic compounds (SVOCs) were identified at concentrations well below applicable regulatory limits at the locations

sampled. The adjoining east (hydraulically upgradient) properties do not appear to impact the groundwater at the Sunroc facility at the locations sampled. Arsenic impacts to groundwater above the United States (U.S.) Environmental Protection Agency (EPA) Maximum Contaminant Level (MCL) are present on the southern portion of the facility. Shallow arsenic and total chromium impacts to soil at concentrations above the applicable U.S. EPA Regional Screening Levels (RSLs) and/or naturally occurring background concentrations are present at the facility. Arsenic concentrations in soil ranged from 6,860 micrograms per kilogram (ug/kg) to 177,000 ug/kg at the facility. The Utah DWMRC has accepted the use of the background soil concentration for arsenic of 22,800 ug/kg developed by the nearby Geneva facility for use at the Sunroc facility. In June 2014, the entire Sunroc facility was paved over or is covered by the facility's building. The Utah DWMRC has accepted that the building and pavement constitute a competent cap of the arsenic impacted soils at the facility. No further investigation is required at this time regarding arsenic concentrations in soil.

6. Following the Baseline Sampling Report dated January 9, 2015, additional investigation was conducted to further define the nature of the chromium soil impacts at the facility. The speciation of the total chromium concentrations was completed to evaluate the potential for hexavalent chromium concentrations (a significant risk factor) at the facility.

7. Hexavalent chromium soil sampling activities occurred at the Sunroc facility on February 5, 2015. The analytical results of the hexavalent chromium and total chromium soil samples demonstrate that hexavalent chromium soil concentrations are well below the EPA RSLs for industrial soils, and the total chromium soil concentrations consisted almost entirely of trivalent chromium; therefore, corrective action is not required.

8. On July 1, 2015, Wasatch supervised the installation of four groundwater monitoring wells at the Sunroc facility in areas where previous investigations identified arsenic concentrations in groundwater above the MCL. The groundwater flow direction at the facility is generally west to southwest. Four groundwater monitoring events have occurred in July 2015, October 2015, January 2016, and April 2016. Analysis of the groundwater samples collected during the monitoring events ranged from 3.22 micrograms per liter (ug/L) to 32.4 ug/L. The Utah DWMRC has accepted the use of the background Corrective Action Level (CAL) of 300 ug/L developed for the nearby Geneva facility for arsenic in groundwater for use at the Sunroc facility; therefore, the arsenic concentrations in groundwater detected at the Sunroc facility do not require corrective action. Therefore, the arsenic concentrations in groundwater detected at the Sunroc facility do not require corrective action.

## COVENANT

9. Now therefore, Sunroc Building Materials, Inc., and the Director agree to the following.

10. Environmental Covenant. This instrument is an environmental covenant developed and executed pursuant to Utah Code Ann. §§57-25-101 et. seq.

11. Property: This Environmental Covenant applies to one parcel occupied by the Sunroc facility, parcel number 48:435:0001 located at 520 South 800 West in Lindon, Utah, consisting of approximately 9.9 acres of real property; owned by Sunroc Building Materials, Inc. The legal description of this property is provided in Paragraph 2 above.

12. Owner. Sunroc Building Materials, Inc., is the owner of the Property and is located at 520 South 800 West, Lindon, Utah. Consistent with Paragraph 15 ("Running with the Land") of 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.

13. Holder. Owner, whose address is listed above, and which is located at 520 South 800 West, Linton, Utah is the holder of this Environmental Covenant.

14. 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 limitations:

**A. Sunroc Facility Restrictions: Apply to parcel number 48:435:0001.**

- a. The Land uses at the Sunroc facility are limited to commercial/industrial uses consistent with the commercial/industrial worker exposure scenario as described in the Risk Assessment Guidance for Superfund, Volume I, Human Health Evaluation, Parts A and B. Uses that include managed care facilities, hospitals or any type of business that would require a caretaker to reside on the Sunroc facility property are not approved. Uses that would expose children to contaminants at the Sunroc 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. The Utah DWMRC has granted the Sunroc facility approval to discontinue the groundwater monitoring at the facility, therefore, groundwater sampling will no longer be conducted.
- c. Property-Wide Groundwater Use Limitations. With the exception of environmental sampling and irrigation, groundwater will not be accessed via wells, pits, sumps or other means for any use or purpose including bathing or drinking.
- d. Well Abandonment. The groundwater monitoring wells have been abandoned following the regulations, procedures, and standards outlined in the State of Utah Well Handbook, Section R655-4-12.
- e. Site Management Plan. The Owner shall comply with the Site Management Plan ("SMP"), dated January 17, 2017, and contained in the Administrative Record described above as it affects the Property
- f. Site Inspections. The Owner of the Sunroc facility shall conduct an annual visual inspection (to be completed in June of each year) of the cap materials (asphalt parking lot/storage yards/roads and building floors) The resulting inspection report shall be submitted to Utah DWMRC within 30 days of completing the inspection. These inspections would need to be completed to ensure the cap is in good condition.
- g. Sunroc Facility Restrictions. The following restrictions apply the Sunroc facility.

Future Development or Disturbances. If activities are undertaken that access or disturb soils or groundwater under the Sunroc facility (below the building floors or asphalt roads/storage yard/parking lot), onsite workers and/or construction workers may be exposed to arsenic contaminated soil or groundwater and Sunroc shall insure that steps are taken to prevent worker exposure to contamination. This includes any de-watering of the aquifer. Management and disposal of impacted media from the Sunroc facility must be consistent with all pertinent federal and state environmental laws.

Infiltration Prevention. The Owner of the Sunroc facility shall maintain the asphalt parking lot/storage yard/roads and building floors within their respective portion of the facility to minimize infiltration. The SMP describes the requirements to prevent increased water infiltration which may alter groundwater behavior from current conditions. First, the asphalt parking lot/storage yard/roads and building floors on the Sunroc facility will be maintained in good condition as described in the SMP to minimize water infiltration.

Second, before any changes to the configuration of the asphalt parking lot/storage area/roads or building floors are made, the Owner of the affected portion of the Sunroc facility will first develop a work plan to notify and limit any onsite workers and/or construction workers that may be exposed to arsenic contaminated soil or groundwater, and Sunroc shall insure that steps are taken to prevent worker exposure to contamination. Notwithstanding the foregoing, routine and temporary asphalt parking lot/storage yard/road maintenance and utility maintenance requiring the asphalt parking lot/storage yard/road disturbances, shall not require a work plan. Reconfiguration of the parking lot or building floors on the Sunroc facility must not increase the potential for groundwater infiltration beyond the current land use.

15. 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.

16. 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.

17. 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.

18. 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 \_\_\_\_\_, 201\_, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE \_\_\_\_\_ COUNTY RECORDER ON \_\_\_\_\_, 201\_, 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.

19. 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.

20. 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.

21. 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

22. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Utah.

23. 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 Utah County Recorder's Office.

24. 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 Utah County Recorder.

25. 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.

26. 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:**

Sunroc Building Materials, Inc.

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

\_\_\_\_\_  
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

Division of Waste Management and Radiation Control

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

\_\_\_\_\_  
Date

State of Utah )

) ss:

County of Salt Lake )

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

Sunroc Building Materials, Inc.

\_\_\_\_\_  
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:  
Wasatch Environmental, Inc.  
2410 West California Avenue  
Salt Lake City, UT 84104

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:  
Wasatch Environmental, Inc.  
2410 West California Avenue  
Salt Lake City, UT 84104

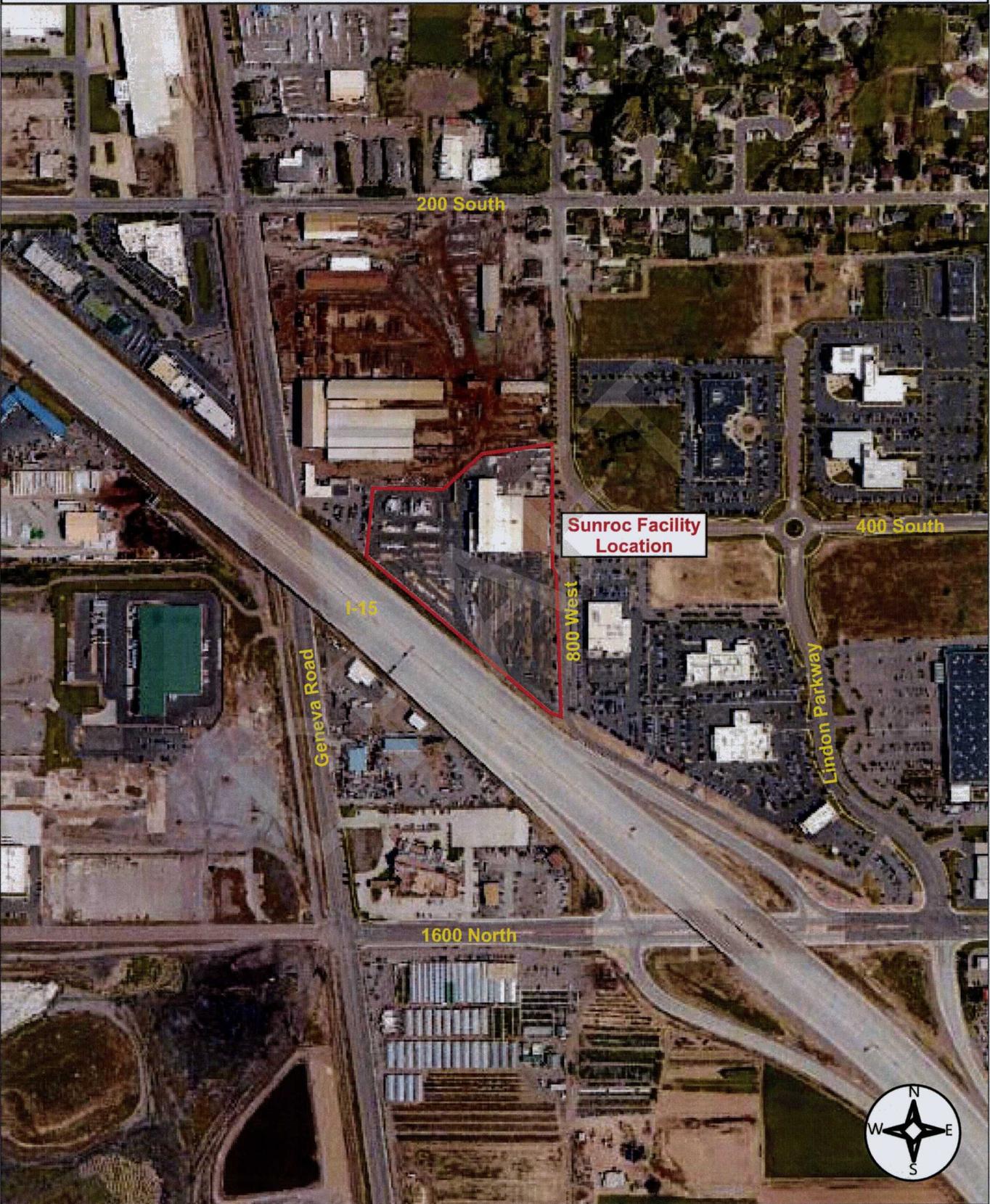
**Attachment A**

**Figures**



Facility Location Map

Figure 1



Facility Location Map Figure 1