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SUBJECT: Summary of Site Management Plan; Covenants, Conditions, and Restrictions; and Continuing Obligations  
Ironton Property  
Valley Vista Way  
Provo, Utah

## 1.0 SUMMARY

In August 2002, a Draft Environmental Site Management Plan (SMP) for the Ironton Site was prepared and the Final SMP was published in 2008 at the same time that a Certificate of Completion (COC) was issued by the Voluntary Cleanup Program (VCP). The SMP provided for groundwater monitoring and for restriction on the use and development of the Ironton site to ensure the it was developed and used in accordance with parameters outlined in the Voluntary Cleanup Agreement. The land use and development restrictions are presented in the SMP and in recorded Covenants, Conditions, and Restrictions (CC&Rs) for the Ironton site. The SMP and CC&Rs serve as the long-term remedy and management strategy designed to ensure that the components or the cleanup remain protective of human health.

The following is a summary of the Site Management Plan; Covenants, Conditions, and Restrictions; and Continuing Obligations as they pertain to the subject property.

## 2.0 COVENANTS, CONDITIONS, AND RESTRICTIONS

The CC&Rs were recorded at the Utah County Recorders' office on January 15, 2008. The CC&Rs "run with the land" and provide civil legal remedies for their violation. This can include civil and criminal contempt remedies through existing Provo City and State of Utah laws. The CC&Rs are intended to give future owners and users advance notice of the limitations on the use and development of the Ironton site.

As recorded on the CC&Rs, the SMP acknowledges to future owners and lenders protection from environmental liability provided in Utah Code § 19-8.113.

The CC&Rs include the following as it pertains to the subject property:

- 1. The subject property shall be used only for industrial/commercial purposes, including retail stores, offices, light industrial and light manufacturing facilities.**
- 2. The subject property shall not be used for process industries such as oil refining and processing, steel manufacturing or other similar industries.**
- 3. The subject property shall not be used for managed care facilities, hospitals, or any other type of business that would require a caretaker to reside on the facility.**
- 4. The subject property shall not be used as a day care or school facility.**
- 5. Prior to grading, excavating, or any other soil disturbance on the subject property, whether under a grading permit, building permit, project plan approval or any other land**

use permit or not, the property owner must allow Provo City to review the proposed use to determine that all activities are conducted in accordance with the SMP.

6. **No use of the subject property shall interfere with the conditions required by the COC issued by UDEQ relating to the Ironton site including monitoring condition of the Ironton Site and/or shallow groundwater underlying it.**
7. **Shallow groundwater on the subject property shall not be accessed via wells, pits or sumps for drinking water, irrigation or bathing purpose except as expressly authorized in writing by the UDEQ.**
8. **The subject property shall not be used for any residential or other excluded uses unless the COC is amended by the UDEQ to allow suitable uses and the appropriate zoning ordinances are satisfied or waived.**

The CC&Rs grant the right for the **Agency** and **Provo City** to enter the subject property, after reasonable notice to the owner and occupant, for the purpose of inspecting to ascertain compliance with the CC&Rs, or in order to undertake legal action as may be necessary to correct non-compliance with the CC&Rs.

### 3.0 SITE MANAGEMENT PLAN

The **Agency** and **U.S. Steel (USS)** are responsible for the implementation of the SMP. The **Agency** is responsible for preliminary development of the property owned by the **Agency** including grading, foundation removal, and infrastructure construction in a Phased approach. The **Agency** is responsible for recording the placement of Class B and C borrow materials, such as has been placed under roadways.

All other **landowners, successors, or assignees** are responsible for developing and maintaining their property in accordance with the SMP, CC&Rs, and Provo City zoning ordinances. In addition, **all developers and individuals** involved in the development of the subject property are responsible for developing and implementing reasonable, appropriate health and safety measures as well as decontamination procedures as necessary for regulated development areas or management of impacted borrow materials, if encountered.

Development of the subject property is limited to industrial/commercial uses. Caretaker facilities, preschool, and hospitals are not permitted. The site can be developed for alternative uses when the following conditions are met:

- *If further investigation, testing, study and/or remediation of a particular property demonstrates the property is suitable for the alternative land use; and,*
- *If the Agency [Provo Redevelopment Agency] or property owner obtained UDEQ [Utah Department of Environmental Quality] written approval (amended COC or other appropriate notification). The CC&Rs prohibit the use of shallow groundwater at the Ironton site [subject property] except as expressly authorized by UDEQ.*

### 3.1 Regulated Areas on the Subject Property

**There are two areas of the subject property that have unique development restrictions**, the Regulated Development Area and the Regulated Excavation Area (see attached figure). The Regulated Development Area is partially located on the southern portion of the subject property, and the Regulated Excavation Area is partially located within the boundaries of the subject property in the location of the Former By-Products building.

### 3.1.1 Regulated Development Area

The Regulated Development Area is regulated because groundwater below portions of this area contains constituents of motor fuel, such as benzene, above United States Environmental Protection Agency (U.S. EPA) Maximum Contaminant Levels (MCLs) for drinking water. The boundaries of the Regulated Development Area are conservative and some areas within the boundaries do not have impacted groundwater, evidence of impacted soils, or soil vapors.

- There are **no restrictions** on surface soil (0 to 2' below ground surface [bgs]) within the Regulated Development Area;
- Excavation in this area is **restricted** to no deeper than 2 feet bgs.
- There may be impacted soil above the RBRGs below 2 feet bgs; therefore, any excavation to a depth below 2 feet bgs must conform to the Excavation Environmental Work Plan.

Within the Regulated Development Area, **every property owner subject to the SMP must take all reasonable steps to prevent excavation to a depth where groundwater is encountered.** If groundwater is encountered during excavation, the procedures outlined in the Excavation Environmental Work Plan must be implemented. Proper health and safety precautions must be taken when excavating in this regulated area.

In addition to having to meet all the requirements stipulated in the CC&Rs, any development in this area would require review by the **Agency** to verify it conforms to the CC&Rs. To minimize infiltration of precipitation to the extent practicable, property owners or future property owners or developers of the Regulated Development Area are encouraged to place parking lots and/or buildings over the regulated development area. There is one sample location (SB-12) that was collected from within the boundaries of this area that had a concentration of 39 parts per million of benzene at a depth of 5 feet. This sample was located in a former process area. The surface soil in this area is not known or suspected to be impacted above the site specific RBRGs. **However, if any buildings are proposed in and around SB-12 and MW-02 areas, an indoor air assessment will be required for benzene. The indoor air assessment must be presented to and approved by UDEQ, prior to proceeding with the building. In the event that potentially contaminated soils are encountered during development of this area, the procedures outlined in the Contamination Contingency Plan and/or the Excavation Environmental Work Plan must be followed.**

### 3.1.2 Regulated Excavation Area

The southern and western foundations of the former By-Products building served as sidewalls for tar flumes (see Figure 9). Therefore, these foundations may contain small areas of tar smears. If these foundations are exposed, certain health and safety procedures must be followed. If these foundations are removed, the concrete must be handled in the same manner as Class "C" Borrow Material. The Excavation Environmental Work Plan serves as a basis for excavation in these areas.

### 3.1.3 Excavation Environmental Work Plan

The Excavation Environmental Work Plan, addresses general methodologies for dealing with impacted soils and groundwater if encountered during excavations. In general terms:

- **Impacted soils must** be sampled and analyzed so that these soils can be properly managed.
- If poly aromatic hydrocarbons (PAH) impacted material is discovered and excavation and disposal is warranted, the material **must be excavated** down to visibly clean underlying soil and stockpiled in an appropriate staging area.
- The stockpile **must be covered** at all times.

- Any tar material, if present, **must be separated** from the impacted soil.
- The impacted soil **must be sampled and disposed** of (if above RBRGs) **or moved** from the staging area (if below RBRGs) as soon as possible after the sample results are received and remedial options are evaluated.
- One soil characterization sample per 200 cubic yards of stockpiled soil must be collected.
- The sample(s) must be analyzed for PAHs using SW-846 Method 8270 and lead using SW-846 Method 6010B.
- If the soil is below 91 milligrams per kilogram (mg/kg) for Benzo(a)pyrene equivalents and/or 1,500 mg/kg lead, the soil may be disposed of properly or treated.
- **Treatment may include** screening, followed by sampling of the screened soil.
- If the soil sample(s) indicate soil concentrations above RBRGs, a Toxic Characteristic Leaching Procedure (TCLP) test may be required for disposal purposes.
- If the soil is **deemed hazardous** based on TCLP results, one option is to stabilize the soil with coal or other material to permit disposal at Sunnyside Cogeneration Associates facility.
- Other treatment or disposal options can be evaluated, with UDEQ approval.
- Confirmation samples of the soil in the bottom of the excavation must be sampled with at least one composite sample from each 500 square feet of the floor of the excavation.
- The composite sample must be formed from 5 randomly located aliquot and analyzed for PAHs using SW-846 Method 8270 and lead using SW-846 6010B.
- At least one composite samples must be collected from each 100 linear feet of sidewall.
- The composite sample must be from 5 aliquots spaced at approximate 20-foot intervals along the side walls.
- **If samples are below the RBRGs**, the excavation can be backfilled.
- **If the samples are above the RBRGs**, further excavation is required and additional confirmation samples must be collected until the samples are below the RBRGs.
- **If groundwater is encountered**, sampling may be required.
- **If tar-like material is encountered**, the pieces of tar must be stockpiled or containerized then disposed offsite.
- Confirmation soil samples do not need to be collected from the excavation after removal of the tar.

Moto fuel has been detected in small sand lenses located within clayey soil in the Regulated Development area. If motor fuel is discovered during excavation activities:

- **The soils must be characterized** and managed in accordance with UDEQ concurrence.
- **Excavation into the groundwater in this area is prohibited** unless authorized by the UDEQ.
- **Any plan for such excavation will require** removal and proper treatment or disposal of any groundwater encountered unless it is demonstrated that the groundwater has not been affected by the excavation activities.
- **Excavations through impacted areas for the purpose of installing utilities must** be constructed such that movement of infiltration water cannot serve as a conduit for constituents of concern beyond the Motor Fuel Plume area.
- **Excavated material must** be stockpiled and sampled for benzene, toluene, ethylbenzene, xylenes, and naphthalene (BTEXN) and total petroleum hydrocarbons using U.S. EPA Method 8260 and 8015 Modified, respectively.
- Depending on the excavation area, the soil may also need to be analyzed for PAHs.
- **If the soil exceeds screening criteria** it may be removed to an off-site disposal facility or land farmed on site until the constituents area reduced to levels below the screening criteria.
- **If the soil does not exceed the screening criteria**, the soil may be used on site in locations above the seasonal high groundwater table as long as it is not placed in areas that are not within delineated wetlands as recognized by the Army Core of Engineering or

- used to construct water features.
- Initial and confirmation sampling of the stockpiled material must follow the sampling methodology above.

In the event that the southern and western portions of the former coke by-products building (Regulated Excavation Area) foundations are removed:

- The **outer 6-8 inches of the foundation must** be segregated and treated as Class C borrow material.
- The rest of the foundation material can be treated as Class A borrow material.
- If the **foundations are exposed** but left in place, then construction worker safety procedures **must** be implemented.

Equipment used for excavation activities must be decontaminated prior to leaving the subject property. Decontamination procedures will be defined by material encountered and subject to UDEQ approval.

### 3.1.4 Use of On-Site Borrow Material

The SMP categorizes three classes of on-site borrow material. **All landowners are required to comply with the management requirements applicable for the various soil borrow types.** The SMP states that as applicable, landowners will inform contractors, employees, or others who are performing intrusive site work of the classes and locations of borrow material, and the restrictions on those materials, and provide the health and safety procedures included in the SMP.

**Class “A” borrow material is all on-site material** that has been determined to: 1) not be a product of an environmental remediation process, or 2) does not exceed site RBRGs. Class A material may contain concentrations greater than the screening levels but below the RBRGs. Class A borrow material comprises all soil on site that is not specified as Class B or C. Class A borrow material makes up the majority of the subject property.

Class A borrow materials may:

- **Not be placed** in any areas that are delineated wetlands as recognized by the Army Core of Engineers
- **Be used to construct water features**, except as authorized by UDEQ;
- Material excavated from above the water table at the time of excavation **cannot be placed** below the water table;
- Material excavated below the water table at the time of excavation **can be used as backfill** below or above the water table;
- If demonstrated as clean (below RBRGs) it **may be excavated, moved, and used** at other Ironton site locations without restriction, but may not leave the Ironton site unless it is taken to an approved disposal facility. A minimum of two weeks’ notice must be given to the Agency and USS for any planned off-site disposal of Class A material.

**Class “B” borrow material** is material that has been impacted by site activities, but has been treated to soil constituent concentrations below RBRGs. **None of the soil on the subject property is considered Class B material.**

**Class “C” borrow material** is oversize material (generally greater than 4-inch diameter) resulting from the mechanical screening of soil during excavation and/or remediation of impacted material. Class C borrow material generally consist of bricks, rocks, and other debris and does not contain any gross contamination. Oversize material also includes concrete flumes with tar smears removed as part of the remediation in the Coke By-Products Area (the subject property). Any

oversize material that results from the implementation of the Contingency Plan during redevelopment activities should be managed in accordance with Class C borrow material restrictions. Non-impacted demolition rubble and rock throughout the Ironton site are not subject to these restrictions.

**Class C borrow materials must be handled as follows:**

- **Be placed such that they will always be above the groundwater table;**
- **Must be covered with a minimum of 2 feet of Class A borrow material** or other clean imported soil to preclude routine direct contact with any on-site worker;
- **Not be placed in any areas that are delineated wetlands** as recognized by the Army Core of Engineers;
- **Not be used to construct water features;** and,
- **Not be taken off the Ironton site** without prior written approval from DEQ.

**3.1.5 Contamination Contingency Plan**

The SMP provided that **USS is responsible** for groundwater monitoring, as well as investigation of soil and other materials that may be discovered during development and use of the Ironton site that exceed the RBRGs, and that are determined by **USS** and **UDEQ** to be impacted by coke and iron production activities.

For the purposes of the Contingency Plan, contaminated material is defined as material impacted by previous coke making and iron making operations at the Ironton site than may adversely affect human health or the environmental and contains constituent concentrations that are above the RBRGs or above soil concentrations for BTEXN above EPA Regional Screening Levels.

The SMP states that **“If evidence of potential contamination is discovered at any time during development or use of the site, the contractor or owner shall notify the Agency. The Agency will mobilize to the site and determine if further action is warranted. If it is determined that the discovered contamination is significant, the Agency will then notify USS. USS will make a determination as to the possible source of contamination (i.e., is it related to previous coke making or iron making activities) with UDEQ oversight and concurrence. USS will direct management of the contaminated material if evidence exists to indicate the contamination resulted from previous USS activities.**

**If the contamination is determined to not be due to previous coke making or iron making activities the current landowner will address the contamination in accordance with all current rules and regulations.**

Once it is has been determined that coke or iron making-related contamination exists, further investigation, with UDEQ oversight, will be performed to determine the extent of contamination. If the contamination is determined to not be due to coke or iron making-related contamination, the landowner should handle the contamination in a manner consistent with all current rules and regulations. All sampling will be performed by USS and will be per the Work Plan for Additional Soil Investigation (URS, 200S), Modifications to Work Plan for Investigation of Suspected Impacted Test Pit Areas (USS, 200S), Update on Roadway Environmental Issues (USS, 2004a), Final Ironton Site Remediation Work Plan Addendum #2 (URS, 2006), and the Health and Safety Plan (HASP) (URS, 2005). Any changes to the sampling procedures will be approved by UDEQ prior to implementation. Health and safety procedures not specified in the HASP can be utilized as long as these requirements are at least as stringent and protective of human health as the procedures provided in the existing HASP. During excavation associated with Site development, it is possible that relatively small, isolated pieces of tar or tar-like material may be discovered. The material will be stockpiled and/or containerized for off-site disposal. If visual inspection by the Agency and USS confirms the material is not part of a more continuous source, further investigation (as described above) will not be required. UDEQ will be notified of the nature and

quantity of the material sent off-site for disposal.

Remedial alternatives for the contaminated material (soil or groundwater) will be assessed after it is determined that the discovered contamination warrants further action. Alternatives that will be evaluated may include no action, institutional controls, and remediation. The nature of the institutional controls or the remediation, if selected, will be determined at this time. All activities will be conducted with UDEQ oversight.

If it is determined that the material must be excavated, the procedures outlined in the Excavation Environmental Work Plan will be generally followed. The Excavation Environmental Work Plan describes excavation and materials handling, sampling and disposal, and documentation. It may be necessary to sample the groundwater, if encountered, to determine if treatment/disposal is necessary.”

#### 4.0 CONTINUING RESPONSIBILITIES

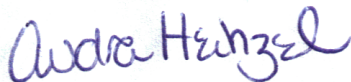
During site development, the **Agency**, or its designees, must perform periodic inspections of the work being performed to ensure that the SMP is being followed. The **inspections must be performed** as part of the routine construction inspections that are mandated by the **City of Provo** for all development projects. When a given property has been developed, the property must be inspected annually for a period of five years to ensure it remains in compliance with the SMP.

Continuing land owner responsibilities are detailed in Section 2.0 and throughout this summary.

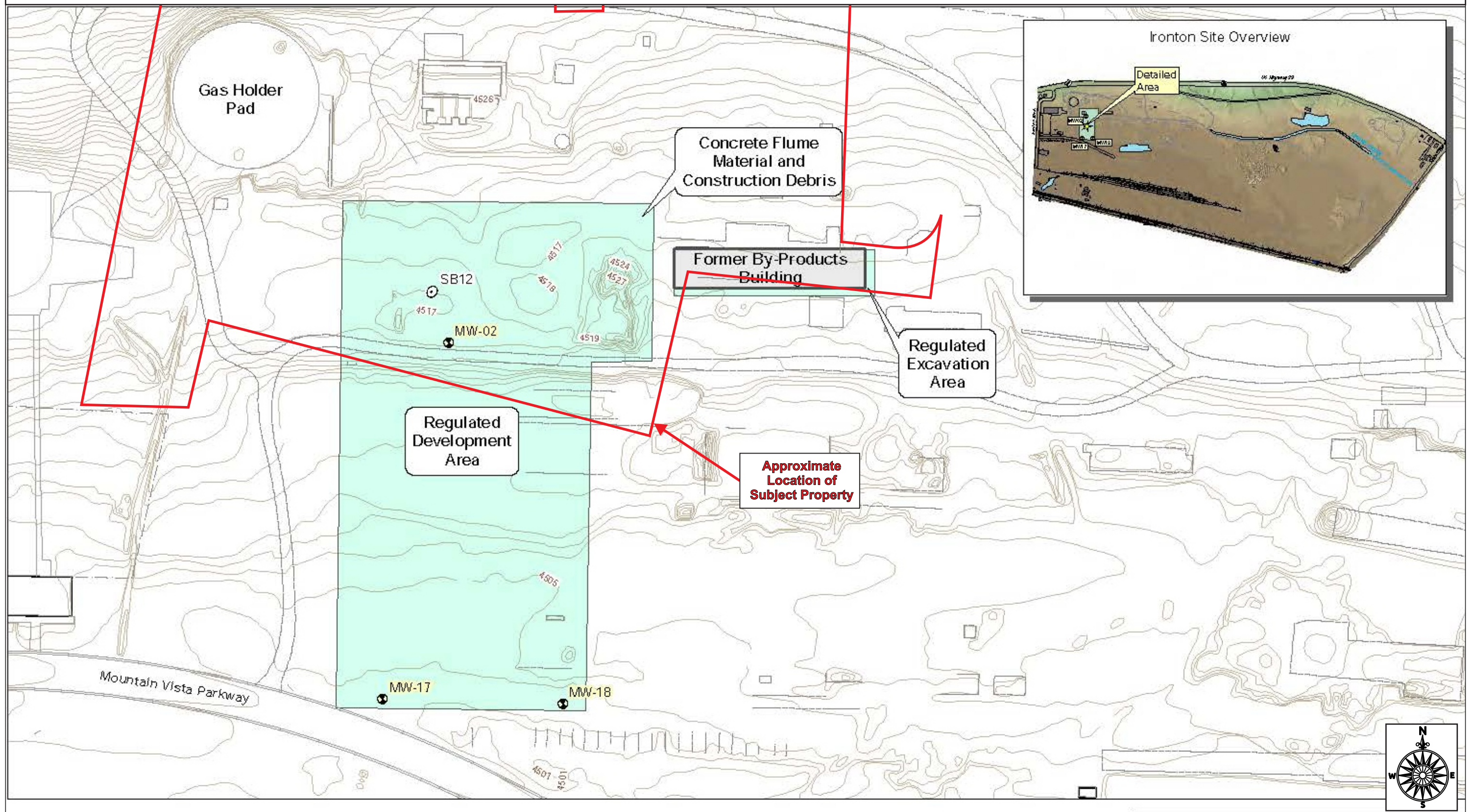
Should you have any questions, please do not hesitate to contact us.

Sincerely,

WASATCH ENVIRONMENTAL, INC.



Audra Heinzl  
Senior Project Environmental Scientist



Ironton SMP Map Figure 9