

**Exhibit 1 to  
Alice Lode Factual Background**



## FACT SHEET

### Park City Landscaping and Maintenance of Soil Cover

#### “THE SOIL ORDINANCE”

Certain areas in Park City are impacted by the presence of historic mill tailings in the soil, which may have high levels of metals, especially arsenic and lead. To help protect the health of our residents from certain risks associated with exposure to mine waste soils, Park City enacted “The Soil Ordinance.” Park City Municipal Code 11-15-1. The Soil Ordinance applies only in a specified area of Park City—the Soil Ordinance Boundary.



Park City Soils Ordinance Boundary

See also <http://mapserv.utah.gov/ParkCityGIS/>. Failure to comply with the Soil Ordinance is a Class B misdemeanor.

#### **The Soil Ordinance requires property owners within the Soil Ordinance Boundary to:**

##### Obtain a Certificate of Compliance

- Obtain a Certificate of Compliance from the City. This involves the City sampling the property to determine if soils are above an action level, typically 200 mg/Kg total lead. If soils above this level are found they must be capped by “Approved topsoil” or by weed barrier fabric and 6 inches of bark or rock. “Approved topsoil” contains less than 200 mg/Kg total lead. Once capped, the City will resample the property for compliance with the Soils Ordinance and if compliant issue a Certificate of Compliance.

##### Maintain the Cap

- Maintain the approved topsoil or maintain the weed barrier fabric and 6 inches of bark or rock.
- If the cap is disturbed please contact the City for testing to verify the cap remains.
- Park vehicles only on paved surfaces.

##### Exercise Care When Gardening and Landscaping

- In planting beds at grade, use 24 inches of “approved topsoil” and extend the 24 inches of topsoil at least 12 inches beyond the edge of the planting bed.
- In planting beds above grade, extend the bed 16 inches above the grade of the 6 inch “approved topsoil” cover.
- When planting shrubs, use approved topsoil in an area three times bigger than the root ball and at least 6 inches below the lowest root of the shrub at planting.
- When planting trees, use approved topsoil in an area 18 inches around the root ball and at least 12 inches below the lowest root of the tree at planting.
- Control dust during construction and before vegetative or other form of cover is in place.

##### Reintroduce Disturbed Soils at the Property or Dispose of Appropriately

- Ensure any tilled, dug or otherwise disturbed soils are reintroduced on the property and capped with 6 inches of approved topsoil.
- If excavated or disturbed soils cannot be reintroduced on their property, property owners must sample the soil and send it to a State certified laboratory for a Toxicity Characteristic Leaching Procedure (TCLP) test. Soils that fail the TCLP test must be managed as a hazardous waste and disposed at a Utah Department of Environmental Quality permitted facility. Soils that do not fail the TCLP test may be disposed at a municipal landfill, so long as the owner obtains a “Disposal Acceptance Letter” from the landfill.

**Exhibit 2 to  
Alice Lode Factual Background**



## City Council Staff Report

Building Department

**Author:** Jeff Schoenbacher, Environmental Coordinator  
**Subject:** IMPLEMENTATION OF EMS  
**Date:** April 15<sup>th</sup>, 2004  
**Type of Item:** Legislative

### Summary Recommendations:

Review the Soils Ordinance Environmental Management System (EMS) during work session (see document under separate cover). With Council authorization, proceed to schedule a public hearing and adoption of a Resolution that supports the implementation of the EMS.

### Description:

#### Topic:

The Soils Ordinance titled "Landscaping and Maintenance of Soil Cover" found in Chapter 15 of the Building Code 11-15-1 was originally promulgated in 1988 to mitigate areas that were suspect for having underlying mine tailings. Although EPA has consistently given qualified approval to the approach, EPA has periodically sought to strengthen the long-term effectiveness and overall compliance with the ordinance. As a result, in a cooperative effort with the Citizens Soils Stakeholders Group, PCMC, EPA, and the Utah Department of Environmental Quality, an Environmental Management System (EMS) was developed to alleviate the regulatory concerns.

The implementation of the EMS program is intended to protect human health and the environment long-term as well as de-listing the site from the Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database. The EMS program is consistent with Council's Goal #9, sustainable place to live.

### Background:

USEPA and the UDEQ have been investigating and evaluating mine sites within the Park City area since the early 1980's. During these evaluations, Silver Creek Tailings Site, now known as Prospector Square was investigated to determine the potential environmental impacts.

Following extensive study, it was agreed that Park City would implement the Landscaping and Soil Maintenance Cover requirements which mandates a 6-inch "clean top soil" cap for affected lots. Park City received United States Congressional support

for the ordinance approach, which resulted in Prospector being removed from Superfund consideration, however the site remains on the CERCLIS database. The ordinance has an action level for capping a lot at a 1000-ppm lead for “vacant property (lot)” and for “occupied property” an action level of 200-ppm lead. The ordinance also requires the maintenance of vegetation and acceptable cover in order to maintain the cap and contain underlying mine related material. The general objective of these measures is to isolate contaminated material from the surface and minimize direct contact. To date 393 properties have been capped within the ordinance soils district.

USEPA and UDEQ concerns with the ordinance are as follows:

- **Definitive data** – both regulatory agencies want data definitive data that reflects the public is not exposed to heavy metals.
- **Long Term Commitment** – the regulatory agencies want assurances that the institutional controls will be in place long-term and that the public is educated on minimizing exposure.
- **Compliance** – lastly the regulatory agencies want assurances that the institutional controls will be complied with in addition to complying with applicable regulations in regards to the management and disposal of soil.

### **Analysis:**

The implementation of the EMS will seek to fulfill the following objectives:

#### ***Strengthen Ordinance***

The original ordinance does not contain mandatory deadlines for capping lots with elevated levels of lead. Within this proposal, PCMC strengthens the ordinance with uniform enforcement for all properties within the soils district. This includes the identification of lots with known elevated levels of lead that have not been capped. These properties have been provided with two notices and are required to be capped by December 2004 (Tab 5 of EMS). Also defined within this proposal is making non-compliant property owners subject to Class B Criminal Misdemeanor charges and legal enforcement (Tab 1 of EMS). In addition, property owners are given incentives such as free soil testing for site characterization and cap compliance verification. Finally, the ordinance is strengthened by instituting mandatory sampling for all lots that are **not** known to be capped and requiring a cap for these properties that exhibit elevated levels of lead. Tab 1 contains the revised ordinance that was voted on and approved by City Council on December 11<sup>th</sup>, 2003.

#### ***Annual Curb Side Risk Assessment***

The annual risk assessment is a long-term commitment to evaluate properties residing within the soils district for environmental and human health risks. The proposed

assessment will be conducted on an annual basis for specific zones within the district. A component of the assessment will be a voluntary XRF field-sampling event for lots that are capped within each area. The purpose of this sampling is to verify that the cap has adequately contained underlying soils that potentially could be impacted by elevated levels of heavy metals. This data will be archived and evaluated to determine if the ordinance is effective in providing a barrier between residents and the impacted soils.

### ***Public Education***

This section is intended to increase lead exposure awareness for property owners within the district and the practices that can be implemented to minimize exposure risk (Tab 6 of EMS). Property owners will also be informed of the underlying levels of lead contained on their lot and the importance of maintaining the cap (Tab 10 of EMS). This is an expansion of the PCMC Ordinance as it covers a broad spectrum of residents as well as outreach to local physicians (Tab 7 of EMS). See Tab 4 of the EMS document for the specific contacts that will be provided with correspondences. An option that has been discussed but not developed is the implementation of a loan program for those owners that may need assistance.

### ***Soil Disposal Assurances***

Within this EMS are controls for assuring soils that are being transported outside the soils district are disposed of accordingly. This minimizes the scenario of soils being disposed of improperly. Tab 11 of the EMS document contains the revised Plan Checklist and Item G14 contains compliance with the soils ordinance.

### ***Annual Review and Reporting***

The EMS contains annual reporting requirements on the assessment results and reviewing the overall progress of the program after 5 years of implementation.

### **Department Review:**

The content of the EMS has been reviewed and approved by Mo Slam (UDEQ), Ty Howard (UDEQ), Jim Christiansen (USEPA), Council Liaison Mayor Williams, Tom Bakaly (City Manager) Ron Ivie (Building Official), and the Soils Stakeholder Group. The Soils Stakeholders Group is comprised of the following people:

Mayor Williams	Kathy Meyer	Ty Howard (UDEQ)
Tom Bakaly	Tom Ward	Dave Allison (UDEQ)
Lisa Cilva Ward	Jim Christiansen (USEPA)	Brent Ovard (Summit Co.)
Sally Elliott	Mo Slam (UDEQ)	Jennifer Chergo (USEPA)

### **Alternatives:**

**Approve the Request:**

Hold a public hearing and gather public comment and adopt at the next council session on April 22<sup>nd</sup>, 2004.

**Deny the Request:**

Keep the current resolution and ordinance. This option would jeopardize the value of the ordinance and the strategy to de-list the site from CERCLIS. The only other option to pursue is the implementation of a blood study.

**Delay Implementation:**

The implementation of EMS is a product developed by the City, citizens, and agency stakeholders and implementing the program is a step toward the ultimate goal of de-listing. The current objective would be to have the program implemented by May 1<sup>st</sup>, 2004.

**Do Nothing:**

Same as item B. No action would result in not having a program to achieve the goal of CERCLIS de-listing. It should be noted that the only other option for achieving CERCLIS de-listing is conducting a full-scale blood study. Of course, the City could always litigate and attempt the de-listing of this site within the courts based on the 1986 SARA Amendment.

**Significant Impacts:**

- Lots that have not been sampled or characterized are required to do so by 2006.
- Lots with known elevated levels of lead are required to be capped after receiving two notices.
- Annual assessment would be done to assure properties are in compliance and the cap integrity is in place.
- Field sampling of all capped lots to determine if the cap is working as intended (i.e. containing underlying levels of lead).
- Cost to the City from the EMS will be \$65,000.00 in staff time for the Environmental Coordinator and various contracts.
- Staff does not recommend financial assistance or a loan program for the costs incurred by the property owners.

**Consequences of not taking the recommended action:**

Without making changes the City will not reach the final goal of de-listing Prospector from CERCLIS.

**Recommendation:**

Hold a public hearing and adopt a resolution that supports the implementation of the attached Soils Ordinance Environmental Management System (EMS). And consider adopting at the next regular council meeting on April 22<sup>nd</sup>, 2004.

Attachment: Environmental Management System (EMS) Proposal provided under separate cover.

**Exhibit 3 to  
Alice Lode Factual Background**

---

---

**INTEROFFICE MEMORANDUM**

---

---

**TO:** RAY MILLINER  
**FROM:** JEFF SCHOENBACHER   
**SUBJECT:** ALICE LODE SITE BACKGROUND  
**DATE:** DECEMBER 15, 2005  
**CC:** RON IVIE

---

The purpose of this memo is to expand upon Ray Milliner's staff report related to the regulatory exposure related to the Alice Lode site.

Under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended, and in accordance with applicable provisions of National Oil and Hazardous Substance Pollution Contingency Plan (NCP), the Utah Department of Environmental Quality, Division of Environmental Response and Remediation (DERR) has the authority to conduct Innovative Assessment (IA) for the Alice Lode Site. UDEQ has been authorized to conduct those activities under a cooperative agreement with the United States Environmental Protection Agency, Region VIII (EPA). Similar sites that have gone through CERCLA assessments and have been listed on the CERCLIS database include:

<b>SITE</b>	<b>CERCLIS ID</b>
Marsac Mill (Transit Center, City Hall, China Bridge)	UT0001894054
Empire Canyon	UT0002005981
Lower Silver Creek	Proposed to be listed.
Old Park City Dump	UTD988078606
Silver Creek Tailings (Prospector Square)	UTD980952840
Silver Maple Claims	UTD980951396

The CERCLA regulatory scrutiny for the Alice Lode has been subdued due to the City proactively pursuing a brownfield site assessment grant that was awarded to the landowner and City in 2003. The term "brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The assessment revealed the presence of heavy metals in certain areas that exceed USEPA Region 8 Risk Based Concentration thereby requiring remediation. As a result, the City in 2003 and 2004 pursued national competitive Brownfield Clean-up Grants for the site, however this effort was unsuccessful. Furthermore, the staff also referred the site to the Open Space Committee for consideration to purchase the area for open space (2003). The Open Space Committee did not find it a worthy site to purchase, therefore since the City did not own the property this substantially hindered obtaining Brownfield funding. For the past 26 years the City has worked very hard to have acceptance from UDEQ and USEPA for managing historic impacts locally without the CERCLA stigma. Remediating the Alice Lode site under a Voluntary Agreement with UDEQ avoids the regulatory stigma and the potential of having another site listed on the CERCLIS database pending further scrutiny. I might add this strategy also benefits property owners surrounding the site from the exposure of having a CERCLIS site neighbor. The City would prefer not to have another site listed on the CERCLIS database, as getting it off once it is on is no small feat. Prospector Square has been on the CERCLIS for 26 years and USEPA is only now considering it's delisting at a considerable cost to Park City Municipal Corporation and residents that reside in that area.

JTS:

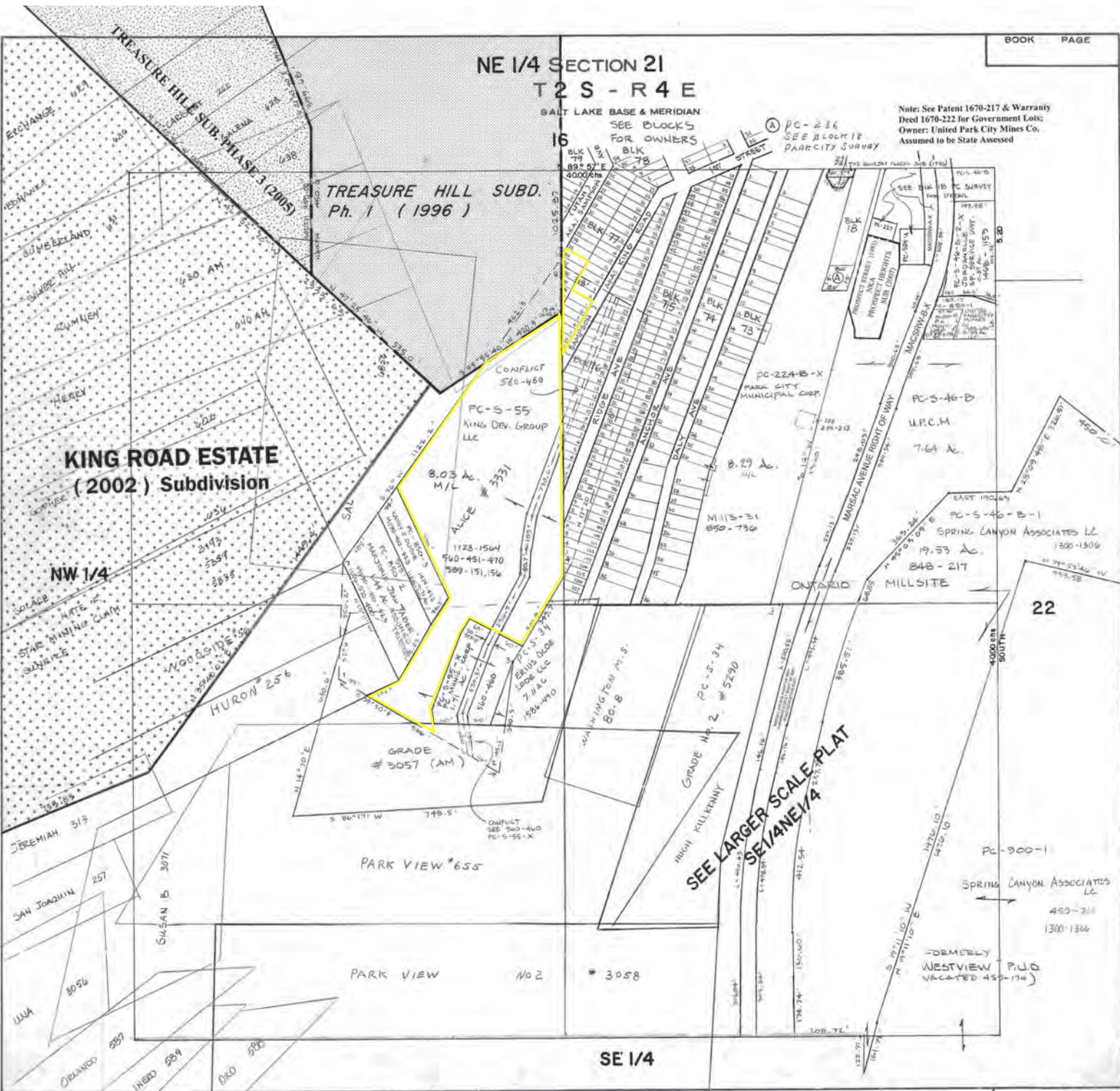
**Exhibit 4 to  
Alice Lode Factual Background**

NE 1/4 SECTION 21  
T2S - R4E

SALT LAKE BASE & MERIDIAN  
SEE BLOCKS FOR OWNERS

PC-236  
SEE BLOCK 18  
PARKCITY SURVEY

Note: See Patent 1670-217 & Warranty Deed 1670-222 for Government Lots; Owner: United Park City Mines Co. Assumed to be State Assessed



Approved	REVISIONS - DATE AND INITIAL	(In Pencil)
Utah State Tax Comm		

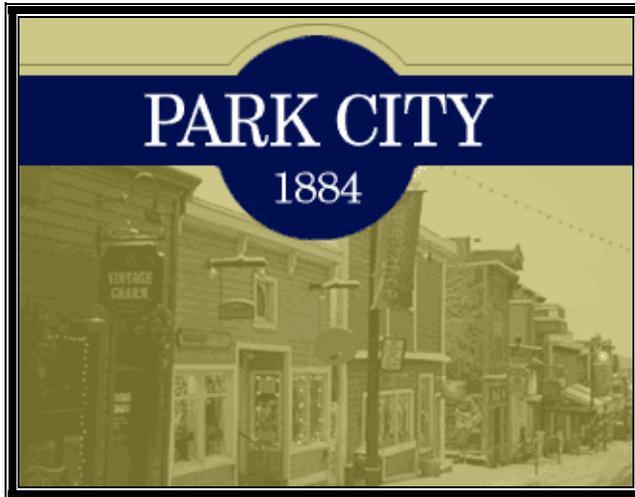
Date By  
Engineering Associates Inc.

**SUMMIT COUNTY, UTAH**

SCALE  
ONE INCH 200 FEET  
BOOK PAGE



**Exhibit 5 to  
Alice Lode Factual Background**



**PARK CITY MUNICIPAL CORPORATION  
BROWNFIELD PROPOSAL FOR ALICE LODGE MINING**

**January 2<sup>nd</sup> 2003**

**Prepared by: Park City Municipal Corporation (PCMC)  
445 Marsac Avenue  
P.O. Box 1480  
Park City, Utah 84060-1480  
Jeff Schoenbacher, Environmental Specialist  
(435) 615-5058  
jschoenbacher@parkcity2002.com**

**Submitted to: United States Environmental Protection Agency  
Region 8 – 8P-W  
999 18<sup>th</sup> Street – Suite 300  
Denver, CO 80202-2466  
Tom Pike, Project Manager  
(303) 312-6982**

**TABLE OF CONTENTS**

**Section 1:0 EXECUTIVE SUMMARY:**..... 3

**Subsection 1:1 Park City Hydrologic and Geographic Location**..... 3

**Subsection 1:2 Site History and Current Status** ..... 3

**Section 2:0 PROJECT PERIOD AND BUDGET**..... 4

**Subsection 2:1 Milestone**..... 4

**Subsection 2:2 Development Assurances**..... 4

**Subsection 2:3 Benefits**..... 5

**ATTACHMENTS:**

**Tab 1 Park Record Article “Nature Reveals Hidden Mine” April 29<sup>th</sup>, 1976**

**Tab 2 Location of Alice Mining Claim Map**

**Tab 3 Alice Mining Claim Arial and Boundaries**

**Tab 4 Alice Mining Claim Parcels and Acreage**

**Tab 5 Alice Mining Claim Boundaries**

**Section 1:0 EXECUTIVE SUMMARY:**

In a cooperative effort with the United States Environmental Protection Agency (USEPA); Park City Municipal Corporation (PCMC) and Frank Dotson is seeking Brownfield Grant assistance for the property known as the Alice Lode Mining Claim located in Park City, Utah.

The Alice Lode Mining Claim comprises of 10.17 acres with 8.63 acres owned by Frank Dotson and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated around 1920 to 1935. In April of 1976 residence of King Road discovered the portal of the mine as documented in the Park Record article titled “Nature Reveals Hidden Mine” (April 29<sup>th</sup>, 1976). Before that time the tunnel was hidden from the public as an unmarked mine shaft. The Park Record goes on to state that the shaft extended approximately 300’ from the portal and then dropped at an angle another 250’. According to Sid Smith (Empire Canyon Miner) the tunnel was closed after the turn of the century. Mr. Dotson’s family has owned the property for nearly 100 years and is very knowledgeable on the history.

Regarding, the portion owned by PCMC, this land was previously utilized as a drinking water reservoir that supplied Park City with water during that same period of time. It has since been abandoned and both property owners wish to develop the two sites into functional properties. As a result, since both properties encompass each other the owners wish to develop a strategy through the Brownfield Program to assess the areas and remediate. The properties are located on the southwest side of Park City within Woodside Gulch. A gated road that is situated at the top of King Road easily gains access to the property. Furthermore, the property is comprised of three distinct zoning districts with a portion residing within the PCMC Sensitive Lands Overlay Zone. The designated use for these two areas would be for recreational activities and open space, with a portion being residential. The following is the location of the property:

- **County:**                   **Summit County**
- **Park City:**               **Top of King Road**

The property’s watershed contributes to the Weber River Drainage via McLeod Creek, which eventually enters the East Canyon Creek watershed. The East Canyon Creek watershed, have been placed on the 303 (d) list as being impaired or threatened.

***Subsection 1:1 Park City Hydrologic and Geographic Location***

As stated in Section 1:0 the property contributes to the Upper Weber River Drainage Basin identified under the **USGS Cataloging Unit Number as 16020101**. The site coordinates are Section 16 of Township 2 South, Range 4 East, Salt Lake Base and Meridian. The approximate geographic coordinates of the site 40° 38’40.0” North Latitude and 111 ° 29’38.5” West Longitude.

***Subsection 1:2 Site History and Current Status***

PCMC is a major resort destination that recently gained international exposure as host to alpine events in the 2002 Olympic Winter Games. However, long before being recognized as an Olympic venue, the City was known as one of the great American silver mining towns.

The milling operational history of Park City spans from the mid 1870s until the turn of the century. During a century of active mining, the Park City mining district produced millions of ounces of silver and as a result a substantial amount of mine tailings still reside within the area. Park City since the discovery of these environmental impacts has been proactive in developing programs and remediation projects to minimize environmental impacts. The “Alice Lode” site is situated within Park City limits, however it is located outside the Expanded Soils Ordinance Area, so the ordinance is not applicable. As a result, any characteristically hazardous soils generated from development activities will have to be managed in accordance with State (UDEQ) and Federal (USEPA) RCRA or CERCLA Standards. However, PCMC believes the first step is to characterize the site to assess the extent of the contamination, if any, and determine the correct strategy for remediation. In the event mine tailings have impacted the area the likely contaminants would be lead, arsenic, cadmium, or possibly mercury.

The development of a work plan to remediate the Alice Lode Claim further demonstrates PCMC commitment to improve water quality within the watershed and develop a dysfunctional property into a functional land. Neither property is currently being used due to the fact that the environmental and human health impacts are unknown. Because of this, a Brownfield Assessment would answer many questions while at the same time characterize the site and provide guidance to PCMC and Mr. Dotson on a remediation strategy and land use designation.

**Section 2:0 PROJECT PERIOD AND BUDGET**

The project period that PCMC and Mr. Dotson would like to pursue is the spring of 2003. However, if the assessment can be done earlier both parties would agree to provide access to the assessment team. Since the intent of the assessment would be to characterize the site, representative sampling would be required; therefore PCMC and Mr. Dotson would like to have the opportunity to review the sampling plan and protocol. Also, PCMC can provide assistance during the procurement of the samples. Since PCMC and Mr. Dotson will be relying on USEPA for the assessment, the budget to conduct the work within a work plan will be left to the regulatory agency.

**Subsection 2:1 Milestone**

<b>Task</b>	<b>Schedule</b>
Develop sampling work plan.	2/1/03
PCMC and Mr. Dotson review plan.	2/28/02
Conduct Sampling	3-4/1/02

**Subsection 2:2 Development Assurances**

Currently, there have been no decisions on the management and land designation of the property due to the fact that the site remains uncharacterized. Once the site has been assessed PCMC and Mr. Dotson will be able to move forward on a development strategy. PCMC may consider acquiring the property once the corrective actions are completed. However, this is a decision that the council will have to approve and currently there are no plans for such a scenario.

*Subsection 2:3*            *Benefits*

The assessment of this property will be related to clarifying what environmental and human impacts, if any the site contains. Once, the unknown is known, many decisions can be made on developing the land into a functional parcel within Park City. If it is determined that the site needs to be remediated, the Brownfield Program will be revisited for assisting in the clean-up effort. Possible land uses for this parcel include a community park or designated open space. However, to reiterate it would be premature to establish a land designation when it unknown of what type of remediation strategy is the most practical for a specific land designation. Nonetheless, the benefits for developing this parcel are two fold, the first being community development. Currently, the properties are non-functional and by developing them into a functional land designation the community would have an additional resource to utilize (i.e. park, open space, trail head). The second benefit would be to the watershed, in the event heavy metals are discovered during the assessment; this site could potentially be a contributor to the metal load within the watershed. As a result, correcting the site would eliminate this source, which would in turn improve water quality within the water shed.

Lastly, a potential remaining benefit could be PCMC discovery of a viable program (Brownfield) that could potentially address many issues that reside within the city limits. In addition, such a project could promote the program within other municipalities that are looking for a viable solution to correct similar environmental issues.

**PARK CITY MUNICIPAL CORPORATION**

**BROWNFIELD CLEANUP GRANT APPLICATION FOR THE ALICE LODE SITE**

**November 11<sup>th</sup> 2004**

**Prepared by: Park City Municipal Corporation (PCMC)  
445 Marsac Avenue  
P.O. Box 1480  
Park City, Utah 84060-1480  
Jeff Schoenbacher, Environmental Coordinator  
(435) 615-5058  
jschoenbacher@parkcity.org**

**Submitted to: United States Environmental Protection Agency  
Region 8 – 8P-W  
999 18<sup>th</sup> Street – Suite 300  
Denver, CO 80202-2466  
Kathie Atencio, Region 8 Brownfield Coordinator  
(303) 312-6803**

**Utah Department Environmental Quality  
168 North 1950 West  
Salt Lake City, UT 84114  
Phil Greer, State Brownfield Contact  
(801) 536-4246**

**Environmental Management Support, Inc.  
8601 Georgia Avenue  
Suite 500  
Silver Spring, MD 20910  
Don West  
(301) 589-5318**

**TABLE OF CONTENTS**

**Section 1:0 Applicant Information..... 3**

**A Project Title: ..... 3**

**B Grant Type: ..... 3**

**C Total Amount: ..... 3**

**D Applicant Name:..... 3**

**E Project Contact:..... 3**

**F Chief Executive:..... 3**

**G Location: ..... 3**

**H Population: ..... 3**

**Section 2:0 Community Notification ..... 4**

**Section 3:0 Letter of Acknowledgement..... 4**

**Section 4:0 Site General Information ..... 4**

**Section 5:0 Site Location within Park City ..... 8**

**Section 6:0 Site Characteristics ..... 8**

**Subsection 6.1 Physical Geography..... 8**

**Subsection 6.2 Hydrology..... 9**

**Section 7:0 Applicant Eligibility..... 4**

**Section 8:0 Nature and extent of contamination ..... 9**

**Section 9:0 Ownership..... 10**

**Section 10:0 Cleanup Authority and Oversight structure..... 10**

**Subsection 10:1 Cost Share..... 10**

**Subsection 10:2 Cleanup Grant Budget..... 11**

**Subsection 10:3 Clean-up Strategy ..... 11**

**Section 11:0 Community Need/Sustainable Reuse ..... Error! Bookmark not defined.**

**Section 12:0 Creation or preservation of open space ..... 11**

**Section 13:0 Reuse of existing infrastructure ..... 11**

**Section 14:0 Community Involvement ..... 11**

**Section 15:0 Reduction of threats to human health and the environment..... 12**

**Section 16:0 Leveraging Additional Resources ..... 13**

**Section 17:0 Ability to Manage Grants ..... 13**

**ATTACHMENTS:**

- Tab 1 Public Notice**
- Tab 2 UDEQ Letter of Support**

**SECTION 1:0      APPLICANT INFORMATION**

- A      *Project Title:***            Grant Application for the Clean-up of Alice Lode Mine Site
- B      *Grant Type:***                Cleanup Grant for remediating soils impacted with heavy metals originating from mining waste.
- C      *Total Amount:***            \$200,000.00 for the remediation of hazardous substances.
- D      *Applicant Name:***          Park City Municipal Corporation
- E      *Project Contact:***          Jeff Schoenbacher  
Park City Municipal Corporation  
P.O. 1480  
Park City, Utah 84060-4916  
435-615-5058  
435-615-4906  
[jschoenbacher@parkcity.org](mailto:jschoenbacher@parkcity.org)
- F      *Chief Executive:***          Tom Bakaly, City Manager  
Park City Municipal Corporation  
P.O. 1480  
Park City, Utah 84060-4916  
435-615-5180  
435-615-4906  
[TOM@parkcity.org](mailto:TOM@parkcity.org)
- Dana Williams, Mayor  
Park City Municipal Corporation  
P.O. 1480  
Park City, Utah 84060-4916  
435-615-5010  
435-615-4906  
[dana@parkcity.org](mailto:dana@parkcity.org)
- G      *Location:***                    The site is situated within **Park City, Utah** and the county is **Summit County, Utah**. Furthermore, this area is located in the East Canyon Creek Watershed identified as hydrologic code 16020102. The site coordinates are Section 16 of Township 2 South, Range 4 East, Salt Lake Base and Meridian. The approximate geographic coordinates of the site are 40° 38'40.0" North Latitude and 111 ° 29'38.5" West Longitude.
- H      *Population:***                 7371

**A. APPLICANT ELIGIBILITY**

Park City Municipal Corporation (PCMC) is a Local Government residing in Summit County, Utah.

**B. COMMUNITY NOTIFICATION**

On October 20<sup>th</sup> 2004, public notices were published in the Park Record newspaper, which distributes throughout the Park City area to 7300 subscribers. The actual notice was also posted at various locations within the City Hall Building and the Legal Department. A copy of the proposal was available for those interested in reviewing the content was at Building Department and Planning Department.

**C. LETTER OF ACKNOWLEDGEMENT**

Park City obtained letters of acknowledgement and support from the Utah Department of Environmental Quality State Brownfield Coordinator.

**D. SITE ELIGIBILITY AND PROPERTY OWNERSHIP ELIGIBILITY**

1. The site is not listed or proposed to be listed on the National Priorities List, nor is it subject to unilateral administrative orders, court orders, administrative orders or consent decrees.
2.
  - a. Name of Site: Alice Lode Mine Claim Site
  - b. Address: None Assigned
  - c. Contamination: Hazardous Substances (toxic heavy metals)
  - d. Operational History: 1920 to 1935 – Mine Scarred Land
  - e. Impacted with mine tailing waste - heavy metals exceeding USEPA Health Based Risk Standards.
3. Not Applicable
4. The “Alice Lode Site” comprises of 10.17 acres and was previously a silver mining claim that was operated approximately 1920 to 1935 and is now classified as “Mine-scarred Lands”. In April of 1976 residents of King Road discovered the portal of the mine as documented in the Park Record article titled “Nature Reveals Hidden Mine” (April 29<sup>th</sup>, 1976). Before that time the area was hidden from the public as an unmarked mine site. The site is impacted with mine tailing waste during the mining operational time frame previously mentioned. As a result, PCMC agreed to conduct a Brownfield assessment June of 2003 in order to assess the mining impacts that occurred on the property. Currently, the property is non-functional due to the fact the City suspected contamination on the site, which was a claim reinforced with the completion of the Phase II assessment.
5. A Phase II assessment was conducted in June 2003 a total of 48 laboratory samples were collected during the field investigation, 47 primary samples plus one quality assurance/quality control (QA/QC) sample. Sampling activities included the collection

of 34 surface soil samples and 13 depth soil samples. No other assessment work is needed.

6. There are currently no enforcement actions for this site, it is hopeful that clean-up funding can be obtained in order to avert such actions.

7. a) Park City is the current owner of a portion of the property within the Alice Lode Site, with a purchase agreement currently being drafted with the City Attorney's Office for the remaining land. The City expects to have ownership of the property in early 2004 and meet the Brownfield requirements of owning the property by September 30<sup>th</sup> 2005.

b) The site was impacted during a time frame of 1920 to 1935 and PCMC did not acquire the portion owned by PCMC until after that time frame. Furthermore, the acquisition of the remaining acreage would all be related to mine exploration and development.

c) As previously stated a Phase II assessment was conducted on the property in June 2003. USEPA contractor UOS Operating Services, Inc. (Anne Hellie, project manager) did the assessment. Ms. Hellie is a professional geologist.

d) Operational history of this mine site was 1920 to 1935 and PCMC did not acquire the portion owned by PCMC until after that time frame. The land currently sits vacant and is not used.

e) PCMC is not a mining company and all waste is related to mine exploration and development. Therefore, PCMC is not responsible for the current contamination on-site.

f) Current owner of the portion of property not owned by PCMC is Frank E. Dotson and the City has no contractual or financial relationship with him.

g) The City having suspected on-site contamination has not allowed any development on the land and pursued grant funding for the Phase II assessment. Since the site has been characterized the City has placed this information into Park City's Environmental Geographic Information System and the Planning and Building Department are aware of the restrictions and the environmental impacts.

h) Park City Building and Planning Departments will oversee the remediation activities that will be defined within a work plan for the site. The work plan content will be negotiated with the Utah Department of Environmental Quality under the Voluntary Cleanup Program. Park City has previously entered this program resulting in a portion of the Marsac Mill CERCLIS site being remediated and the development into a functional Transit Center. PCMC has been successful in the past regarding remediation and compliance with state and federal

law and this project will expand upon that commitment. In order to gain access to the property, a gated road is situated at the top of King Road resulting in easy ingress and egress. Lastly, after this site has been remediated the City will protect the site with institutional controls contained within an approved Site Management Plan. The institutional controls will also be documented within the Building Code Ordinance under Chapter 15 Section 11.

## **E. CLEANUP AUTHORITY AND OVERSIGHT STRUCTURE**

1) Park City Building and Planning Departments will oversee the remediation activities that

will be defined within a work plan for the site. The work plan content will be negotiated with the Utah Department of Environmental Quality under the Voluntary Cleanup Program. Park City has previously entered this program resulting in a portion of the Marsac Mill CERCLIS site being remediated and the development into a functional Transit Center. In order to gain access to the property, a gated road is situated at the top of King Road resulting in easy ingress and egress.

- 2) All adjacent property owners have been identified and have been mapped into a GIS system. These owners will be kept abreast through correspondences and door to door contact. Access to the site does not require private property access, due to the fact that access is obtained through King Road (City Street).

**F. COST SHARE**

Park City understands the acceptance of the Brownfield assistance requires 20% matching cost share funding. As a result, the City would accept the responsibility of the cost share, which may include providing an on-site Environmental Coordinator and monetary funding. Matching funds will come from the General Budget administered by PCMC. Park City will obtain additional resources during the project from various departments that would be able to provide assistance (Parks, Recreation, Public Works, and Planning Departments). During the project the City will commit a full time project manager to oversee the work and assure the work plan is being executed as agreed upon within the UDEQ Voluntary Clean Program. Furthermore, the City will also provide resources for characterizing the generated soils in order to assure the material is disposed of properly per the characteristics.

**A. CLEANUP GRANT BUDGET**

Park City’s remediation strategy will include removal of the two areas containing mine waste. In addition, other areas that exhibit elevated levels of heavy metals that cannot be removed will be capped. The disturbance of the Woodside Gulch will also require restoration of the drainage pattern. Areas that cannot be remediated due to excessive slope will be mapped and controlled with institutional controls under the Building Code Ordinance. The work-plan will evaluate the most practical methods for mitigating the site before proceeding with actual mitigation activities. The development of this work plan will be conducted under UDEQ’s voluntary clean-up program.

Budget Category	Project Oversight	Work-Plan	Capping	Excavation -Trucking	Non-Haz Disposal	Disposal
Personnel	\$8,000.00	\$1,000.00				
Consulting/UDEQ Oversight		\$3,000.00				
Equipment				\$18,000.00		
Waste Disposal					\$40,000.00	\$120,000.00
Clean Top Soil Cap			\$50,000.00			
<b>Total</b>	<b>\$8,000.00</b>	<b>\$4,000.00</b>	<b>\$50,000.00</b>	<b>\$18,000.00</b>	<b>\$40,000.00</b>	<b>\$120,000.00</b>

## **B. COMMUNITY NEED**

The primary benefit to Park City residents is transforming a vacant non-productive property into a community park and for the steep sloped areas the land would be dedicated to open space. Currently, the property is non-functional and by developing it into a functional land use the community would have an additional land resource for outdoor activities. The land once remediated would be available to the public for a public park, head trail for hiking and as a mountain biking resource. The economic development of Park City continues to be a priority and the City is committed to preserving and enhancing natural resources that attract citizens to live and vacation. As a result, the City believes that this project would provide a recreational resource for residents and visitors alike to enjoy. The City Council has as a primary goal within the Master Plan to develop mine scarred lands in a manner that is protective to human health and the environment. Therefore, remediating this site would reinforce the city's primary objective for sustainability. The second benefit is related to the watershed; the removal of heavy metals from this site would improve the East Canyon Creek watershed. Park City continues to recognize the importance of improving water quality within the watershed; therefore, the City believes this project would have a positive benefit to not only human health but also the environment. The East Canyon Creek watershed is a very important drinking water source and the elimination of contaminant sources at the headwaters further minimizes heavy metal impacts to drinking water.

The City continues to strive to be an environmental leader within Utah, which is demonstrated by the open space commitment, soils capping ordinance, conservation preservation practices, and storm water management program.

## **C. SUSTAINABLE REUSE OF BROWNFIELD**

1. City Council has as a primary goal within the Master Plan to develop mine scarred lands in a manner that is protective to human health and the environment. Therefore, remediating this site would reinforce this primary objective related to sustainability. Furthermore, PCMC spends a substantial amount of resources cleaning storm water basins that accumulate sediment impacted with heavy metals. The elimination of mine tailing sources situated up gradient will assist in minimizing this waste stream and the associated disposal costs.
2. The remediation of the Alice Lode Site will employ many local residents who specialize in land excavation as well as construction. Furthermore, the remediation of this site will directly affect property values for the surrounding residents that reside within proximity of the site. Also, the Alice Lode Site acreage value will improve substantially with the elimination of this contamination.
3. The designated use after remediation is the establishment of a recreational park and open space. There currently is not a public park within this area and such a recreational area will greatly improve the surrounding community.
4. The establishment of a park in this area would be at the base of several hiking and biking trails and would be an excellent gathering point. The area once landscaped would also be a vast improvement to the current appearance of mine scarred lands.
5. The promotion of this area of a gathering point for bikers would promote mountain bike riding and hiking. In addition, this site would open a clear entrance to outdoor recreational area.
- 6.1 Such a project would bring awareness to mine scarred lands and the impacts to the

community. Such exposure would encourage the elimination of future impacts.

## **D.1 CREATION AND/OR PRESERVATION OF GREENSPACE/OPEN SPACE**

Once the area is remediated, the land will be maintained by the Parks and Recreation Department and added to Park City “Open Space” portfolio. The area will be an expansion of outdoor resources for City residents and visitors to enjoy and experience. PCMC has been very proactive in acquiring open space and recognizes that open space designations have many benefits related to improving storm water quality. PCMC has purchased over 1,440 acres of open space properties since 1990. These areas include more than three miles of riparian/stream protection zones to buffer McLeod Creek and Silver Creek from storm water runoff impacts. These open space properties are primarily comprised of sensitive lands, including steep slopes, wetlands, stream riparian areas, visual corridors, wildlife habitat, and agricultural lands. PCMC believes the open space properties provide storm water runoff protection by allowing for increased water infiltration, and stream bank and wetland protection. The open space program is funded from a variety of sources including a \$10 million open space bond issue. Once the Alice Lode site is remediated it will be part of that portfolio.

## **SECTION 5:0 SITE LOCATION WITHIN PARK CITY**

The Alice Lode site is located on the southwest side of Park City within the municipal boundary of Park City, Utah. The site is located in a residential neighborhood and can be accessed by taking Marsac Avenue south and turning right on Hillside Avenue. Hillside Avenue veers south and turns into King Road. King Road ends at Ridge Road and across the street is a gated dirt road that leads onto the site.

## **SECTION 6:0 SITE CHARACTERISTICS**

### ***Subsection 6.1 Physical Geography***

The Alice Lode site is located on the southwest side of Park City, Utah. Woodside Gulch flows to the northeast through the middle of the site. The site consists of approximately 10.17 acres in the northeast quarter of Section 21, T. 2 S., R. 4 E. The latitude of the site ranges from 40E 38' 04.4" N. to 40E 38' 15.2" N. and longitude ranges from 111E 29' 43.6' W. to 111E 29' 53.5" W. (U.S. Geological Survey (USGS) 1955; USGS 1975). The east and west halves of the site slope steeply toward Woodside Gulch and toward the dirt road, which roughly parallels Woodside Gulch through the site. The site elevation varies from 7,270 feet to 7,520 feet above sea level (Alliance Engineering, Inc).

**Subsection 6.2 Hydrology**

Surface water runoff from the site drains into Woodside Gulch, which originates near Silver King Mine, less than one-mile up gradient and to the southwest of the site. Woodside Gulch is listed as a permanent stream on U.S. Geological Survey (USGS) 7.5-minute quadrangle maps. However, the flow of Woodside Gulch varies seasonably and may be very low in the late summer and fall. Woodside Gulch goes underground at the north edge of the site and eventually contributes to McLeod Creek, which in turn drains into the Kimball Creek. This drainage eventually enters the East Canyon Creek watershed, which is listed as an impaired or threatened fluvial system (Giddings, Hornberger, and Hadley 2001). The upper East Canyon watershed is located in north central Utah approximately 20 miles east of Salt Lake City. The watershed drains 144 square miles of mountainous terrain on the eastern slope of the Wasatch Mountains. The elevation of the watershed ranges from over 10,000 feet in the southern end to approximately 5,600 feet at the reservoir. East Canyon Creek is the principal drainage flowing to the north into the East Canyon Reservoir. The principal drainage channel of the upper part of the watershed in the area of Park City is made up of McLeod Creek which turns into Kimball Creek and subsequently joins East Canyon Creek near the intersection of Interstate 80 and Kimball Creek. With the current growth in Summit County, the reliance on this watershed as a primary drinking water source will be more evident. Current projections show unincorporated portions of Summit County growing by 103% between the years 2000 to 2020.

**SECTION 8:0 NATURE AND EXTENT OF CONTAMINATION**

During the Phase II assessment in June 2003 a total of 48 laboratory samples were collected during the field investigation, 47 primary samples plus one quality assurance/quality control (QA/QC) sample. Sampling activities included the collection of 34 surface soil samples and 13 depth soil samples.

The majority of the sample locations were logged with a Global Positioning System (GPS). Regarding, locations that could not be logged with a GPS due to steep terrain and lack of satellite coverage, these areas were visually identified on an aerial photograph.

Up gradient from the mine road and within Woodside Gulch seventeen surface samples were procured. The results exceeded USGS (1984) Naturally Occurring Standard and USEPA Health Based Risk Standards for the following constituents:

<b>Constituent</b>	<b>Max Result - ppm</b>	<b>Risk Base Residential</b>	<b>Risk Base Industrial</b>	<b>Naturally Occurring</b>
<b>Antimony</b>	<b>502</b>	31	820	1.3
<b>Arsenic</b>	<b>1060</b>	.43	3.8	16-100
<b>Cadmium</b>	<b>83.7</b>	39	1000	
<b>Iron</b>	<b>87900</b>	23000	610000	3
<b>Lead</b>	<b>16400</b>	400	750	30-700
<b>Manganese</b>	<b>2400</b>	1600	4100	1000-7000
<b>Thallium</b>	<b>24.8</b>	5.5	140	

The last areas that were sampled were two areas containing mine waste that has accumulated

within the gulch itself. Some of this sampling was of actual mine waste material that still exist within the mine structure. The mine waste accumulation areas were identified as being adjacent to a concrete water reservoir with the second at the base of the gulch. Four samples were obtained from specific accumulations that were suspect as being mine tailing waste piles. The following are the constituents and the maximum amount detected:

<b>Constituent</b>	<b>Max Result - ppm</b>	<b>Risk Base Residential</b>	<b>Risk Base Industrial</b>	<b>Naturally Occurring</b>
<b>Antimony</b>	<b>92.8</b>	31	820	1.3
<b>Arsenic</b>	<b>326</b>	.43	3.8	16-100
<b>Cadmium</b>	<b>57.3</b>	39	1000	
<b>Iron</b>	<b>159000</b>	23000	610000	3
<b>Lead</b>	<b>8830</b>	400	750	30-700
<b>Manganese</b>	<b>1910</b>	1600	4100	1000-7000
<b>Thallium</b>	<b>15.5</b>	5.5	140	

**SECTION 9:0 OWNERSHIP**

Park City is the current owner of a portion of the property within the Alice Lode Site, with a purchase agreement currently being drafted with the City Attorney’s Office for the remaining land. The City expects to have ownership of the property in early 2004 and meet the Brownfield requirements of owning the property by September 30<sup>th</sup> 2005.

Regarding the origin of the contamination, the area was impacted approximately in 1920 to 1935 during the silver mining era. Since that time, there has been no remediation activity to address the contamination located on-site. Furthermore, the City having suspected on-site contamination has not allowed any development on the land and pursued grant funding for the Phase II assessment. Since the site has been characterized the City has placed this information into Park City’s Environmental Geographic Information System and the Planning and Building Department are aware of the restrictions and the environmental impacts that exist. Lastly, the City Council has as a primary goal within the Master Plan to develop mine scarred lands in a manner that is protective to human health and the environment. Therefore, remediating this site would reinforce the city’s primary objective for sustainability.

**SECTION 10:0 CLEANUP AUTHORITY AND OVERSIGHT STRUCTURE**

Park City Building and Planning Departments will oversee the remediation activities that will be defined within a work plan for the site. The work plan content will be negotiated with the Utah Department of Environmental Quality under the Voluntary Cleanup Program. Park City has previously entered this program resulting in a portion of the Marsac Mill CERCLIS site being remediated and the development into a functional Transit Center. In order to gain access to the property, a gated road is situated at the top of King Road resulting in easy ingress and egress.

***Subsection 10:1 Cost Share***

Park City understands the acceptance of the Brownfield assistance requires 20% matching cost share funding. As a result, the City would accept the responsibility of the cost share, which may

include providing an on-site Environmental Coordinator and monetary funding.

**Subsection 10:2      Cleanup Grant Budget**

Budget Category	Project Oversight	Work-Plan	Capping	Excavation -Trucking	Non-Haz Disposal	Disposal
Personnel	\$8,000.00	\$1,000.00				
Consulting/ UDEQ Oversight		\$3,000.00				
Equipment/ Operator				\$18,000.00		
Waste Disposal					\$40,000.00	\$120,000.00
Clean Top Soil Cap			\$50,000.00			
<b>Total</b>	<b>\$8,000.00</b>	<b>\$4,000.00</b>	<b>\$50,000.00</b>	<b>\$18,000.00</b>	<b>\$40,000.00</b>	<b>\$120,000.00</b>

**Subsection 10:3      Clean-up Strategy**

Park City’s remediation strategy will include removal of the two areas containing mine waste. In addition, other areas that exhibit elevated levels of heavy metals that cannot be removed will be capped. The disturbance of the Woodside Gulch will also require restoration of the drainage pattern. Areas that cannot be remediated due to excessive slope will be mapped and controlled with institutional controls under the Building Code Ordinance. The work-plan will evaluate the most practical methods for mitigating the site before proceeding with actual mitigation activities. The development of this work plan will be conducted under UDEQ’s voluntary clean-up program.

**SECTION 12:0      CREATION OR PRESERVATION OF OPEN SPACE**

**SECTION 13:0      REUSE OF EXISTING INFRASTRUCTURE**

**SECTION 14:0      COMMUNITY INVOLVEMENT**

Park City’s pursuit of the remediation of this site will include the Upper Silver Creek Stakeholders Workgroup as well as the Soils Ordinance Workgroup. Both committees have residents that are committed to being aware of Park City’s environmental efforts. Furthermore, residents that are situated around the site will be apprised of the work plan and will be given a voice in the design and appearance of the final product. The City’s Open Space committee, which is comprised of residents, will also be included in the project and will play an intricate role in the areas planned for open space. Progress of the remediation activities will be conveyed during routine meetings held by these committees. In addition, residents that surround the site will be sent letters that will keep them up to date on the progression of the project. Updates will also be provided at the City Council meetings, which is a public forum for residents. The project

will also provide additional employment for those working on the project. There are no parks in this area of town, therefore the establishment of a park would be a great benefit to the local community and resolve a lingering problem. Lastly, the City also has access to local radio and television, which the project would be, conveyed to both media types.

**Open Space Committee**

Chairman: Marty Volla  
435-649-9263

**City Council**

Liaison: Jim Hier  
435-640-5176

**Soils Workgroup**

Stakeholder: Sally Elliot  
435-649-5712

**SECTION 15:0      REDUCTION OF THREATS TO HUMAN HEALTH AND THE ENVIRONMENT**

To manage the environmental and human health risks, Park City in 1985 proactively developed a strategy to isolate mill tailings from human contact by installing a six-inch clean topsoil cap on all lots that reside within the soils ordinance boundary. The initial capping program entailed the importation of clean topsoil for capping vacant lots within the district. The program was later expanded in 1988 with the implementation of the “Landscaping and Maintenance of Soil Cover Ordinance”, which made capping mandatory for all residential properties with elevated levels of lead.

As a result of this experience, the City is quite familiar of the hazards that are associated with exposed mine tailings and the mitigation of the Alice Lode Site further reflects the City’s commitment to resolve previous historic mining impacts. The benefits of mitigating the heavy metal residing within this area are three-fold; first, by capping or removing these constituents, the public residing in the area are no longer exposed to heavy metal constituents exceeding USEPA Health Based Risk Standard. Secondly, since the Woodside Gulch is drainage that eventually enters the East Canyon Creek watershed, which is listed as an impaired or threatened fluvial system. The remediation of this site would assist in minimizing surface water heavy metal impacts that eventually enter the East Canyon Creek watershed. Finally, this site would be part of the city’s revitalization efforts to mitigate a site that has been exposing the public and the environment to heavy metal constituents that exceed health based risk standards.

Regarding Park City’s remediation strategy, it would include the removal of the two areas containing mine waste. In addition, other areas that exhibit elevated levels of heavy metals that cannot be removed will be capped. The disturbance of Woodside Gulch will also require restoration of the gulch. Areas that cannot be remediated due to excessive slope will be mapped and controlled with institutional controls under the Building Code Ordinance. The work-plan will evaluate the most practical methods for mitigating the site before proceeding with actual mitigation activities.

**SECTION 16:0      LEVERAGING ADDITIONAL RESOURCES**

**SECTION 17:0      ABILITY TO MANAGE GRANTS**

Park City has managed grants in the past such as NPDES Clean Creeks Initiative and CERCLA grants had have supplied the required reports in order to be compliant with the guidelines. Currently the City has a database to account for the time and expenses charge to previous grants. If awarded the grant, this database would be used to generate the required reports and account for the time and expenses charged to this funding source.

**Exhibit 6 to  
Alice Lode Factual Background**

**From:** Jeff schoenbacher  
**To:** Chavez.Luke@epamail.epa.gov  
**Date:** 1/15/03 2:28PM  
**Subject:** Re: Alice Lode Claim

Luke;

Thanks for the response and we are pleased that the Alice Lode TBA application was approved and that there is a mutual interests in exploring the Brownfield program for this site. As stated in the cover letter, both Park City and the property owner have many questions regarding the program and the details for participation. I have spoken with the property owner's representative and he conveyed to me that January 28th at 8:30 am here at the Marsac Building would be a convenient time and date for him. As a result, I have conveyed this information to Ms. Hellie (303-291-8248) and she will be inquiring into what your schedule is and flights. In the event you would like to have the meeting later, please let me know and I will attempt to adjust to what is convenient for you. I will have a room reserved for this meeting here at Marsac.

Thanks again and I look forward to meeting with you to discuss the proposal further. If you need the time later, just let me know and I will adjust accordingly.

Regards,

Jeff Schoenbacher  
435 615 5058

>>> <Chavez.Luke@epamail.epa.gov> 01/15/03 09:42AM >>>

Hey Jeff,

I just wanted to let you know that the TBA application was approved and we have our contractor on board. A lady from URS Inc. will be calling you about setting up a time to meet and take a look at the site. Her name is Ann Hellie. She might have already called you. We plan to both go out there for the day sometime in the last week of January or first week of February and take a quick tour and talk with what your needs are.

I'll keep in touch.

Luke D. Chavez  
Environmental Engineer  
U.S. Environmental Protection Agency, Region 8  
999 18th St. Suite 300  
Denver, CO 80013  
(303) 312-6512

**CC:** Bgoldesq@msn.com; Dana Williams; RAY MILLINER; RICK LEWIS;  
Ron Ivie; SHARON BAUMAN; TOM BAKALY

**Exhibit 7 to  
Alice Lode Factual Background**



# EPA Targeted Brownfields Assessments—The Basics

## *What is EPA's Brownfields Program?*

The U.S. Environmental Protection Agency's (EPA) Brownfields Program is designed to empower states, communities, and other stakeholders to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. EPA provides technical and financial assistance for brownfields activities through an approach based on four main goals: protecting human health and the environment, sustaining reuse, promoting partnerships, and strengthening the marketplace. Brownfields grants serve as the foundation of the Brownfields Program and support revitalization efforts by funding environmental assessment, cleanup, and job training activities. Thousands of properties have been assessed and cleaned up through the Brownfields Program, clearing the way for their reuse.

## *What is a Targeted Brownfields Assessment?*

EPA's Targeted Brownfields Assessment (TBA) program is designed to help minimize the uncertainties of contamination often associated with brownfields – especially for those entities without EPA Brownfields Assessment grants. The TBA program is not a grant program, but a service provided through an EPA contract in which EPA directs a contractor to conduct environmental assessment activities to address the requestor's needs. Unlike grants, EPA does not provide funding directly to the entity requesting the services.

Under the Small Business Liability Relief and Brownfields Revitalization Act, EPA's TBA assistance is available through two sources: directly from EPA through EPA Regional Brownfields offices, and from state or tribal voluntary response programs using funds provided by EPA (Section 128(a) funding). A TBA may encompass one or more of the following activities:

- An "all appropriate inquiry" assessment (Phase I), including a historical investigation and a preliminary site inspection;
- A more in-depth environmental site assessment (Phase II), including sampling activities to identify the types and concentrations of contaminants and the areas to be cleaned; and
- Evaluation of cleanup options and/or cost estimates based on future uses and redevelopment plans.

**A BROWNFIELD** is defined as: real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The 2002 Brownfields Law further defines the term to include a site that is: "contaminated by a controlled substance; contaminated by petroleum or a petroleum product excluded from the definition of 'hazardous substance'; or mine-scarred land."

## *Who is Eligible to Apply for a Targeted Brownfields Assessment?*

Eligible entities include: state, local, and tribal governments; general purpose units of local government, land clearance authorities, or other quasi-governmental entities; regional council or redevelopment agencies; states or legislatures; or nonprofit organizations.

TBA funding may only be used at properties eligible for EPA Brownfields funding. EPA generally will not fund TBAs at properties where the owner is responsible for the contamination unless there is a clear means of recouping EPA expenditures. Further, the TBA program does not provide resources to conduct cleanup or building demolition activities. Cleanup assistance is available under EPA's Cleanup or Revolving Loan Fund (RLF) grants. **Information on EPA's Brownfields Cleanup and RLF grants can be found on the EPA Brownfields Web site at: [www.epa.gov/brownfields/](http://www.epa.gov/brownfields/)**



The Georgia Sea Turtle Center - Jekyll Island, GA

## What Properties are Typically Targeted for TBA Funding?

The TBA selection process varies with each EPA Region and by each state and tribal voluntary response program. When administered directly by EPA Regional offices, the Regions have discretion in selecting areas to target for environmental site assessment assistance and typically prefer to target properties that are abandoned or publicly owned; have low to moderate contamination; include environmental justice issues; suffer from the stigma of liability; or have a prospective purchaser willing to buy and pay for the cleanup of the property, if needed. The selection process is guided by Regional criteria. See the sidebar for examples of Regional TBA criteria.

### Examples of EPA Regional TBA Criteria:

- Property control and ownership transfer is not an impediment—preference will be given to sites which are publicly owned, either directly by a municipality or through a quasi-public entity such as a community development corporation. If a property is privately owned, there generally must be a clear means of recouping EPA expenditures, if the party is responsible for the contamination.
- There is a strong municipal commitment—financially or through other resources—and clear municipal vision and support.
- There is a clear public benefit and need for property revitalization.
- There are adequate leveraged funds available for cleanup and redevelopment, and/or the property has strong development potential (perhaps demonstrated by past or present developer interest).
- EPA assessment assistance is crucial to the property's redevelopment; lack of an assessment has proven to be an obstacle.
- Existing information supports redevelopment—the property will likely have low to moderate contamination levels, and redevelopment will provide tangible benefits for the community.
- The project area has a clear need for revitalization evidenced by significant deterioration and/or significant environmental justice issues.
- A direct health/environmental threat will be mitigated or property revitalization will serve to spur further beneficial activity in the surrounding area.

*\* Although these examples embody many common elements, each Region has refined its own set of criteria which may differ slightly than those illustrated in the sidebar.*

When administered by state and tribal voluntary response programs the selection criteria and amount of assistance available for TBA properties varies with each state and tribe.

### Examples of TBA Successes

*Sacramento, CA* - EPA provided \$24,000 in contractor-led TBA assistance to the Capitol Area Development Authority (CADA) to assess a former residential property that for over 30 years served as a central gathering point for local residents as a community garden. The assessment revealed the soil was contaminated with polycyclic aromatic hydrocarbons (PAHs), lead, and pesticides. By August 2006, CADA removed and disposed of 1,700 cubic yards of contaminated soil and replaced it with clean soil suitable for gardening using EPA Brownfields Cleanup Grant funding and approximately \$423,000 in leveraged cleanup and redevelopment funding. A grand opening celebration for the Fremont Community Garden was held in June 2007. The garden includes 50 garden plots (including four Americans with Disabilities Act-accessible plots), compost bins, two orchards, public art, and bocce ball courts.



*Jekyll Island, GA* - Using \$80,000 in contractor-led TBA funding along with \$200,000 in Section 128(a) funding to address lead and asbestos impacts, the historic power plant located on Jekyll Island, Georgia has been renovated to house the Georgia Sea Turtle Center. EPA selected the project for site-specific funding because it presented a combination of goals (historic preservation, environmental education, and assistance to endangered species). The Sea Turtle Center opened on World Turtle Day, June 16, 2007, with a renovated building and structures to house educational exhibits and state-of-the-art surgical, rehabilitation, and research areas.

### How Can I Apply for TBA Assistance?

If you are interested in receiving TBA assistance, please contact the EPA Brownfields staff in your Region. You can find current contact information on the EPA's Brownfields Web site at: [www.epa.gov/brownfields](http://www.epa.gov/brownfields).

**Exhibit 8 to  
Alice Lode Factual Background**

---

---

**INTEROFFICE MEMORANDUM**

---

---

**TO:** PLANNING COMMISSION  
**FROM:** JEFF SCHOENBACHER  
**SUBJECT:** ALICE LODGE SITE BACKGROUND  
**DATE:** JULY 27, 2005  
**CC:** RON IVIE

---

The purpose of this memo is to expand upon Ray Milliner's staff report related to the Alice Lode site dated July 27<sup>th</sup> 2005.

The Alice Lode property is the only site in Park City that was assessed under the United States Environmental Protection Agency Targeted Brownfield Assessment grant program. The grant application was submitted in 2002 resulting in the funding of a Phase II assessment that was completed and finalized July 14<sup>th</sup> 2004. The definition of a Brownfield site is vacant, abandoned, or underutilized, industrial or commercial properties where reuse and/or redevelopment is hindered by known or suspected environmental contamination. The city has been aware of the Alice Lode historic silver mining impacts; however the extent of the contamination was unknown before completing the Brownfield assessment. What was known about the Alice Lode is it was previously a silver mining claim that was operated around 1920 to 1935. In April of 1976 residence of King Road discovered the portal of the mine as documented in the Park Record article titled "Nature Reveals Hidden Mine" (April 29<sup>th</sup>, 1976). Before that time the tunnel was hidden from the public as an unmarked mine shaft. The Park Record goes on to state that the shaft extended approximately 300' from the portal and then dropped at an angle another 250'. According to Sid Smith (Empire Canyon Miner) the tunnel was closed after the turn of the century.

As documented within the Phase II assessment report the Alice Lode site which comprises of both Park City owned and Mr. Dotson owned property where samples were procured exceeded USEPA Health Based Concentrations (RBC) for both "residential" and "industrial" usage. The following sample locations represent the highest results documented within the Phase II report:

***Road/Woodside Gulch***

Samples up-gradient from the mine road and within Woodside Gulch seventeen surface samples were procured. This is where some very high numbers were experienced in regard to exceeding the Naturally Occurring Standard and Health Based Risk Standards for the following constituents:

<b>Constituent</b>	<b>Max Sample Result - ppm</b>	Risk Base Residential	Risk Base Industrial	Naturally Occurring
Antimony	<b>502</b>	31	820	1.3
Arsenic	<b>1060</b>	.43	3.8	16-100
Cadmium	<b>83.7</b>	39	1000	
Iron	<b>87900</b>	23000	610000	3
Lead	<b>16400</b>	400	750	30-700
Manganese	<b>2400</b>	1600	4100	1000-7000
Thallium	<b>24.8</b>	5.5	140	

***Mine Waste Accumulation***

Also sampled were actual mine waste that has accumulated within the gulch itself. Sampling was of actual mine waste material that still exist within the mine structure. Four samples were obtained from specific accumulations that were suspect as being mine tailing waste. The following are the constituents and the maximum amount detected along with the RBC for comparison:

<b>Constituent</b>	<b>Max Result - ppm</b>	Risk Base Residential	Risk Base Industrial	Naturally Occurring
Antimony	<b>92.8</b>	31	820	1.3
Arsenic	<b>326</b>	.43	3.8	16-100
Cadmium	<b>57.3</b>	39	1000	
Iron	<b>159000</b>	23000	610000	3
Lead	<b>8830</b>	400	750	30-700
Manganese	<b>1910</b>	1600	4100	1000-7000
Thallium	<b>15.5</b>	5.5	140	

The completion of the Phase II assessment revealed to Park City, USEPA, and the Utah Department of Environmental Quality that this site will need to have corrective actions in order to remedy the risk to human health and the environment related to regulated heavy metals discovered. Park City Municipal Corporation has recognized this fact and for the last two years has entered into the national grant competition for USEPA Brownfield Clean-up program. Although Park City’s grant proposals have made it to the finals the City has not been successful in being awarded a clean-up grant. As a result, the remediation of this site has many benefits associated with improving community sustainability, protecting citizens, the environment, in addition to improving water quality within the watershed. It should also be noted that the remediation of this site will result in the elimination of another regulatory liability that exists within the city limits. Lastly, the estimated volumes to be removed would be 8,000 -12,000 cu/yds of impacted material, therefore the economical feasibility of completing this project is directly influenced on the availability of the Richardson Flats repository, which is anticipated to be a resource for no longer than 2-3 years.

JTS:

**Exhibit 9 to  
Alice Lode Factual Background**

**Jeff Schoenbacher**

**From:** Jeff Schoenbacher  
**Sent:** Monday, September 08, 2008 2:45 PM  
**To:** Thomas Eddington  
**Cc:** Tom Daley; Tom Bakaly; Ron Ivie; Mark Harrington  
**Subject:** Alice Lode Managers Report  
**Attachments:** VoiceMessage

Hello Thomas:

The following is for the Alice Lode Managers report that Tom has requested from us both. I guess I will hand it off to you for entry into the Managers Report Format. If you have any questions feel free to contact me.

Thanks,  
Jeff

During 2003 United States Environmental Protection Agency (USEPA) granted Park City Municipal Corporation (PCMC) and Frank Dotson a Brownfield Grant to assist in assessing a long running mine impacted property known as the Alice Lode Mining Claim located in Park City, Utah. The City chose the Brownfield designation recognizing that this provided Park City and the owners with regulatory flexibility compared to strict adherence to CERCLA/Superfund regulations.

At that time the Alice Lode Mining Claim comprised of 10.17 acres with 8.63 acres owned by Frank Dotson and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated around 1920 to 1935. In April of 1976 residence of King Road discovered the portal of the mine as documented in the Park Record article titled "Nature Reveals Hidden Mine" (April 29<sup>th</sup>, 1976). Before that time the tunnel was hidden from the public as an unmarked mine shaft. The shaft extended approximately 300' from the portal and then dropped at an angle another 250'. According to Sid Smith (Empire Canyon Miner) the tunnel was closed after the turn of the century.

The results of the assessment revealed the area as being grossly impacted with heavy metals that exceeded USEPA Health Based Risk Standards for industrial and residential. In addition, the site was situated within the Silver Creek Watershed that has been deemed impaired by heavy metals and has a formal approved TMDL approved by USEPA. Lastly, Woodside Gulch is considered Waters of the State, which contributed to the impacted of the Silver Creek Watershed. Upon discovery of the contamination the Building Department submitted in 2004 and 2005 Brownfield Clean-up Grant applications for consideration in funding the remediation of the Alice Lode. Additionally, the Building Department recommended to the Open Space Committee that the property be designated and purchased as Open Space. However, the Brownfield Clean-up Grant program is highly competitive and the City was unsuccessful in gaining funds as well as the Open Space not having an interest in the property.

King Development Group LLC has since procured the property and the City required that the owner enter the Utah Department of Environmental Quality (UDEQ) Voluntary Clean-up Program in order to mitigate the property. In August 3<sup>rd</sup> of 2006 King Development Group LLC submitted a work-plan to UDEQ which was approved and the City and King Development Group entered into the Voluntary Clean-up Program to remediate both city property and private. To date the following has occurred:

- Approximately 6,500 cubic yards of impacted regulated material has been removed and consolidated at the repository at Richardson Flats.
- The majority of Woodside Gulch has restored and rip-rap installed to further define the stream bed.

9/10/2008

- Americon, Inc. has provided laborers with 40 hour Hazwoper training for removal of soil around trees.
- The open mine shaft hazard has been filled with appropriate soil and is no longer a risk to the general public.
- Dust is controlled through suppression with water and monitored by two particulate air monitors. The generation of dust is minimal and below the EPA particulate levels for air.
- There have been no accidents or injuries on Site.
- At this time there have been no complaints from neighbors.

Photos of the remediation can be viewed:

<ftp://ftp2.na.amec.com/>

Username **alicephotos**

Password **5814000223**

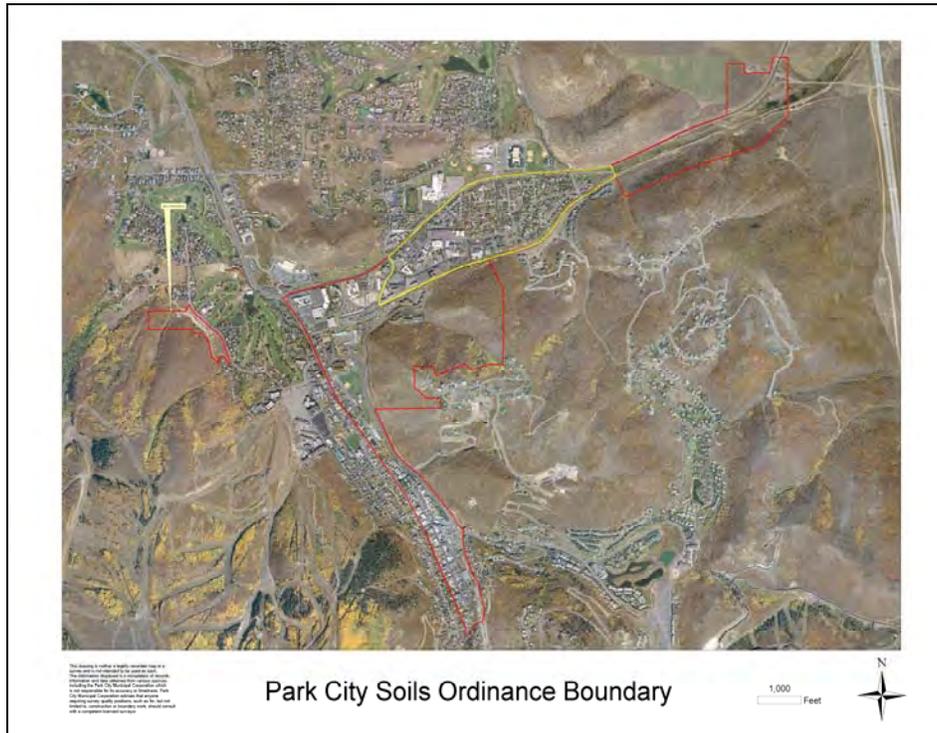
**From:** Tom Bakaly

**Sent:** Monday, September 08, 2008 8:24 AM

**To:** Jeff Schoenbacher

**Subject:** Message from Tom Bakaly

**Exhibit 10 to  
Alice Lode Factual Background**



**PARK CITY MUNICIPAL CORPORATION**  
**SOILS ORDINANCE AREA ENVIRONMENTAL MANAGEMENT SYSTEM**  
**2006 ANNUAL REPORT**  
**November 6, 2006**

**Prepared by: Park City Municipal Corporation (PCMC)**  
**445 Marsac Avenue**  
**P.O. Box 1480**  
**Park City, Utah 84060-1480**  
**Jeff Schoenbacher, Environmental Coordinator**  
**(435) 615-5058**  
**[jschoenbacher@parkcity.org](mailto:jschoenbacher@parkcity.org)**

**Submitted to: Utah Department Environmental Quality**  
**168 North 1950 West**  
**Salt Lake City, UT 84114**  
**Mo Slam, Project Manager**  
**(801) 536-4282**

**United States Environmental Protection Agency**  
**Region 8**  
**999 18<sup>th</sup> Street**  
**Suite 500**  
**Denver, CO 80202**  
**Kathy Hernandez, Project Manager**  
**(303) 312-6101**

## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION:</b> .....	<b>2</b>
<b>2.0</b>	<b>Soil Mitigation Compliance Program</b> .....	<b>2</b>
	Table 1.0 Capped Lots .....	3
<b>3.0</b>	<b>Revised Soils Ordinance - adopted 06-27-2006</b> .....	<b>3</b>
<b>4.0</b>	<b>Annual Lot Risk Assessment</b> .....	<b>5</b>
4.1	Non-Characterized Lots.....	5
4.2	Wet Chemistry Results .....	5
<b>5.0</b>	<b>Non-compliant lots</b> .....	<b>5</b>
<b>6.0</b>	<b>Education and outreach</b> .....	<b>5</b>
6.1	Soil Ordinance Resident Notices .....	6
6.2	Summit County Lead Screening Services.....	7
6.3	New Residents and Renters Orientation .....	7
6.4	Real Estate Agent Orientation .....	7
6.5	Lead Awareness Campaign to Local Physicians .....	7
<b>7.0</b>	<b>Prospector Sampling Records and Data</b> .....	<b>7</b>
<b>8.0</b>	<b>Prospector Drain Outfall</b> .....	<b>7</b>
<b>9.0</b>	<b>Worker Health and Safety</b> .....	<b>8</b>
<b>10.0</b>	<b>Top Soil Assistance program (TSAP)</b> .....	<b>9</b>

## Addendum

- [EMS Resolution](#)
- [Soils Ordinance](#)
- [Final Notice Letter](#)
- [Top Soil Assistance Program](#)
- [Real Estate Agent Notice](#)
- [Prospector Drain Results](#)
- [Prospector Drain Pilot Results](#)
- [Environmental Information Handbook](#)
- [Compliance Map](#)
- [Alice Lode VCP Work Plan](#)
- [Notice Letter Non-Characterized Lots](#)
- [Awareness Letter](#)
- [Physician Notice Letter](#)
- [BMP Brochure](#)
- [Volunteer Sampling](#)
- [Land Management Company](#)
- [Wetland Vault](#)
- [Certificate of Compliance](#)

## 1.0 INTRODUCTION:

In a cooperative effort with the Utah Department of Environmental Quality (UDEQ) and the United States Environmental Protection Agency (USEPA), Park City Municipal Corporation (PCMC) has agreed to the implementation of an Environmental Management System (EMS) to further protect human health and the environment within the Soils Ordinance Area. The established goals of the EMS were to define the environmental procedures, monitoring, education, and controls for containing soils impacted with mine tailings. The EMS program was adopted by [resolution](#) and funded by the City Council on April 15<sup>th</sup> 2004<sup>1</sup>. Furthermore, due to the requirements within the EMS, the City Council has also approved the revised “[Park City’s Landscaping and Maintenance of Soil Cover Ordinance](#)”<sup>2</sup> in order to support the EMS.

This annual report represents PCMC 2006 Annual Report, which the City agreed to submit to USEPA and UDEQ in order to summarize the annual EMS benchmarks.

## 2.0 SOIL MITIGATION COMPLIANCE PROGRAM

Represented under [Addendum 1](#) is the current compliance map for all properties within the original soils ordinance boundary. The lots identified in red are properties that have been capped and are considered compliant with the ordinance. The lots identified in black, are properties that have either not been sampled or have been sampled and are under enforcement. Finally, the properties identified in yellow are units that were capped during the Improvement District time frame. Within the original ordinance boundary there are 293 residential lots and to date there remain 20 properties that have yet to be sampled or capped with 6” of acceptable cover. As a result, there are 262 lots that have been capped and sampled to verify compliance and subsequently a Certificate of Compliance has been issued.

As agreed upon within the EMS proposal, PCMC chose to pursue a goal of capping 15 lots per year. Again, that goal was exceeded this year, resulting in 32 properties being issued “Certificate of Compliance” document which verify the installation of a cap and acceptable cover (<200 ppm lead). Out of 31 lots, all were capped in accordance with the conventional landscaping standard of 6” of clean topsoil substrate and vegetation layer. Typically, there continues to be many property owners that prefer the combination of the xeriscape and conventional landscaping standard. The xeriscape standard was a 2004 revision to the ordinance and provided owners with the flexibility of achieving compliance by employing water conservation practices. Similar to last year, there were some owners that went even further with the xeriscape standard by installing a 6” clean top soil substrate along with a weed barrier fabric, and 6” of bark or rock. It should also be noted that the repository at Richardson Flats continues to be a beneficial resource for property owners that were concerned with the financial impacts of disposing of soils within a permitted landfill. Because of the existence of the repository, many owners have removed berms containing mine tailings as well as choosing to excavate an additional 12” to 16” of impacted soil and reincorporate clean topsoil in order to re-certify the lot. These owners utilized the repository for disposing of generated soils in order to achieve compliance with the ordinance standards.

The sampling protocol for a property seeking compliance remains the same; composite samples are procured from the front, back, and both sides of the dwelling. The samples are then

---

<sup>1</sup> Tab 1 – Council Resolution - 4/15/04

<sup>2</sup> Tab 2 - Chapter 15 – 11-15-1 Building Code

submitted under a Chain of Custody to Chemtech-Ford Laboratory (State Certified) and analyzed for total lead. After receiving the final lab report supporting the lead levels being <200 ppm, the property is determined to be compliant and a [Certificate of Compliance](#) is sent along with a sampling narrative, results report, site map, and Homeowner BMP Brochure. Table 1.0 represents the properties that were capped this year<sup>3</sup> and subsequent lead concentrations:

**Table 1.0 Capped Lots**

<b>SampleId</b>	<b>DateSampled</b>	<b>Address</b>	<b>AvgOfResult</b>	<b>Comments</b>
78378c	5/9/2006	1307 SULLIVAN RD	<b>33.56</b>	
78378d	5/9/2006	1311 SULLIVAN RD	<b>161.04</b>	
78378b	5/9/2006	1315 SULLIVAN RD	<b>71.5</b>	
78378	5/9/2006	1316 PARK AVE	<b>37.06</b>	
6814000272	9/11/2006	1790 BONANZA DR	<b>8.90</b>	
80256C	8/22/2006	1846 PROSPECTOR AVENUE	<b>258.66</b>	
78468	5/16/2006	1862 PROSPECTOR AVENUE	<b>837.14</b>	Vacant Lot
78468B	5/16/2006	1878 PROSPECTOR AVENUE	<b>837.14</b>	Vacant Lot
78468C	5/16/2006	1894 PROSPECTOR AVENUE	<b>837.14</b>	Vacant Lot
80256B	8/16/2006	2100 SIDEWINDER DRIVE	<b>20.75</b>	
79793	7/27/2006	2166 MONARCH DRIVE	<b>187</b>	
80256D	8/22/2006	2194 MONARCH DRIVE	<b>55.94</b>	
81371	10/24/2006	2197 COMSTOCK DRIVE	<b>29</b>	
79566	7/13/2006	2211 COMSTOCK DRIVE	<b>10.5</b>	
78970B	6/12/2006	2236 COMSTOCK DRIVE	<b>478.33</b>	
78675E	5/26/2006	2276 SAMUEL COLT COURT	<b>261.69</b>	
79793b	7/27/2006	2302 MONARCH DRIVE	<b>13.89</b>	
78751B	6/1/2006	2303 MONARCH DRIVE	<b>203</b>	
78468Z	5/16/2006	2337 WYATT EARP WAY	<b>325.27</b>	
78970	6/12/2006	2338 COMSTOCK DRIVE	<b>16.93</b>	
80130	8/15/2006	2349 DOC HOLLIDAY DRIVE	<b>15.10</b>	
80440	8/31/2006	2375 DOC HOLLIDAY DRIVE	<b>9</b>	
78675D	5/26/2006	2405 DOC HOLLIDAY DRIVE	<b>258.14</b>	
80256	8/17/2006	2452 LILY LANGTRY COURT	<b>21.28</b>	
79717	7/19/2006	2500 WYATT EARP	<b>30.73</b>	
103006	10/30/2006	2623 ANNIE OAKLEY DRIVE		Results not yet received.
80440B	8/31/2006	2653 ANNIE OAKLEY DRIVE	<b>22.5</b>	
78654	5/24/2006	445 MARSAC AVENUE	<b>9.39</b>	
6814000249	6/15/2006	PARK CITY HIGH SCHOOL PLAYING	<b>26</b>	
102006	10/25/2006	Silver Star Exportation	<b>1000</b>	Vacant Lot
4814000167	6/21/2006	UNION PACIFIC RIGHT OF WAY	<b>33.88</b>	

### 3.0 REVISED SOILS ORDINANCE - ADOPTED 06-27-2006

The revisions to the “[Landscaping and Maintenance of Soil Cover Ordinance](#)” found within Park City Building Code Chapter 11-15 was revised this year and approved by City Council June 27<sup>th</sup> 2006. The revisions comprised of expanding the Soil Ordinance boundary to include Park City High School (PCHS) Facility. This was mutually agreed upon by the City and PCHS, based

<sup>3</sup> List includes lots within the original and expanded ordinance area.

upon an [Environmental Assessment](#) that was conducted by Amec Earth and Environmental, Inc (AMEC) for Park City School District dated January 20th, 2006, where it was revealed the property exhibited elevated underlying lead levels that exceed USEPA's Health Based Risk Standard of 400 ppm. Therefore, the purpose of revising the ordinance was to reinforce the City's and Park City School Districts commitment of protecting human health and the environment by including the school complex into the ordinance boundaries and applying the applicable institutional controls.

It should also be mentioned that PCMC and King Development Group, LLC have entered into the Voluntary Clean-up Program (VCP) with the Utah Department of Environmental Quality for the Alice Lode Mining site situated off of King Road. The Alice Lode Mining Claim comprises of 10.17 acres with 8.63 acres being owned by King Development Group and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated from 1920 to 1935. PCMC successfully obtained Brownfield grant funding in 2003 resulting in a United States Environmental Protection Agency (USEPA) Targeted Brownfield Phase II Assessment being completed for this property.

The assessment revealed heavy metal contamination consistent with mine tailing impacts exceeding USEPA's Risk-Based Concentrations for residential and industrial property. It is PCMC and King Road Development Group intent to remediate the Alice Lode impacts to protect human health and the environment consistent with UDEQ oversight. Furthermore, this project directly coincides with the City's commitment to improve water quality within the Silver Creek Watershed by eliminating a contaminate source that impacts surface water quality within Woodside Gulch. The Utah Department of Environmental Quality has approved the [Work Plan](#) for this project that is scheduled to commence in 2007. After the site is remediated it is anticipated that the ordinance will be revised to include the VCP boundary and protect the site with the institutional controls and a site management plan.

Lastly, it is important to reiterate the following ordinance standards that were adopted in 2004:

- Acceptable cover was expanded from just grass and vegetation cover to include xeriscape landscaping practices. Specifically the standard requires a weed barrier fabric and 6" of rock or bark.
- Soils are strictly prohibited from being transported or reused outside the Soils Ordinance Boundary.
- Soils being disposed of are to be characterized for arsenic and lead and disposed of within a permitted facility depending on the TCLP characteristics.
- The reuse of soils within the Soils Ordinance Boundary is allowed providing the area is capped and the Building Department pre-approves the site.
- The boundary was redrawn to exclude Chatham Crossing due to PCMC, USEPA, and UDEQ concurring that the area does not pose a threat to human health or the environment. This was based on evaluating several years of soils data that further substantiated this claim.
- The boundary has been expanded to include the Transit Center and the CERCLIS Marsac Mill Site. The purpose of including the Transit Center was to protect the facility and the Marsac Mill site, which is known to contain elevated levels of heavy metals.
- Non-compliant lots were required to conform by December 31, 2004.
- Non-sampled and uncharacterized lots are to be sampled by 2006.
- Non-compliance has been upgraded to a nuisance and enforced as a Class B Misdemeanor.

- The lot-testing fee for compliance has been waived and is now done without a \$100.00 charge to the owner. In addition, the City conducts sampling on generated soils destined for disposal and there is no charge for TCLP analysis.
- No parking of vehicles on capped lots.

#### **4.0 ANNUAL LOT RISK ASSESSMENT**

The risk assessment was completed this year resulting in two properties; 2100 Sidewinder Drive and [2238 Sidewinder Drive](#) being identified as a nuisance and sent enforcement letters.

The property owners for these properties were taken to court and plead guilty for non-compliance and as a result a fine was issued in both cases. Typically the fines range from \$150 to \$1000 and it is at the discretion of the prosecutor who considers the extent of the infraction. The owner of 2100 Sidewinder Drive has re-landscaped the lot and a Certificate of Compliance was issued August 16<sup>th</sup> 2006. The owner of 2238 Sidewinder Drive has not completed the corrective actions to date and will be issued another warning in 2007 should the property not be mitigated.

##### **4.1 *Non-Characterized Lots***

On January 10<sup>th</sup>, 2006 the City sent out 15 [notices](#) that made owners aware that if they had not gotten their property sampled, that they were required to do so by January 1<sup>st</sup>, 2006. Because of this notice many owners requested that their lot be sampled for compliance. In addition, some of the lots sampled this year also completed corrective actions and installed a compliant cap to contain underlying lead levels. Therefore some of these lots are part of the dataset that were issued a Certificate of Compliance this year.

##### **4.2 *Wet Chemistry Results***

This year 14 lots were sampled and analyzed with wet chemistry to determine if the lead levels were compliant with the EMS standard. The volunteers for the verification sampling ranged from real estate agents to owners wanting to know the lead levels for their property. Reviewing the wet chemistry [results](#), out of 37 samples an average lead concentration of 338.96 ppm was revealed and determined to be compliant with the EMS screening threshold. It should also be noted that some of these property owners that participated in the EMS program became eligible for the Top Soil Assistance Program (Section 10.0) and should the cap be disturbed in the future would be able to recover \$450.00 for capping the lot.

#### **5.0 NON-COMPLIANT LOTS**

Similar to last year's annual report, on January 10<sup>th</sup> 2006 fifteen owners were provided with a "[Final Notice](#)" before being referred to the City Attorney's Office for enforcement. Within that notice they were required to submit a work plan by April 14<sup>th</sup> 2006 in order to avoid enforcement. This year the City followed up with those owners that were sampled in 2005 and had not capped the property due to the approaching winter.

#### **6.0 EDUCATION AND OUTREACH**

In order to assist with the EMS educational and outreach obligations, PCMC distributed two products titled "[Park City Environmental Information Handbook](#)" and "[Soils Ordinance Home Owners BMP Brochure](#)". This year the Environmental Information Handbook and Home

Owners BMP Brochure were revised to reflect the current compliance map along with the following:

- Soils Ordinance FAQ's.
- Residential Best Management Practices
- Ordinance Boundary Compliance Map
- Top Soils Assistance Program (TSAP)
- Soils Ordinance Boundary Map
- Streets within Boundary
- Addresses within Boundary
- Gardening and Plant Bed Recommendations
- Storm Water Quality
- Conservation Reserve Program
- Open Space Information
- Recycling Program
- Household Waste Oil Acceptors
- Drinking Water Information
- Water Treatment Information
- Blue Sky Program
- Contacts and Reference (This section included the county contact for blood lead testing.)

The handbook has been well received by the public since it clarified some misunderstandings the community has had with the ordinance. The handbook was sent to the following entities as a reference:

- All owners of property within the original and expanded boundary.
- Real Estate Agents
- Land Management
- Local Pediatricians
- HOA's
- Homebuyers
- PCMC employees
- Contractors
- Building Permit recipients

The second outreach product distributed, was the [Home Owners Best Management Practice Brochure](#). The BMP brochure was sent out to all residents within the Soils Ordinance Boundary on April 19<sup>th</sup> 2006 and October 18<sup>th</sup> 2006. This product is also made available in the Building and Planning Department and was sent to the EMS other outreach contacts that were agreed to by the Soils Stakeholder Group.

### **6.1 Soil Ordinance Resident Notices**

On January 6<sup>th</sup> 2006, residents that have an issued "Certificate of Compliance" were sent a [lead awareness letter](#). The purpose of the letter is to increase awareness to the underlying lead levels that are contained under the clean topsoil cap. For those that received this correspondence, the City had historical data on the initial sampling that occurred for the lot before it was capped. This data was queried from the Environmental Database and all lots with an underlying lead level that exceeded the USEPA Health Based Risk Standard (400 ppm lead) for residential

property receive this correspondence. Also the [Soils Ordinance Home Owners BMP brochure](#) was sent to all ordinance addresses on April 19<sup>th</sup> and October 18<sup>th</sup> 2006. The BMP brochure is also included in all newly issued “Certificate of Compliance” documents that are sent to the owners. Lastly, in addition to these outreach efforts, the brochure and handbook are made available at the Marsac Building and Park City Public Library.

### **6.2 *Summit County Lead Screening Services***

The Summit County Blood Lead Screening Service has been mentioned in both the Homeowner BMP Brochure and the Environmental Information Handbook under contacts and FAQs. The address and phone number for the county testing program is documented in these two outreach products for residents that wish to be tested. In addition, the City receives phone inquiries for testing children and they are referred to the Summit County Health Department.

### **6.3 *New Residents and Renters Orientation***

PCMC has supplied the Environmental Information Handbook and BMP brochure to land management and real estate agencies. [Addendum 13](#) represents the letter that was sent along with the BMP brochures, which were sent to those companies on February 7<sup>th</sup> 2006. The Building Department receives numerous calls from prospective buyers and real estate agents requesting the information handbooks and BMP brochures.

### **6.4 *Real Estate Agent Orientation***

Real Estate agencies were provided with the [Environmental Information Handbook](#) and [BMP brochure](#) for distribution and to make them aware of the ordinance standards. Nineteen agencies were sent this information on February 7<sup>th</sup> 2006. Furthermore, the Real Estate Community has been educated by PCMC presenting at the Board of Realtor meetings. During the meetings the handbook is distributed along with ordinance boundary maps, so there is no confusion regarding the boundaries.

### **6.5 *Lead Awareness Campaign to Local Physicians***

On February 7<sup>th</sup> 2006, five clinics were sent an [awareness correspondence](#) along with numerous BMP brochures for distribution. The correspondence also contained the Environmental Information Handbook that identifies the addresses that reside within the ordinance for reference purposes. Within the letter PCMC encourages physicians to test for blood lead for those clients residing within the boundary.

## **7.0 PROSPECTOR SAMPLING RECORDS AND DATA**

PCMC continues to populate a comprehensive database to track lot compliance and analytical results. The database has been populated with analytical results dating back to 1985. This data includes initial sampling projects as well as verification sampling results that are conducted after the cap is installed. The system is integrated into a GIS ArcMap project that plots all capped lots and spatial evaluations can be conducted in regards to lead levels. Lastly, the GIS ArcMap continues to expand upon the discovery of new historic mining impacts and was recognized by the National League of Cities this year.

## **8.0 PROSPECTOR DRAIN OUTFALL**

This year PCMC with oversight from Dr. Fitch with the University of Missouri Rolla Civil

Environmental Engineering Department and David Reisman who is the Director of USEPA's ORD Engineering Technical Support Center and National Risk Management Research Laboratory re-constructed the pilot anaerobic wetland cell. The intent of reconstructing the unit was to build the cell in a manner consistent with Mr. Reisman's recommendations and the Silver Creek Stakeholder Group. Furthermore, Bill Duncan and Al Mattes with Nature Works (<http://www.nature-works.net>) provided valuable input to increase the functionality of the biocell. After consulting with these experts, the unit was rebuilt using manure as a substrate inoculate and introducing limestone rock as well as installing three sampling ports within the three substrate sections. Also, the one storm water inflow grate that influenced the drain was covered, thereby isolating the flow to convey only shallow ground water to the treatment system.



Picture 15: Reconstructed Bio-cell June 06.

In conjunction with the rebuilding of the pilot, PCMC also designed a [vault](#) that will be installed upstream to the full-scale wetland. The purpose of the vault is to act as a bypass, in the event the flow exceeds the treatment capacity. Within this unit, PCMC also proposes to have flow meters installed in this unit in order to monitor the flow entering the biocell as well as the flow bypassing the treatment unit.

The new pilot has been sampled for three months, revealing the process reduces zinc by 85% and cadmium 80%. It is anticipated that the full-scale unit will be built in 2007 with Dr. Fitch providing technical oversight as well as UDEQ, USEPA, and the Upper Silver Creek Watershed Stakeholder Group, being involved in the construction. [Addendum 15](#) contains the results for the pilot cell to September 22<sup>nd</sup> 2006 and [Addendum 14](#) contains a summary of the sampling results for the Prospector Drain.

Funding for this project was approved by the City Council and a budget of \$150,000.00 was allocated for the construction of an anaerobic treatment system for treating the Prospector drain.

## **9.0 WORKER HEALTH AND SAFETY**

All external and internal utility or contract workers involved in generating soils and earthwork have been provided with a Worker Health and Safety Notice and recommended protective equipment. It is PCMC intent to increase worker awareness of practices that they can employ to minimize exposure to them and their families. This year the Park City High School reconstruction project commenced after the contractor submitted a Soils Management Protocol, Storm Water Management Plan, and Work Health and Safety. Also the contractor was required to provide employees with the Worker Health and Safety Notice and make them aware of the necessary personal protection required for the project.

Other companies that were required to fulfill the above worker health and safety requirements and soil management protocol were Comcast, Park City Municipal Corporation, and Silver Star Development. The City requires larger projects submit a more extensive soils management plan that specifies the worker health and safety requirements (PPE), disposal companies, and best management practices as it relates to storm water controls.

## **10.0 TOP SOIL ASSISTANCE PROGRAM (TSAP)**

Consistent with Council policy direction and to encourage accelerated compliance with the Soils Ordinance, the City has budgeted \$32,000 in fiscal year 2005 and \$15,000 Fiscal Year 2006. The implementation of the proposed [TSAP](#) is to provide property owners with assistance and incentive to procure compliant topsoil to adequately cap properties with known elevated lead levels. The TSAP has been divided into two funding phases; Phase I is specific to lots within the Original Ordinance Boundary (Prospector) and a Phase II is for the properties within the entire Soils Ordinance Boundary (Original and Expanded). The program was approved and funded by the City Council on August 11<sup>th</sup> 2004 and is administered by the Building Department. Upon issuance of a Certificate of Compliance the owner is provided with a TSAP summary fact sheet and instructions for reimbursement.

To date fifty-two property owners have participated in the TSAP, resulting \$ 23,467.44 being reimbursed for the purchase of acceptable cover. The City believes that the Phase II component of this program is a long-term incentive for property owners that will need to cap property due to elevated lead levels exceeding the ordinance threshold.

**Exhibit 11 to  
Alice Lode Factual Background**

**PLAT AMENDMENT**  
**(REQUIRED APPROVAL FROM PLANNING COMMISSION AND / OR CITY COUNCIL)**

**CITY COUNCIL**  
 Approved \_\_\_\_\_  
 Denied \_\_\_\_\_



**APPLICATION #**  
~~PD5-0118~~  
 PL-08-00371  
**RECEIPT #**  
 \_\_\_\_\_

**PLANNING COMMISSION**  
 Approved \_\_\_\_\_  
 Denied \_\_\_\_\_

Park City Municipal Corporation  
 PO Box 1480  
 Park City, Utah 84060  
 (435) 615-5060  
 (435) 615-4906 fax

**I. PROJECT INFORMATION**

**NAME:**  
 KING DEVELOPMENT GROUP, LLC

**ADDRESS/LOCATION:**  
 KING ROAD

**LEGAL DESCRIPTION:**  
 ATTACHED

**II. APPLICANT**

Please check one of the following:  owner     optionee     buyer     agent     other

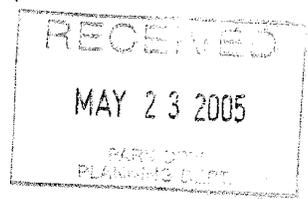
**NAME:**  
 JERRY FIAT

**MAILING ADDRESS:**  
 PO BOX 244  
 PARK CITY UT 84060

**PHONE #:** 935-513-1273      **FAX #:** \_\_\_\_\_

**Date Received:**

---



**SUBMITTAL REQUIREMENTS:**

1. Completed and signed application form (includes written description)
2. Review fees paid - Please see Fee Schedule
3. Two (2) copies of proposed plat
4. One (1) Copy of original survey of property with topography
5. Current title report (not older than 30 days)
6. One (1) set of Reduced Plans (8 1/4" x 11")
7. A site plan showing:
  - (a) any existing structures on site and on adjacent properties
  - (b) existing lots and lots to be created
7. Notice to all property owners within 300'.

At the time of recordation:

1. 3.5 Disc containing the final plat information, preferably on AutoCAD
2. 4 Mil mylar to have a trim size of 24" x 36" with 1/4 inch border on top, right, and bottom, and 1 - 1/4 inch border on left.
3. Signed by Owner and notarized (see signature block form in Subdivision Ordinance). Signed and sealed by Land Surveyor. Signed SBSID. Signature blocks for Mayor and City Recorder, Planning Commission Chair, City Engineer, City Attorney.
4. Please refer to the Recommended Check List for Subdivision Plats and Master Planned Development Plats, available in the Planning Department.

**PLEASE READ AND SIGN BEFORE APPLICATION SUBMITTAL**

As the applicant for this proposal, I understand that my application is not deemed complete until a Project Planner has reviewed the application. I further understand I will be notified by mail when my application has been deemed complete. At that time I expect that my application will be processed within a reasonable time, considering the work load of the Staff Planner.

After you have read the above, please sign your name and date:

X Name: King Development Group LLC  
Ray Joseph E. Tuel, Attorney-in-fact for  
King Fiat, manager

Date: \_\_\_\_\_



# ACKNOWLEDGMENT OF RESPONSIBILITY

This is to certify that I am making an application for the described action by the City and that I am responsible for complying with all City requirements with regard to this request. This application should be processed in my name and I am a party whom the City should contact regarding any matter pertaining to this application.

I have read and understood the instructions supplied by Park City for processing this application. The documents and/or information I have submitted are true and correct to the best of my knowledge.

I will keep myself informed of the deadlines for submission of material and of the progress of this application. I understand that a staff report will be made available for my review the week prior to any public hearings or public meetings. This report will be on file and available at the Planning Department, 3rd floor Marsac Building.

I further understand that additional fees may be charged for the City's review of the proposal. Any additional analysis required would be processed through the City's consultants with an estimate of time/expense provided prior to an authorization to proceed with the study.

X SIGNATURE OF APPLICANT: King Development Group LLC  
 NAME OF APPLICANT (please print) JERRY FIAT  
 MAILING ADDRESS: PO BOX 244  
PARK CITY UT: 84060  
 PHONE #: home 435 513 1273 work \_\_\_\_\_  
 FAX #: \_\_\_\_\_  
 TYPE OF APPLICATION: PLAT AMENDMENT

## AFFIRMATION OF SUFFICIENT INTEREST \*

I hereby affirm that I am the fee title owner of the below described property or that I have written authorization from the owner to pursue the described action.

NAME OF APPLICANT: (please print) JERRY FIAT FOR KING DEVELOPMENT GROUP, LLC  
 MAILING ADDRESS: PO BOX 244  
PARK CITY UT: 84060  
 STREET ADDRESS/LEGAL DESCRIPTION OF SUBJECT PROPERTY:  
SEE ATTACHED

X SIGNATURE: King Development Group LLC  
By Joseph E. Teach, City in Salt for Jerry Fiat, Manager DATE: 5/19/05

- \*1. If you are not the fee owner, attach another copy of this form which has been completed by the fee owner or a copy of your authorization to pursue this action.
- \*2. If a corporation is fee title holder, attach copy of the resolution of the Board of Directors authorizing this action.
- \*3. If a joint venture or partnership is the fee owner, attach a copy of agreement authorizing this action on behalf of the joint venture or partnership.

**PLEASE NOTE:** THIS AFFIRMATION IS NOT SUBMITTED IN LIEU OF SUFFICIENT TITLE EVIDENCE. YOU WILL BE REQUIRED TO SUBMIT A TITLE OPINION, CERTIFICATE OF TITLE, OR TITLE INSURANCE POLICY SHOWING YOUR INTEREST IN THE PROPERTY PRIOR TO FINAL ACTION.

# ENVELOPE REQUIREMENTS FOR APPLICATION SUBMITTAL

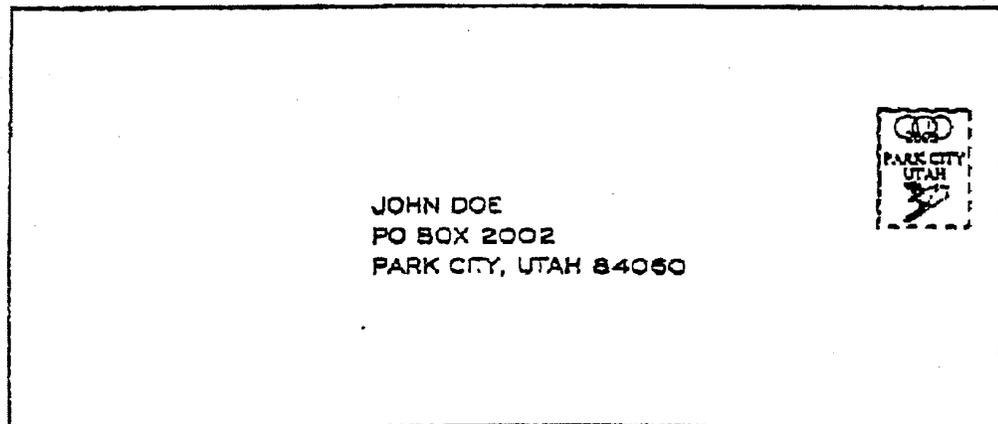


## ENVELOPE REQUIREMENTS FOR APPLICATION SUBMITTAL

### PLEASE SUBMIT:

1. LIST OF ADJACENT PROPERTY OWNERS, NAMES AND ADDRESSES. PLEASE PROVIDE THE SUMMIT COUNTY ASSESSOR'S PARCEL NUMBER FOR EACH PROPERTY OWNER IF POSSIBLE.
2. ENVELOPES WITH LABELS AND STAMPS (WE DO NOT ACCEPT METERED ENVELOPES) AFFIXED WITH NO RETURN ADDRESS

### SAMPLE



THANK YOU FOR YOUR COOPERATION

## EXHIBIT A

**Order Number:** 15192A

### LEGAL DESCRIPTION

Parcel 1:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, Block 77, Millsite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder.

(Tax Serial No. PC-712)

Parcel 2

Alice Lode Mining Claim, designated by the Surveyor General as Lot 3331, embracing a portion of the Northeast quarter of Section 21, Township 2 South, Range 4 East, SLB&M, and more particularly described as follows:

Beginning at corner No. 1, a pine post 4 inches square, marked 1-3331, with a mound of stone, from which corner No. 1 of Lot No. 655, the Park View lode claim, bears South 64°26' West 283.4 feet distant; and the quarter section corner between Sections 16 and 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, bears North 22°33' West 1671 feet; distant; thence first course, magnetic variation 16°30' East, South 59°30' East 99 feet intersect line 1-2 of Lot No. 256, the Huron Mine lode claim at South 65°45' West 101 feet from corner No. 1; 267.4 feet intersect line 1-2 of said Lot No. 655; 566 feet to corner No. 2; thence second course, magnetic variation 16°33' East; North 7°34' East 145.2 feet intersect line 1-2 of said Lot No. 655; 340.3 feet to corner No. 3; thence third course, magnetic variation 16°40' East, North 30°54' East 301.9 feet intersect the West boundary line of the Northeast quarter of the Northeast quarter of said Section 21, 349.7 feet to No. 4; thence fourth course, magnetic variation 16°35' East, North 17°20' East, 788 feet to corner No. 5 on top of dividing ridge between Woodside and Empire Canyons, and not established; thence fifth course, magnetic variation 16°50' East, North 59°30' West 37 feet to witness corner to said corner No. 5, a pine post 4 inches square marked W.C. 5-3331, in mound of stones; 137.6 feet intersect line 2-3 of Lot 653, the Newell lode claim; 300.9 feet intersect West boundary line of the Northeast quarter of the Northeast quarter of said Section 21; 308.1 feet to a point from which discovery monument bears South 17°20' West 906 feet distant, 318.1 feet to corner No. 6; thence sixth course, magnetic variation 16°50' East, South 36° West 462.3 feet intersect line 2-3 of said Lot No. 653; 1,122.2 feet to corner No. 7 identical with corner No. 2 of Lot 56, the Woodside lode claim; thence seventh course, magnetic variation 16°30' East, South 2°06' West 223.2 feet intersect line 3-4 of said Lot No. 56 at South 65°45' West 99.1 feet from corner No. 3, also intersect line 3-4 of said Lot 256, at South 65°45' West 99.1 feet from corner No. 4 and from said corner No. 4 corner No. 1 of said Lot No. 256 bears South 24°15' East 200 feet distant, 356.2 feet to corner No. 1, the place of beginning.

Expressly excepting and excluding from these presents all that portion of the ground, hereinbefore described, embraced in said mining claims or Lot No's. 56, 256, 653 and 655 and the Northeast quarter of the Northeast quarter of said Section 21, also those portions of survey No. 3057, the Grade Lode claim, in conflict with said Lot No's. 56, 256 and 655.

Also, Excepting therefrom, the following described tracts:

Beginning at Corner No. 7 of the Alice Claim, Mineral Survey No. 3331 (a part of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); and running thence along the Westerly boundary of the Alice Claim North  $36^{\circ}05'04''$  East 185 feet; thence South  $25^{\circ}11'$  East 375 feet; thence South  $29^{\circ}44'07''$  West 198.23 feet; thence running North  $25^{\circ}11'$  West 400 feet, more or less, to the point of beginning.

Beginning at a point North  $36^{\circ}05'04''$  East 185 feet from the corner No. 7 of the Alice Claim, Mineral Survey No. 3331 (a part of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); and running thence along the Westerly boundary of the Alice Claim North  $36^{\circ}05'04''$  East 94 feet; thence South  $25^{\circ}11'$  East 370 feet; thence South  $33^{\circ}28'50''$  West 96.50 feet; thence North  $25^{\circ}11'$  West 375 feet, more or less, to the point of beginning.

Also, excepting therefrom the following:

A strip of land thirty feet in width, i.e., fifteen feet on either side of a line located as follows:

Commencing at a point 110 feet Westerly from the Southeast corner of the Alice Lode Mining Claim, patented as lot 3331, located in the Northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and in the Uintah Mining District, Summit County, Utah; and running thence North  $7^{\circ}20'$  West 125 feet; thence North  $20^{\circ}49'$  East 224.3 feet; thence North  $28^{\circ}8'$  East 236.5 feet; thence North  $3^{\circ}13'$  East 80.7 feet; thence North  $9^{\circ}39'$  East 105 feet; thence North  $20^{\circ}47'$  East 730.6 feet, to the North end line of said claim; with the addition of 60 feet on either side of said strip of land commencing 100 feet from the Southerly end of said strip and extending 300 feet Northerly on each side of said of land.

(Tax Serial No. PC-S-55)

TITLE INSURANCE COMMITMENT  
BY



**Order Number:** 15192A

We agree to issue policy to you according to the terms of the Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the Policy.

Our obligation under this Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-I.

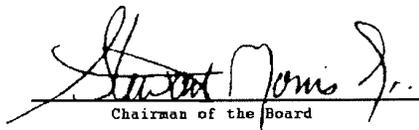
The Exceptions in Schedule B-II.

The Conditions on Page 2.

This Commitment is not valid without SCHEDULE A and Sections I and II of SCHEDULE B.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.

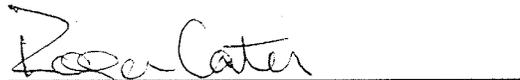


  
Chairman of the Board



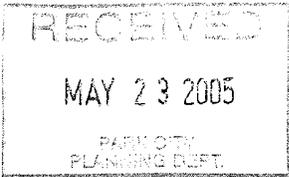
  
President

Countersigned:

  
Authorized Countersignature

Coalition Title Agency, Inc.  
2200 Park Avenue, Suite C-100  
Park City, UT 84060

**Order Number: 15192a**  
Page 1 of 2 Commitment - 235 W/O Disclosure



# COALITION TITLE AGENCY

Agent for

## COMMITMENT FOR TITLE INSURANCE SCHEDULE A

1. **Effective Date:** May 5, 2005 at 8:00 a.m.

**Commitment No.** 15192A

2. **Policy or Policies To Be Issued:**

ALTA (1992) Owner's Policy

**Amount:** \$1,000.00

Standard ( ) Extended

**Premium:** \$200.00

**Proposed Insured:** To Be Determined

ALTA (1992) Loan Policy

**Amount:**

Standard ( ) Extended

**Premium:**

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:**

FEE SIMPLE

4. **Title to the estate or interest in said land is at the effective date hereof vested in:**

Frank Dotson as to Parcel 1 and Frank E. Dotson as to Parcel 2

5. **The land referred to in this Commitment is described as follows.**

**Situated in** County, Utah.

See Exhibit "A" attached hereto and made a part hereof

For information purposes only, the property address is purported to be:

100 King Road  
Park City, Utah 84060

## EXHIBIT A

**Order Number:** 15192A

### LEGAL DESCRIPTION

Parcel 1:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, Block 77, Millsite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder.

(Tax Serial No. PC-712)

Parcel 2

Alice Lode Mining Claim, designated by the Surveyor General as Lot 3331, embracing a portion of the Northeast quarter of Section 21, Township 2 South, Range 4 East, SLB&M, and more particularly described as follows:

Beginning at corner No. 1, a pine post 4 inches square, marked 1-3331, with a mound of stone, from which corner No. 1 of Lot No. 655, the Park View lode claim, bears South 64°26' West 283.4 feet distant; and the quarter section corner between Sections 16 and 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, bears North 22°33' West 1671 feet; distant; thence first course, magnetic variation 16°30' East, South 59°30' East 99 feet intersect line 1-2 of Lot No. 256, the Huron Mine lode claim at South 65°45' West 101 feet from corner No. 1; 267.4 feet intersect line 1-2 of said Lot No. 655; 566 feet to corner No. 2; thence second course, magnetic variation 16°33' East; North 7°34' East 145.2 feet intersect line 1-2 of said Lot No. 655; 340.3 feet to corner No. 3; thence third course, magnetic variation 16°40' East, North 30°54' East 301.9 feet intersect the West boundary line of the Northeast quarter of the Northeast quarter of said Section 21, 349.7 feet to No. 4; thence fourth course, magnetic variation 16°35' East, North 17°20' East, 788 feet to corner No. 5 on top of dividing ridge between Woodside and Empire Canyons, and not established; thence fifth course, magnetic variation 16°50' East, North 59°30' West 37 feet to witness corner to said corner No. 5, a pine post 4 inches square marked W.C. 5-3331, in mound of stones; 137.6 feet intersect line 2-3 of Lot 653, the Newell lode claim; 300.9 feet intersect West boundary line of the Northeast quarter of the Northeast quarter of said Section 21; 308.1 feet to a point from which discovery monument bears South 17°20' West 906 feet distant, 318.1 feet to corner No. 6; thence sixth course, magnetic variation 16°50' East, South 36° West 462.3 feet intersect line 2-3 of said Lot No. 653; 1,122.2 feet to corner No. 7 identical with corner No. 2 of Lot 56, the Woodside lode claim; thence seventh course, magnetic variation 16°30' East, South 2°06' West 223.2 feet intersect line 3-4 of said Lot No. 56 at South 65°45' West 99.1 feet from corner No. 3, also intersect line 3-4 of said Lot 256, at South 65°45' West 99.1 feet from corner No. 4 and from said corner No. 4 corner No. 1 of said Lot No. 256 bears South 24°15' East 200 feet distant, 356.2 feet to corner No. 1, the place of beginning.

Expressly excepting and excluding from these presents all that portion of the ground, hereinbefore described, embraced in said mining claims or Lot No's. 56, 256, 653 and 655 and the Northeast quarter of the Northeast quarter of said Section 21, also those portions of survey No. 3057, the Grade Lode claim, in conflict with said Lot No's. 56, 256 and 655.

Also, Excepting therefrom, the following described tracts:

Beginning at Corner No. 7 of the Alice Claim, Mineral Survey No. 3331 (a part of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); and running thence along the Westerly boundary of the Alice Claim North  $36^{\circ}05'04''$  East 185 feet; thence South  $25^{\circ}11'$  East 375 feet; thence South  $29^{\circ}44'07''$  West 198.23 feet; thence running North  $25^{\circ}11'$  West 400 feet, more or less, to the point of beginning.

Beginning at a point North  $36^{\circ}05'04''$  East 185 feet from the corner No. 7 of the Alice Claim, Mineral Survey No. 3331 (a part of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); and running thence along the Westerly boundary of the Alice Claim North  $36^{\circ}05'04''$  East 94 feet; thence South  $25^{\circ}11'$  East 370 feet; thence South  $33^{\circ}28'50''$  West 96.50 feet; thence North  $25^{\circ}11'$  West 375 feet, more or less, to the point of beginning.

Also, excepting therefrom the following:

A strip of land thirty feet in width, i.e., fifteen feet on either side of a line located as follows:

Commencing at a point 110 feet Westerly from the Southeast corner of the Alice Lode Mining Claim, patented as lot 3331, located in the Northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and in the Uintah Mining District, Summit County, Utah; and running thence North  $7^{\circ}20'$  West 125 feet; thence North  $20^{\circ}49'$  East 224.3 feet; thence North  $28^{\circ}8'$  East 236.5 feet; thence North  $3^{\circ}13'$  East 80.7 feet; thence North  $9^{\circ}39'$  East 105 feet; thence North  $20^{\circ}47'$  East 730.6 feet, to the North end line of said claim; with the addition of 60 feet on either side of said strip of land commencing 100 feet from the Southerly end of said strip and extending 300 feet Northerly on each side of said of land.

(Tax Serial No. PC-S-55)

# COMITMENT FOR TITLE INSURANCE

## SCHEDULE B – Section 1

### REQUIREMENTS

Commitment No. 15192A

#### Requirements

The following are the requirements to be complied with:

- A. Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.
- B. Instrument(s) in insurable form, which must be executed, delivered and duly filed for record.
- C. Release(s), reconveyance(s), or satisfaction(s), of items to be paid off.
- D. Any matter in dispute between you and the Company may be subject to arbitration as an alternative to court action pursuant to the Title Insurance Rules of the American Arbitration Association, a copy of which is available from the Company. Any decision reached by arbitration shall be binding upon both you and the Company. The arbitration award may include attorney's fees if allowed by state law and may be entered as a judgment in any court of proper jurisdiction.
- E. This Commitment will be subject to defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment if not cleared prior to recordation of the insured interest.
- F. Notice to Applicant: If the applicant desires copies of the documents underlying any exception to coverage shown herein the Company will furnish the same on request, if available, either with or without charge as appears appropriate.
- G. Notice to Applicant: The Land covered herein may be serviced by districts, service companies and/or municipalities which assess charges for water, sewer, electricity and any other utilities, etc. which are not covered by this report or insured under a title insurance policy.
- H. Pay us the premiums, fees and charges for the policy. In the event the transaction for which this commitment is furnished cancels, the minimum cancellation fee will be \$200.00
- I. The Title may be subject to further exceptions upon the disclosure of the identity of the buyer.

## COMMITMENT FOR TITLE INSURANCE

### SCHEDULE B – Section 2 EXCEPTIONS

Commitment No. 15192A

**Schedule B of the policy or policies to be issued will contain the exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceeding, whether or not shown by the records of such agency or by public record.
2. Any facts, rights, interests, or claims which are not shown by the public records, but which could be ascertained by an inspection of the land or by making inquiry of person in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims, or title to water.
6. Any lien or right to a lien for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Any adverse claim based upon the assertion that (a) Some portion of the land forms the bed or bank of a navigable river or lake, or lies below the mean high water mark thereof; (b) The boundary of the land has been affected by a change in the course or water level of a navigable river or lake; (c) The land is subject to water rights, claims or title to water and to any law or governmental regulation pertaining to wetlands.
8. (PARCEL 1)

Taxes for the year 2005 are now accruing as a lien, but are not yet due and payable (Serial No. PC-712). Taxes for the year 2004 have been paid in the amount of \$1,016.06.

(PARCEL 2)

Taxes for the year 2005 are now accruing as a lien, but are not yet due and payable (Serial No. PC-S-55). Taxes for the year 2004 have been paid in the amount of \$236.76.

9. (AFFECTS PARCEL 1)

The terms and conditions in that certain encroachment permit executed by and between Park City Municipal Corporation, and Robert Karz, recorded as Entry No. 213161, in Book 278, at Page 772-4 of the Official Records.

10. (AFFECTS THE WESTERLY PORTIONS OF LOT 36 THROUGH 40, BLOCK 77, MILLSITE RESERVATION)

The terms, conditions, covenants and easements contained in the certain Grant of Easement recorded January 16, 1986, as Entry No. 244949, in Book 370, at Page 209 in the office of the Summit County Recorder.

11. Easements and Right of Way for Public Roads as presently existing over, along and across said property.

12. (AFFECTS PORTIONS OF PARCEL 1)

Encroachment of a concrete retaining wall situated on the subject property onto the land adjoining said subject property to the North as disclosed by that certain Survey performed by Joe Dhaenans, Certificate No. 187821 and filed October 15, 1996 in the Summit County Recorder. Survey No. S-2442.

13. (AFFECTS PARCEL 1)

Reservations contained in that certain Special Warranty Deed executed by United Park City Mines Company, a Delaware corporation, recorded July 1, 1971, as Entry No. 113448, in Book M31, at Page 688 of the Official Records, set forth as follows:

Excepting and Reserving to Grantor, its successors and assigns, allures and minerals situated in, upon or under the above described tract of land, together with all rights in connection with or relative to the mining, removal or sale of the same (but not including the right to enter upon the surface of the premises)

THE FOLLOWING EXCEPTIONS 16 THROUGH 19 AFFECT PARCEL 2

14. Prescriptive Easements in favor of Park City Municipal Corporation, as disclosed by that certain Judgment filed under Civil No. 7145 and recorded November 22, 1989, as Entry No. 316054, in Book 543, at Page 387 and re-recorded April 4, 1990 as Entry No. 322903, in Book 560, at Page 459 of the official records, said Prescriptive Easements being more particularly described as follows:

3. Park City Municipal Corporation holds a prescriptive easement to use and maintain the existing dirt through the real property know as the Alice Lode Mining Claim described herein for both use and maintenance of the road.
4. Park City Municipal Corporation holds a prescriptive easement to use and maintain a pipeline for the portion of the water pipeline route identified at trial as Segment B, which generally extends from the open reservoir Northwesterly to the existing dirt road across the real property known as Alice Lode Mining Claim described in No. 1 above.
5. The prescriptive easement for the dirt road described in Paragraph No. 3 above held by Park City Municipal Corporation encompasses as easement to use and maintain the water pipeline which parallels and follows the road as well which easement does not further burden the servient estate created by the road easement.
6. Park City Municipal Corporation obtained and holds an easement by necessity to access and to maintain such assess to the real property described in No. 2 above quieted to it.
7. Park City Municipal Corporation obtained and holds a easement by necessity for water lines leading to the real property quieted to it.
15. Easement and right of way for a dirt road as presently existing over, along and across said property as disclosed by a mining plat of said property.
16. Easement for ingress and egress and mineral reservations contained in those certain Quit Claim Deeds by Bonnie Mae Averett McSparron, and Marjorie Jean Tabor, recorded June 17, 1981, as Entry No. 180757 and 180756, in Book M190 at Pages 414 and 412, respectively, set forth as follows:

Further excepting and reserving unto Grantor and to her heirs, successors and Assigns, the right to use the Woodside road as means of ingress and egress to and from the above described parcel of land reserved by Grantor, which road is presently a dirt road which traverses the Alice Claim and Leads from King's Road in Park City, Utah, to a water tank situated in the Southeastern portion of said Alice Claim, and which dirt road is adjacent to the Easterly boundary line of the above described parcel of land reserved by Grantor.

Further excepting and reserving unto Grantor and to her heirs, successors and assigns, all of Grantor's right, title and interest in and to all ores, minerals, and mineral rights of every kind and description in, under and to the Alice Claim, together with the right to extract, remove and sell the same, but not the right to enter for such purposes upon the surface of the portion of the Alice Claim that is conveyed to Grantees by this deed.
17. Said property is located within the Park City Neighborhood Development Plan as set forth in Ordinance 82-3, recorded February 16, 1982, as Entry No. 188603, in Book 212, at Page 148, and Redevelopment Area as disclosed on plat recorded April 15, 1983, as Entry No. 204659, Summit

County Recorder's Office.

Amendment to Park City Neighborhood Development Plan, recorded November 2, 1990, as Entry No. 332260, in Book 585, at Page 147, Summit County Recorder's Office.

18. Said property is located within the boundaries of the Snyderville Basin Water Reclamation District and is subject to charges and assessments levied thereunder.

19. (AFFECTS PARCEL 1)

Said property is located within the boundaries of PARK CITY, SUMMIT COUNTY LEVY, WEBER BASIN WATER CONSERVANCY DISTRICT, SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, PARK CITY SCHOOL DISTRICT, PARK CITY WATER SERVICE DISTRICT and is subject to charges and assessments levied thereunder.

20. (AFFECTS PARCEL 2)

Said property is located within the boundaries of PARK CITY, SUMMIT COUNTY LEVY, WEBER BASIN WATER CONSERVANCY DISTRICT, SNYDERVILLE BASIN SEWER IMPROVEMENT DISTRICT, PARK CITY FIRE PROTECTION DISTRICT, PARK CITY SCHOOL DISTRICT, PARK CITY WATER SERVICE DISTRICT and is subject to charges and assessments levied thereunder.

NOTE: THE FOLLOWING NAMES HAVE BEEN CHECKED FOR JUDGMENTS:

Frank Dotson

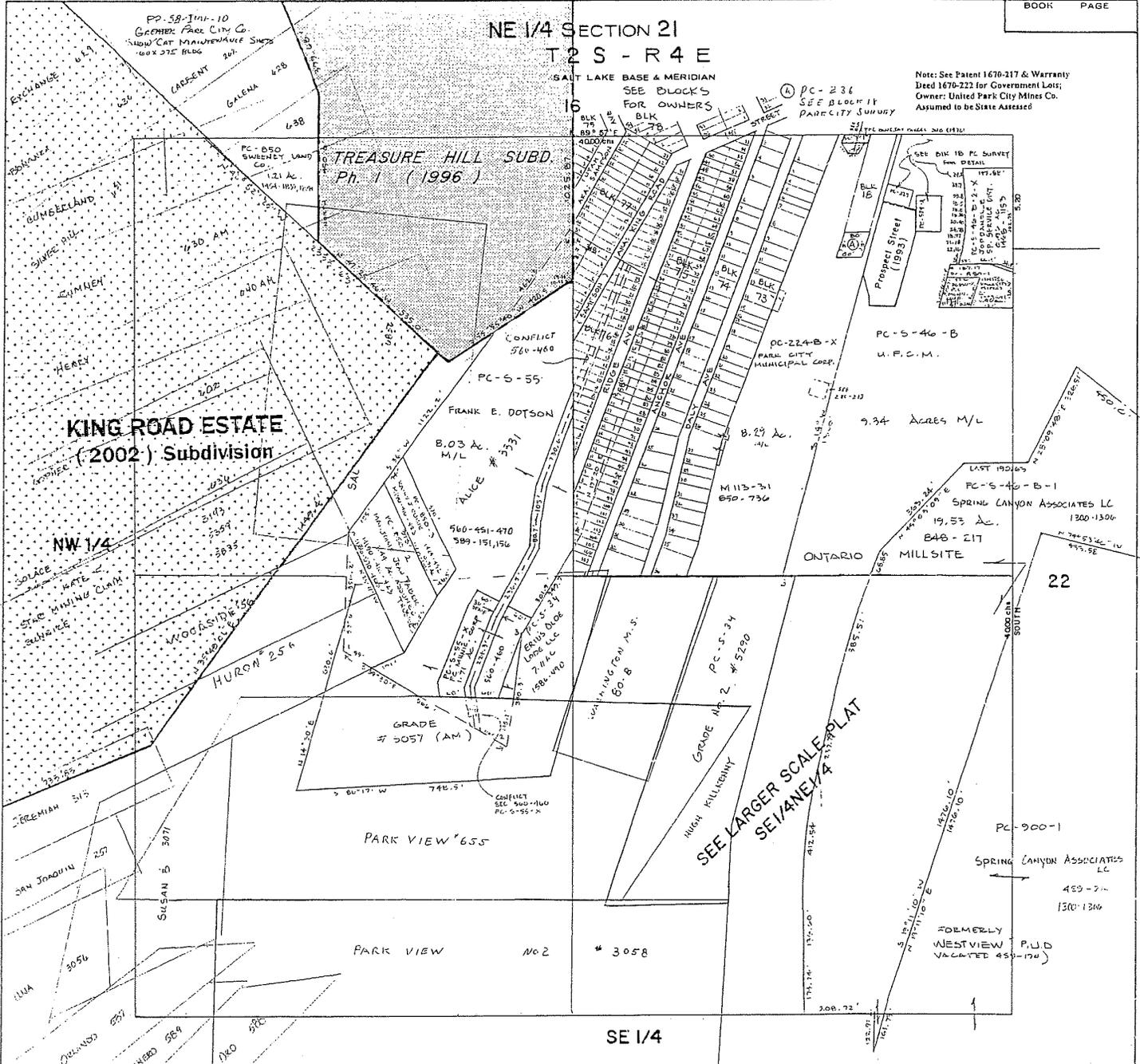
Frank E. Dotson

NO UNSATISFIED JUDGMENTS HAVE BEEN FILED IN THE PAST EIGHT YEARS.

NE 1/4 SECTION 21  
T2 S - R4 E

SALT LAKE BASE & MERIDIAN  
SEE BLOCKS  
FOR OWNERS  
BLK 78

Note: See Patent 1670-217 & Warranty  
Deed 1670-222 for Government Lots;  
Owner: United Park City Mines Co.  
Assumed to be State Assessed



Approved	REVISIONS - DATE AND INITIAL	(In Panel)
Utah State Tax Comm		

SUMMIT COUNTY, UTAH

SCALE	ONE INCH = 200 FEET
BOOK	PAGE

Date By  
Engineering Associates Inc.

WEK 501 21 25  
46

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN  
LOCATING THE LAND AND THIS COMPANY ASSUMES NO LIABILITY  
FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

## JOINT NOTICE OF PRIVACY POLICY NOTICE

---

### PURPOSE OF THIS NOTICE

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of and/or **Coalition Title Agency, Inc.**

We may collect nonpublic personal information about you from the following sources:

- Information we receive from you, such as on applications or other forms.
- Information about your transactions we secure from our files, or from our affiliates or others.
- Information we receive from a consumer reporting agency.
- Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

- Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.
- Non-financial companies such as envelope stuffers and other fulfillment service providers.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

RECEIPT  
**PARK CITY  
MUNICIPAL  
CORPORATION**

P.O BOX 1480  
PARK CITY, UTAH 84060  
PHONE 615-5221

DATE 5/23/05

REC'D FROM JONATHAN DEGRAY - ARCH

CREDIT CARD

CASH

1725 CHECK

450<sup>00</sup>

WATER SERVICE		
BUSINESS LICENSE		
FINES		
PARKING TICKET NO.		
PARKING PERMIT		
MISC.REVENUES		
<u>King Rd</u>		
<u>Plat Amend/Plan App</u>	<u>45000</u>	
BUILDING PERMIT		
PLAN CHECK FEES		
CONNECTION FEE		
METER		
WATER DEV.		
1% STATE		
IMPACT OPEN SPACE		
IMPACT PUBLIC SAFETY		
IMPACT STREETS		
IMPACT		
ELECTRICAL		
PLUMBING		
MECHANICAL		
SIGN PERMIT		

58533

REC'D BY [Signature]

**Exhibit 12 to  
Alice Lode Factual Background**



**Building • Engineering • Planning**

June 9, 2005

Jerry Fiat  
PO Box 244  
Park City, Utah 84060

Dear Mr. Fiat:

Recently, staff met to discuss your application for a subdivision creating 9 building lots at the Alice Lode in Park City. This letter is to inform you of the items which were discussed, and provide you with staff's preliminary input regarding what will need to be accomplished prior to your project being scheduled for Planning Commission review.

**Sensitive Lands Ordinance Review**

The proposed building is located within the sensitive lands overlay. There are three primary steps in the review process for compliance with the SLO regulations:

- **Sensitive area determination:** Applications shall identify the property's sensitive environmental and aesthetic areas.
- **Application of Overlay zone regulations:** Regulatory standards that are applied to the type of sensitive area delineated.
- **Site development suitability review:** Staff shall review the sensitive area analysis and report to the Planning Commission and applicant those areas appropriate for development, who in turn makes a final suitability determination.

**Steep Slope Review**

Land Management Code Chapter 15-2.2.6 lists all residential structures in excess of 1,000 square feet on a slope which exceeds 30% as conditional uses. Staff requests that you submit a detailed slope analysis of each of the proposed lots within the HR-1 and HRL zones. This analysis should include proposed house sites/building pads, driveway access, and a discussion of any grading or terracing which would be necessary.

**Access**

The site plan that you submitted for the area shows a new access to the property entering at the intersection of Sampson Avenue and King Road. Staff requests more specific details demonstrating how it will comply with Chapter 5 of the International Fire Code, and specific grading details.

Access to proposed lots 7 and 8 would cross the City owned right-of-way leading from the water facility to King Road. Any access to those lots will need to be reviewed and approved by the City Engineer. Again, specific grading details should be provided.

**Vegetation**

There are a number of large trees and other significant types of vegetation on the site. Therefore staff is requesting that an air-photo, orthographic map, etc. be submitted which delineates all significant vegetation on site including:

- Deciduous trees
- Coniferous trees
- gambel oak or high shrub
- sage or grassland

**Soils Review**

The Alice Lode site is known to contain significant mine tailing waste, and therefore heavy metal constituents (i.e. lead, arsenic, mercury). Although the site is located within the Park City limits, it is outside of the Expanded Soils Ordinance Area, so the ordinance is not applicable. As a result, any soils generated from construction activities will have to be managed in accordance with State (UDEQ) and Federal (USEPA) RCRA and CERCLA Standards. Whatever option you pursue, staff will require an approved UDEQ Work Plan that defines all operational and constructional procedures during the remediation. The Work Plan should include, but not limited to, the means and methods of mitigating any human and environmental exposures, the extent and location of soil movement on and off-site, and the proposed remediation of the area upon which the subdivision will reside. Staff is therefore requesting that you characterize the site to assess the extent of the contamination and determine the correct strategy for remediation as part of the application review.

**Trails**

There are a number of existing hiking and biking trails that meander through the site. Please provide information indicating locations and easements for the trails on the proposed plat.

Thank you for your attention to these issues, if you would like to meet or discuss any issue raised in this letter, please feel free to contact me at (435)615-5064. We look forward to working with you on this challenging project.

Best Regards,



Ray Milliner  
City Planner

**Exhibit 13 to  
Alice Lode Factual Background**

Joseph E. Tesch (A3219)  
TESCH LAW OFFICES, P.C.  
314 Main Street, Suite 200  
P.O. Box 3390  
Park City, Utah 84060-3390  
Telephone: (435) 649-0077  
Facsimile (435) 649-2561

---

ALICE LODGE—COMMITMENT OF PARK  
CITY TO SITE PLAN

DECLARATION OF DAVID KAGAN

---

David Kagan hereby declares and states as follows:

1. I am an adult male fully competent and a member of King Development Group, LLC (“King Development”), a Utah limited liability company. I have been a member of King Development since its inception and up and to the present date.

2. In that capacity, I have personal knowledge of King Development’s pre-purchase due diligence and ultimate purchase in about September 2005 of the Alice Lode property located in Park City, Utah and King Development’s subsequent negotiations and interactions with Park City regarding the voluntary cleanup and future development of homes on Alice Lode.

3. As part of its pre-purchase due diligence on Alice Lode, King Development confirmed that Park City had an agreement in place with United Park City Mines to dispose of Alice Lode impacted soils at Richardson Flats. See Memorandum of Agreement attached as Exhibit A. We also confirmed that Richardson Flats had the capacity to deposit the entire quantity of waste soils from Alice Lode. Without this agreement and the required capacity at Richardson Flats, King Development would never have purchased Alice Lode.

4. I was involved in the process of designing a nine-home lot development that became an exhibit to the Alice Lode Voluntary Cleanup Mitigation Work Plan, revised in August of 2006 to include the cleanup of Park City's parcel which bisected the Alice Lode property (the "Voluntary Cleanup Plan"). See Figures 2, 6, 7 and 8 attached to the Voluntary Cleanup Plan and attached hereto as Exhibit B.

5. I have been advised that the Voluntary Cleanup Plan provides for a risk-based cleanup. To complete the Voluntary Cleanup Plan, it was necessary to identify the home lot lines so that target metal cleanup concentrations could be set that would protect human health and the environment. We planned home lot lines, roads, driveways and subdivision configuration guided by the Voluntary Cleanup Plan and vice versa.

6. The proposed locations of home sites were a primary factor in completing the Voluntary Cleanup Plan. The nine home lots were cleaned up to lower concentration levels, while areas outside of the home lots were not cleaned up to that same level.

7. King Development spent more than \$1 million designing the 9-home development plan (Figure 2 of Exhibit B) and in preparing and completing the Voluntary Cleanup Plan on the Alice Lode property, including Park City's parcel.

8. Figure 7 attached to the Voluntary Cleanup Plan shows where concentrations of contaminated soils existed. In the Voluntary Cleanup Plan it states that "the lots, streets and home locations presented in this document are still in the development stage and have not been officially approved by PCMC [Park City Planning Commission] ... and while the property lines of each lot have not been established at this time, the Voluntary Cleanup Plan assumes that the development will occur simultaneously with the mitigation." From these words and other

sources, I concluded that the lot locations in the Voluntary Cleanup Plan were the locations, or close to, that Park City would approve.

9. I also understood that, while “officially” no promises were made as to what Park City officials might ultimately approve, Park City officials Jeff Schoenbacher (Environmental Specialist) and Ron Ivie (Chief Building Official) indicated that they would recommend and support the location of the 9-home development plan in Figure 2 of Exhibit B. Ron Ivie further stated that while he made no “commitment” on density since it was a Planning Commission issue, that he personally did not have a problem with it. Park City planning staff, legal staff and Planning Commissioners were present at times when I heard these statements.

10. I understood that Jeff Schoenbacher and Ron Ivie were under a lot of pressure from Utah and federal regulatory authorities to clean up the large quantities of mining-contaminated soils located within Alice Lode.-

11. As a result of this pressure, Jeff Schoenbacher and Ron Ivie, encouraged King Development to clean up the City’s parcel within the Alice Lode when King Development did the cleanup of its property. As a result of these requests and relying on Park City’s good faith, King Development agreed to perform and pay all costs of the cleanup based upon the Voluntary Cleanup Plan and the 9-home development plan.

12. I have knowledge that Park City became a co-applicant to the Voluntary Cleanup Plan as is indicated by Exhibit B attached hereto, containing the signature of the then Park City Manager, Tom Bakaly, which occurred on July 9, 2008. At the time the City became the co-applicant, the 9-home development plan attached to the Voluntary Cleanup Plan was in place and remain unchanged.

13. I have knowledge that one of reasons for the City becoming a co-applicant with King Development was to avoid being included on the National Priority List (NPL) which, I understand to be the same as the "Superfund" list. Having Park City on that list, would create a very negative impact for the City, its citizens and their property values.

14. I have been informed that the Voluntary Cleanup Plan work has been completed and that it was completed based upon the 9-home development plan contained in the Voluntary Cleanup Voluntary Cleanup Plan. I understood that the City assigned Jeff Schoenbacher to oversee the Voluntary Cleanup Plan and the cleanup work performed by King Development.

15. Subsequent to the cleanup, the Park City Planning Commission has not provided its recommendation on the 9-home development plan contained in the Voluntary Cleanup Plan. Moreover, no official or employee of Park City has agreed to recommend to the Park City Planning Commission approval of the 9-lot development plan as set forth in the Voluntary Cleanup Plan.

16. When the Park City officials refused to recommend these home sites, among other actions, King Development requested a meeting with Park City officials and employees, including Ron Ivie, the now former Chief Building Inspector.

17. The meeting occurred February 2013

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Dated this 28 day of SEPTEMBER, 2014.

  
David Kagan

# **EXHIBIT A**

**Exhibit A to Declaration of David Kagan**

See Exhibit 17 to Alice Lode Factual  
Background

# **EXHIBIT B**

Jeff Schoenbacher

---

From: ~~Jeff Schoenbacher~~ - PARK CITY  
Sent: Friday, July 15, 2005 8:44 AM  
To: 'Kerry Gee' (MOVE CO. (TALISKER DEVELOPMENT))  
Subject: FW: Alice Load

Kerry;

I sent this yesterday and discovered we had a problem with our email server. This is the estimate for the Alice Load. Thanks for your time yesterday.

Jeff

---

From: Raymond Stillwell [mailto:raymond.stillwell@amec.com]  
Sent: Thursday, July 14, 2005 4:45 PM  
To: Jeff Schoenbacher  
Cc: Jerry Fiat (E-mail); Kathy Harris  
Subject: Alice Load

Jeff,

This is to confirm our conversation that United Park City Mines would be undertaking work upstream in Woodside Gulch and wanted to coordinate efforts relative to disposal of tailings at Richardson Fiats. We suspect that 8,000 to 12,000 yards of material will be involved in relocation efforts from the Alice Load area.

Please coordinate a meeting with United Park City Mines as soon as practical.

Thank you for your input and help with this endeavor.

Ray

Our office moved as of June 6th. My new contact information is:

Raymond J. Stillwell, PE  
Manager of Environmental Services  
AMEC Earth & Environmental, Inc.  
9865 South 500 West  
Sandy, Utah 84070  
Office: 801.999.2022  
Mobile: 801-808-0853  
Fax: 801.999.2035

The information contained in this e-mail is intended only for the individual or entity to whom it is addressed. Its contents (including any attachments) may contain confidential and/or privileged information. If you are not an intended recipient you must not use, disclose, disseminate, copy or print its contents. If you receive this e-mail in error, please notify the sender by reply e-mail and delete and destroy the message.

7/26/2005

## MEMORANDUM OF UNDERSTANDING

TO: UNITED PARK CITY MINES COMPANY  
FROM: PARK CITY MUNICIPAL CORPORATION  
SUBJECT: RICHARDSON FLATS REPOSITORY AGREEMENT  
DATE: MAY 10, 2005

The purpose of this memo of understanding (MOU) is to clarify Park City Municipal Corporation (PCMC) and United Park City Mines Company's agreement regarding disposal of Beville Exempt Mine Waste within the Richardson Flats repository.

As outlined in the January 13<sup>th</sup>, 2004 letter from City Manager Tom Bahaly to James Tadeson, the City supports use of Richardson Flats as a consolidation area for mine waste related material. In accordance with the Flagstaff Development Agreement, UPCM has agreed to accept mine waste or associated impacted soils that are Beville Exempt and generated within the City limits. The time frame for utilizing the Richardson Flats Repository will be as long as UPCM keeps the consolidation area open.

As agreed upon, PCMC will comply with the following requirements required by UPCM:

- UPCM agrees that materials generated by PCMC will be exempt from dumping (tipping) fees, with the exception of a \$2.25 per cubic yard charge for grading incoming soils. However, UPCM has agreed that if PCMC provides equipment to do the grading at the direction of UPCM that fee (or a portion thereof) will be waived.
- PCMC agrees to comply with UPCM conditions in regards to quantity, quality, type of material delivered, and timing of delivery. The following material is prohibited from entering the repository:
  - o Concrete
  - o Asphalt
  - o Rebar
  - o Refuse
  - o Construction Debris
  - o Wood or wood type material
  - o Organics
- PCMC will assure UPCM that standards of assessment will be completed before acceptance of delivery of mine materials to ensure Beville Exempt qualification. The following will be provided upon request:
  - o Phase II Environmental Assessment Reports and Analytical Reports
  - o Historic analytical reports completed within the area from where the soils originate that reflect metals concentrations.

- PCMC will comply with UPCM direction in regards to the placement location, spreading and compaction of materials
- PCMC will comply with all applicable laws and US EPA regulations.
- UPCM may seek compensation from private sector developer/builders conducting large development projects within the Soils Ordinance Boundary that seek to bring material to Richardson Flats
- Owners within the Soils Ordinance Boundary will be allowed to access the repository during the first three Mondays of each month (subject to seasonal conditions) during the life span of the repository. The following will be PCMC responsibilities:

- o Assuring that soils being relocated to Richardson Flats are acceptable.
- o UPCM will identify the location that will be the consolidation point for this material and PCMC will ensure that material is only deposited in such location.
- e. Delivery time for accepting ordinance soils will be from 8:00 am to 11:00 am.
- c. PCMC will provide an escort for the first delivery by each generator to familiarize them with the site and where the soils are to be deposited

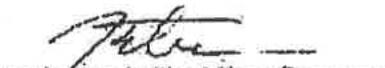
- In summary, the following projects are anticipated to generate soils that will enter the repository:

Parking Garage	- 5,000 cu yds impacted soil - 17,000 cu yds unsuitable fill.
Pond 9	3,000 cu yds
Alice Lode	Not Determined
Silver Creek Liming	- 75,000 cu yds
Silver Maple Claim	- 130,000 cu yds
Constructed Wetland	- 25,000 cu yds
Dig Utility Work	Not Determined
Soils Ordinance	Volumes will fluctuate (i.e. basement, slab, driveway, re-landscape ect.)

Note: On April 18<sup>th</sup> 2005, Kerry Gee was provided via email a copy of the Phase II Assessment information on the Parking Garage and Pond 9. Alice Loder has completed a Phase II Assessment and this information will be provided once the project is proposed to commence. PCMC is in agreement that the best approach for this project would be to coordinate with UPCM on other Woodside Gulch remediation.

  
Park City Representative

Date: 6/1/05

  
United Park City Mines Company  
Representative

Date: 11/11/05

## MEMORANDUM OF UNDERSTANDING

**TO: UNITED PARK CITY MINES COMPANY**

**FROM: PARK CITY MUNICIPAL CORPORATION**

**SUBJECT: RICHARDSON FLATS REPOSITORY AGREEMENT**

**DATE: MAY 10, 2005**

The purpose of this memo of understanding (MOU) is to clarify Park City Municipal Corporation (PCMC) and United Park City Mines Company's agreement regarding disposal of Bevill Exempt Mine Waste within the Richardson Flats repository.

As outlined in the January 13<sup>th</sup>, 2004 letter from City Manager Tom Bakaly to James Tadeson the City supports use of Richardson Flats as a consolidation area for mine waste related material. In accordance with the Flagstaff Development Agreement, UPCM has agreed to accept mine waste or associated impacted soils that are Bevill Exempt and generated within City limits. The time frame for utilizing the Richardson Flats Repository will be as long as UPCM keeps the consolidation area open.

As agreed upon, PCMC will comply with the following requirements required by UPCM:

- UPCM agrees that materials generated by PCMC will be exempt from dumping (tipping) fees, with the exception of a \$2.25 per cubic yard charge for grading incoming soils. However, UPCM has agreed that if PCMC provides equipment to do the grading at the direction of UPCM that fee for a portion thereof will be waived.
- PCMC agrees to comply with UPCM conditions in regards to quantity, quality, type of material delivered, and timing of delivery. The following material is prohibited from entering the repository.
  - Concrete
  - Asphalt
  - Rebar
  - Refuse
  - Construction Debris
  - Wood or wood type material
  - Organics
- PCMC will assure UPCM that standards of assessment will be completed before acceptance of delivery of mine materials to ensure Bevill Exempt qualification. The following will be provided upon request:
  - Phase II Environmental Assessment Reports and Analytical Reports
  - Historic analytical reports completed within the area from where the soils originate that reflect metals concentrations.

and compaction of materials.

- PCMC will comply with all applicable laws and USEPA regulations.
- UPCM may seek compensation from private sector developer builders conducting large development projects within the Soils Ordinance Boundary that seek to bring material to Richardson Flats.
- Owners within the Soils Ordinance Boundary will be allowed to access the repository during the first three Mondays of each month (subject to seasonal conditions) during the life span of the repository. The following will be PCMC responsibilities:
  - Assuring that soils being relocated to Richardson Flats are acceptable.
  - UPCM will identify the location that will be the consolidation point for this material and PCMC will ensure that material is only deposited in such location.
  - Delivery time for accepting ordinance soils will be from 8:00 am to 11:00 am.
  - PCMC will provide an escort for the first delivery by each generator to familiarize them with the site and where the soils are to be deposited.
- In summary, the following projects are anticipated to generate soils that will enter the repository:

Parking Garage	-5,000 cu/yds impacted soil	17,000 cu/yds unsuitable fill.
Pond 9	-3,000 cu/yds	
Alice Lode	Not Determined	
Silver Creek Mining	72,000 cu/yds	
Silver Maple Claim	130,000 cu/yds	
Constructed Wetland	-25,000 cu/yds	
U/g Utility Work	Not Determined	
Soils Ordinance	Volumes will fluctuate (i.e. basement, slab, driveway, relandscape, etc.)	

Note: On April 18<sup>th</sup> 2005, Kerry Gee was provided via email a copy of the Phase II Assessment information on the Parking Garage and Pond 9. Alice Lode has completed a Phase II Assessment and this information will be provided once the project is proposed to commence. PCMC is in agreement that the best approach for this project would be to coordinate with UPCM on other Woodside Gulch remediation.

\_\_\_\_\_  
Park City Representative

Date: 6/1/05

\_\_\_\_\_  
United Park City Mines Company  
Representative

Date: 5/11/05

**Exhibit 14 to  
Alice Lode Factual Background**

**Summer 2012****Inside this issue:**

Simpson Steel Voluntary Cleanup Site	1
Utah Applicants Awarded EPA Grants	2
Utah Voluntary Cleanup Program	3
EPA Brownfields Solutions Series	3
All Appropriate Inquiry	4

Published by:  
Utah Department of  
Environmental Quality

Amanda Smith  
Executive Director

Division of Environmental  
Response and Remediation

Brent H. Everett  
Division Director

Superfund Branch  
VCP/Brownfields Section

Duane Mortensen  
Branch Manager

Bill Rees  
Section Manager

Leigh Anderson  
Editor



# Utah Brownfields Connection

## **Simpson Steel Voluntary Cleanup Site**

The former Simpson Steel site, located in Murray near 4500 South and Main Street, is approximately 20 acres and was used for brick manufacturing, pipe manufacturing, and structural and general steel fabrication until 2001. The property was subsequently used for office space and equipment storage for a short time after that. Historical uses of petroleum products impacted the property, and waste slag was imported from a nearby smelter to fill and grade the site.



**Lions Gate development built on the former Simpson Steel site.**

A transit oriented development became the driving force for the transformation of this underutilized, industrial area since a UTA TRAX station is directly adjacent to the site. In 2004, Simpson Steel applied to the Utah Department of Environmental Quality (UDEQ), Division of Environmental Response and Remediation (DERR) for entry into the Voluntary Cleanup Program (VCP). The owner intended to redevelop the site into a high density, mixed-use development. A change of ownership and various zoning and other issues slowed the project, but sampling and investigation of the property was completed in late 2008. Several areas of metals and petroleum impacted soils were found and delineated. Slag material and elevated levels of metals were found in Big Cottonwood Creek.

To facilitate cleanup of the property, the new owner proposed a strategy to remove all impacted material exceeding site-specific cleanup levels for a residential land use. After a public comment period, the strategy was implemented, and contaminated material was removed and disposed of at a permitted facility. Cleanup began in spring 2009 and was performed in phases addressing the upper portion of the site, the creek channel, and finally areas previously covered by hardscape. Cleanup activities were completed by the end of 2009 under DERR oversight. A Certificate of Completion was issued under the VCP in March 2010.

Today, the site is known as the Lions Gate development. The \$80 million redevelopment of the former Simpson Steel site began in the summer of 2011 with construction of a new overpass for access and 15 buildings containing a total of 400 apartment units. This first phase was completed in the spring of 2012 and will be followed by construction of 268 low-income housing units as well as retail, restaurant, and office space – all of which will be less than a five minute walk to the UTA TRAX light rail station.

## **EPA ARC Grant Applications – Tools and Tips:**

*The next round of EPA ARC grants will commence later this summer. The deadline for the applicants is typically in the fall.*

*The DERR will provide notice of the dates relating to the next round of grants and will forward the guidelines to communities across the state as the information becomes available.*

*For communities seeking to apply for these competitive grants, the following six tips are provided by the EPA.*

- *Read the guidelines and address all required criteria and sub-criteria in the listed order.*
- *Contact partners and the State early to get letters of support, commitments, and input.*
- *Clearly cite the sources of all information and data.*
- *Use active, not passive, language throughout the application.*
- *Assume that the reviewer knows nothing about the community, its social and economic history or its present state.*
- *Provide examples of past achievements to demonstrate a real commitment behind stated goals.*

*For more Brownfields and ARC grant tips, information, and helpful tools, please visit: [www.epa.gov/brownfields](http://www.epa.gov/brownfields)*

## **Utah Applicants Awarded EPA Grants**

Assessment, Revolving Loan Fund and Cleanup (ARC) grants are tools to assess, cleanup and redevelop Brownfields in Utah. Proposals are received on an annual basis and Utah communities compete with other communities across the nation for grant funding from the Environmental Protection Agency (EPA).

In May 2012, three Utah applicants were awarded Brownfields ARC grants by the EPA: 1) Salt Lake City Corporation was awarded a community-wide assessment grant for the North Temple Corridor Brownfields Assessment project; 2) The Wasatch Front Brownfields Coalition, consisting of a partnership between Salt Lake County, Salt Lake City and Ogden City, was awarded a Revolving Loan Fund grant to address contaminated properties in Salt Lake County and Ogden; and 3) Utah State University Brigham City Regional Campus (USU) was awarded a Cleanup grant for the former Bushnell Army Hospital/Intermountain Complex property in Brigham City. These awards will help the recipients deal with Brownfields issues, hopefully resulting in once blighted properties being returned to economic beneficial use.

Salt Lake City will conduct assessment activities along the North Temple Corridor, which is a gateway between the Salt Lake City International Airport and the central business district. Assessment activities will compliment on-going efforts to develop light rail transit, multi-use paths, landscaping and other improvements. Properties to be assessed include automotive-related businesses, metal working facilities, and dry cleaners. Many sites are adjacent to residential properties and the Jordan River.

The Wasatch Front Brownfields Coalition will use the loan fund to provide loans and sub-grants for cleanup activities at various sites in Salt Lake County and Ogden City. Remediation of Salt Lake City's former Fleet Maintenance Yard is an important component since it could help foster further transit oriented development opportunities. Furthermore, assessment and cleanup of properties along the Wall Avenue Retail Corridor in Ogden will protect the environment due to its proximity to two rivers in the area and advance revitalization efforts in this community.

In Brigham City, Utah State University will address asbestos issues in old buildings associated with the former Bushnell Hospital and Intermountain Complex. USU bought 40 acres of the former Intermountain Complex property in December 2010 and most of the 18 buildings have been torn down, but seven remain. USU's goal is to establish a new regional campus at the site.



**Bushnell Hospital/Intermountain Complex**



**Fleet Maintenance Facility**

## Utah Voluntary Cleanup Program

The Utah State Legislature passed the Voluntary Release Cleanup Program statute during the 1997 legislative session. This legislation created the Voluntary Cleanup Program under the direction of the UDEQ/DERR. The VCP is a tool to address Brownfields in Utah.

Some of the primary reasons to conduct voluntary cleanups are: 1) Voluntary cleanups can be tied to land use allowing for a risk-based approach to cleanup; 2) A successful voluntary cleanup results in the issuance of a Certificate of Completion (COC) which provides a release of liability to qualified applicants as specified in the statute; 3) The liability release is transferable to subsequent property owners; and 4) Sites that are on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) database and that are issued a COC may be designated No Further Remedial Action Planned (NFRAP) by EPA.

The goal of the VCP is to promote the investigation and cleanup of contaminated sites under a cooperative, regulatory-friendly framework. Voluntary cleanups will mitigate risk to human health and the environment. Below are pictures of voluntary cleanups conducted in different portions of the state. For more information on the program, please refer to the following website: [www.superfund.utah.gov/vcp.htm](http://www.superfund.utah.gov/vcp.htm)



Alice Lode Site Remediation – Park City



Geneva Nitrogen Site Remediation - Vineyard

## EPA Brownfields Solutions Series

A Brownfield is property on which expansion, redevelopment, or reuse may be complicated by the presence, or perceived presence, of a hazardous substance, pollutant, or contaminant. Brownfields are located in both urban and rural areas and can include former gas stations, maintenance garages, historic dump sites, and mine scarred lands.

EPA has produced a *Brownfields Solutions Series* fact sheet to provide an overview of the Brownfields redevelopment process. The document provides examples of redevelopment scenarios and outlines the processes, key challenges, and critical participants. Other related topics are also discussed in the fact sheet.

For more information on the EPA *Brownfields Solutions Series*, please visit:

[http://www.epa.gov/brownfields/overview/anat\\_bf\\_redev\\_101106.pdf](http://www.epa.gov/brownfields/overview/anat_bf_redev_101106.pdf)

### National Brownfields Conference:

The 15th National Brownfields Conference will be held in Atlanta, Georgia on May 15–17, 2013. Cosponsored by the EPA, the Conference is the most comprehensive event in the nation that focuses on issues important to community revitalization and cleanup and redevelopment of impacted properties.

Brownfields 2013 will offer a diverse set of educational opportunities including, but not limited to, panel sessions, marketplace roundtables, mobile workshops, film screenings, plenary events, an exhibit hall and a redevelopment forum. Stay tuned to [www.brownfieldsconference.org](http://www.brownfieldsconference.org) for more information on the 2013 conference!

### Voluntary Cleanup Program Statistics:

77 VCP applications have been received and 36 Certificates of Completion have been issued since the program began in 1997. Over 855 acres have been returned to a state of beneficial re-use.

### Enforceable Written Assurance Statistics:

The DERR has received 65 EWA applications and issued 51 EWAs since the program began in 2006.

## **Interactive Map and Records Search:**

The DERR has the Easy Records Search and Interactive Map available online.

To access records please visit: <http://environmentalresponse.utah.gov/research.htm>

The Interactive Map can be found at: <http://mapserv.utah.gov/DEQ/>

For more information contact: [haroldsandbeck@utah.gov](mailto:haroldsandbeck@utah.gov)

## **Petroleum Brownfields:**

Abandoned gas stations can also be considered Brownfields. Please call the Underground Storage Tank program at (801) 536-4100 for more information.



DIVISION OF  
ENVIRONMENTAL  
RESPONSE AND  
REMEDATION

195 North 1950 West  
Salt Lake City, Utah, 84114

Telephone: (801) 536-4100  
Fax: (801) 359-8853

For questions or suggestions regarding this or future newsletters, please contact:  
Leigh Anderson  
Telephone: (801) 536-4127

## **All Appropriate Inquiry**

All Appropriate Inquiry (AAI) is the process of evaluating a property's history and environmental condition to determine whether any contamination may be present. AAI investigations should be conducted during the due diligence process and are required to be performed for a future owner to assert the bona fide prospective purchaser liability defense under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Inquiries must be performed in a manner consistent with the final rule, published at 40 Code of Federal Regulations (CFR) Part 312 (effective November 1, 2006). AAI requirements may be met using the ASTM E1527-05 or ASTM E2247-08 standards.

AAI's must be conducted or updated within one year prior to property acquisition. Specific activities required by the final rule that must be performed or updated within 180 days before acquisition of the property include an onsite visual inspection, review of government records, interviews with previous and current site owners, and searches for environmental cleanup liens. AAI investigations must be performed or supervised by individuals who meet the definition of an Environmental Professional.

The findings of an AAI investigation must be documented in a written report and should include an opinion as to whether the inquiry identified conditions indicative of releases or threatened releases of hazardous substances, an identification of significant data gaps, qualifications of the environmental professional and an opinion regarding additional appropriate investigation.

For more information about All Appropriate Inquiry and to access EPA's final rule, please visit: [www.epa.gov/brownfields/aai/](http://www.epa.gov/brownfields/aai/).

## **About Our Organization**

The VCP/Brownfields Program is administered through the Division of Environmental Response and Remediation, Superfund Branch. The DERR is charged with protecting public health and Utah's environment through cleanup of chemically contaminated sites, by ensuring that underground storage tanks are used properly and by providing chemical usage and emission data to the public and local response agencies. For more information about us, please see our website.

**We're on the Web!**

[www.environmentalresponse.utah.gov](http://www.environmentalresponse.utah.gov)

**Exhibit 15 to  
Alice Lode Factual Background**

**Subject: ALICE LODE**  
**Date: July 27, 2005**  
**Type of Item: Administrative; Subdivision**

**RECOMMENDATION:** Staff recommends that the Planning Commission review the proposed subdivision as a work session item and provide the applicant and staff with direction.

#### **DESCRIPTION**

Project Name: Alice Lode Subdivision  
Project Planner: Ray Milliner  
Applicant: Jerry Fiat  
Location: Woodside Gulch, from King Road  
Zone: Historic Residential (HR-1), Historic Residential Low (HRL), Estate (E).

#### **BACKGROUND**

On May 23 2005, the applicant submitted a subdivision application for a 9 lot subdivision at the Alice Lode, located in Woodside Gulch above the intersection of Ridge Avenue and King Road. The property is currently a series of mining claims and metes and bounds parcels consisting of approximately 8.8 acres. It is located at an intersection of the HRL, HR-1 and Estate zones. Bisecting the property is the City owned water facility, including an abandoned water tank, an in-use water tank, and an active pipeline in a narrow strip of land leading to the intersection of Ridge and King (used for the pipeline). There is an existing gravel road running up Woodside Gulch to the City water tanks that provides access.

The property was historically used as a mining operation for ore extraction and processing from 1900-1920. The buildings and machinery used in the operation are now gone, but the hazardous tailings remain. In July of 2002 staff received an application for a 5 lot subdivision of the property (it was withdrawn prior to any hearing by the Planning Commission). At that time, an analysis of the property was conducted indicating that a large portion of the site exceeds minimum Federal regulations for hazardous materials. An application was filed for Brownfield (a federally funded grant program that provides communities with money to clean-up waste repositories) grant money to aid in the reclamation of the site. The application was denied by the Federal regulators.

#### **ANALYSIS**

The applicant is proposing a 9 lot subdivision on 8.8 acres. The site rises from a flat canyon bed up a steeply pitched hillside with significant evergreen and deciduous vegetation. The applicant is proposing that access to the property come from a road/driveway that would be cut from the intersection of King Road and Sullivan Avenue, switching back and running south toward the City owned water tanks where it would terminate with a cul-de-sac (see attached subdivision plan). All proposed units would have access from that road. The applicant is proposing 6 lots in the HR-1 zone, 2 in the HRL zone and 1 in the Estate zone. Because the applicant is proposing 9 lots (10 lots trigger MPD review), the requirements of the MPD section of the LMC are not applicable; rather, the applicant will be subject to the review of the HR-1 zone, HRL zone, Estate zone, Chapter 7, Subdivision Requirements of the LMC and for the lot in the Estate zone, the Sensitive Lands Ordinance. Staff has conducted an initial review of the project and has outlined its concerns in the analysis provided below.

#### **Waste Clean-Up**

As part of the development process, the applicant is proposing to remediate the site to acceptable local and federal standards solely at his cost. This would include the portion of the site owned by the City. The Alice Lode site is known to contain significant mine tailing waste, and therefore heavy metal constituents (i.e. lead, arsenic, mercury). Although the site is located within the Park City limits, it is outside of the Expanded Soils Ordinance Area, so the ordinance is not applicable. As a result, any soils generated from construction activities will have to be managed in accordance with State (UDEQ) and Federal (USEPA) RCRA and CERCLA Standards. Staff will require an approved UDEQ Work Plan that defines all operational and constructional procedures during the remediation. The Work Plan will need to include, but not limited to, the means and methods of mitigating any human and environmental exposures, the extent and location of soil movement on and off-site, and the proposed remediation of the area upon which the subdivision will reside.

**Density**

The applicant is proposing 9 single family units on the site. In the HR-1 zone he is proposing 6, in the HRL zone 2 and in the Estate zone 1.

The HR-1 section of the property is has 77,382 square feet of unplatted land with 4 platted lots and 8 platted partial lots located between King Road and Sampson Avenue, all of the lots are bisected by either Sampson Avenue or King Road. Section 15-2.2-3(A) sets the minimum lot size for the HR-1 zone at 1,875 square feet. Therefore, 77,382 square feet of land area divided by 1,875 square feet yields a theoretic maximum density of 41 lots.

The HRL section of the property has 39,697 square feet of unplatted land. LMC Section 15-2.1-3(A) sets the minimum lot size for the HRL zone at 3,750 square feet. Therefore, 39,697 square feet of land area divided by 3,750 square feet is 10 lots.

The Estate section of the property is 5.5 acres in size. LMC Section 15-2.10-3(A) sets the minimum lot size for a single family home in the Estate zone at 3 acres per unit. Therefore, 5.5 acres of land divided by 3 acres is 1 lot.

<b>ZONE</b>	<b>AMOUNT OF LAND</b>	<b>POTENTIAL LOTS</b>	<b>PROPOSED</b>
HR-1	77,382 square feet	41	6
HR-1 Platted	11,364 square feet	4 full 8 partial	0
HRL	39,697 square feet	10	2
ESTATE	5.5 acres	1	1
<b>TOTAL</b>	<b>8.82 acres</b>	<b>56</b>	<b>9</b>

The above described maximum density calculation reflects the maximum density allowable under ideal circumstances. Factors such as grading, vegetation protection, steep slope and access are all limiting aspects that will significantly reduce the ultimate LMC/Subdivision Code compliant density.

**Access / Grading**

The applicant is proposing a separate road access to the property that would enter approximately from the intersection of Sampson Avenue and King Road. This road would switch back from King Road running south toward the water tanks. It would provide access for all of the proposed units. In order to access the HRL lots, the driveways would be required to cross the strip of land for the water pipeline owned by the City, and may interfere with the existing trail that enters the

property in that general vicinity. To gain access to these lots, the City would have to grant an access easement over the pipeline property. Driveways for the HR-1 lots and Estate lots would access up-hill off the road. Access to the City owned water tower would also come from the new road.

One reason for the requested new road is that the applicant does not have clear access to the property from the existing access drive from the intersection of Ridge Avenue and King Road, as the property is owned by the City and another adjacent property owner.

Grading for the new drive would be significant. Preliminary drawings submitted by the applicant indicate that the drive would have cuts and fill ranging from 5 to more than 20 feet in height. This amount of grading in addition to the cuts necessary for the homes would have a significant impact on the existing topography and vegetation.

### **Slope**

Approximately 67% of the property is sloped at 40% or greater. The lot in the Estate zone is within the Sensitive Lands Overlay, and would be subject to Planning Commission review for appropriateness for development prior to the approval of the subdivision plat. The lots within the HRL and HR-1 zones would be required to receive a CUP for construction on a slope of greater than 30% prior to the issue of a building permit. However, because subdivision plat approval would entitle the applicant to the density within the HR-1 zone staff recommends that the Commission consider the application for steep slope criteria in analysis of the final subdivision approval.

### **Vegetation**

On the hill side above the mine reclamation site, there is a significant amount of natural vegetation including both deciduous and large coniferous trees. To develop the property in its current configuration would require that a significant amount of the existing vegetation be removed, including many of the large if not most of the evergreen trees on the site. Although much of the necessary remediation will require the removal of vegetation, it is not yet clear how much will be required on the hill side above the former mine site. Staff has significant concerns with the overall amount of site grading and tree loss associated with this plan. Should the project move forward, the applicant will need to demonstrate how the proposed units can be constructed without mass grading the site.

### **QUESTIONS**

Staff is requesting that the Planning Commission review the proposed subdivision and provide staff and the applicant with direction on the following questions:

The proposed density, house size, access and lot layout appropriate for the site?  
Which sections of the property are considered most important for vegetation preservation and slope protection?

### **RECOMMENDATION**

Staff recommends that the Planning Commission review the proposed subdivision application as a work session item and provide the applicant and staff with direction.

### **EXHIBITS**

Exhibit A – Proposed Plat Amendment  
Exhibit B – Site Survey

**Exhibit 16 to  
Alice Lode Factual Background**



December 14, 2005  
Job No. 5-814-000223

Mr. Ray Milliner  
Park City Municipal Corporation  
445 Marsac Avenue  
Park City, Utah 84060

Re: Update of Alice Lode Environmental Investigations  
King Development Group, LLC - Alice Lode Site, Park City, Utah

Dear Mr. Milliner:

On behalf of King Development Group, LLC (KDG), AMEC Earth & Environmental, Inc. (AMEC) is providing this update of environmental investigations and assessments completed at the Alice Lode located in Woodside Gulch, Park City, Utah.

### **Background**

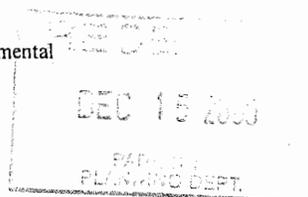
KDG and Park City Municipal Corporation (PCMC) held meetings and discussions starting in April 2005 to mutually ascertain a course of action to mitigate impacted soils that are present in Alice Lode on property owned by PCMC and under consideration for development by KDG. Personnel participating in the various discussions were Ron Ivie and Jeff Schoenbacher of PCMC, Phillip Greer, Brent Everett, and Scott Everett of the Utah Division of Environmental Response and Remediation (UDERR), KDG, and AMEC. Based on the interests and recommendations of involved parties, the best course of action for investigation and mitigation of the Alice Lode was determined to be UDERR's Voluntary Cleanup Program (VCP). The Alice Lode Site, through AMEC on behalf of KDC and PCMC, has been accepted in the VCP with Phillip Greer as the UDERR Project Manager. AMEC is being paid by KDC for its work on behalf of KDC and PCMC at the Alice Lode Site.

### **Work Completed**

As of December 2005, the following work has been completed under the review and approval of Phillip Greer:

- An initial investigation evaluating the extent and concentrations of lead and arsenic at the Alice Lode Site was completed in June 2005. This work was summarized in a report titled "*Environmental Site Assessment*" (ESA) dated July 13, 2005, and submitted with the VCP application.
- The UDERR accepted the Alice Lode Site for VCP participation. UDERR established mitigation concentrations for lead in the soil based on land-use and potential human health and environmental risk after review of the ESA and UDERR site evaluations. Action levels for lead in a residential area is 400 micrograms per kilogram (mg/kg, approximates ppb) and 2100 mg/kg in a non-residential areas.
- The UDERR Project Manager, Phillip Greer, has reviewed and approved the "*Sampling Analytical Plan and Quality Assurance Project Plan for Additional Site Characterization*", dated September 9, 2005.
- Additional site characterization was completed in October 2005.

AMEC Earth & Environmental  
9865 South 500 West  
Sandy, Utah 84070  
Tel. 1(801) 999-2002  
Fax 1(801) 999-2035



- Negotiations were completed between KDG and United Mines for acceptance of waste material from Alice Lode to Richardson Flats. The volume of material is dependent on the concentrations requiring mitigation established by the UDERR and the placement of roads and residences.
- A stream alteration Joint Application Permit was submitted to the Division of Water Rights (DWR) in October 2005. The DWR will require additional plans regarding proposed stream alteration and placement of roads prior to approval of the application.

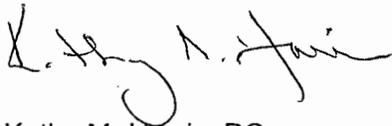
**Next Action Item**

Environmental investigations have proceeded smoothly under the regulatory oversight of the UDERR and with participation from PCMC. The next phase of the environmental investigation is to prepare a Work Plan for Mitigation of Impacted Soil for the UDERR and a Work Plan for Stream Restoration for the DWR. These Work Plans cannot be effectively prepared without the understanding of road placement and residences in order to be protective of human health and the environment as required of the VCP. AMEC's work, therefore, has been temporarily suspended until we have been given the location of the road placement and residences.

If you have any questions, please do not hesitate to call me at (801) 999-2023.

Sincerely,

**AMEC Earth & Environmental, Inc.**



Kathy M. Harris, PG  
Senior Project Manager

KMH:

Cc: Mr. Jerry Fiat, King Development Group, LLC  
Mr. Ron Ivie, Park City Municipal Corporation



**Exhibit 17 to  
Alice Lode Factual Background**

COPY

**MITIGATION WORK PLAN  
ALICE LODE  
VOLUNTARY CLEANUP PROGRAM  
PARK CITY, UTAH**

Prepared By:

**AMEC Earth & Environmental  
9865 South 500 West  
Sandy, Utah 84070**

For:

**King Development Group, LLC  
P.O. Box 4581  
Park City, Utah 84060**

August 3, 2006

Job No. 5-814-000223

TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION.....	1
1.1 HISTORICAL BACKGROUND.....	2
2.0 ENVIRONMENTAL STUDIES.....	3
2.1 SUMMARY OF ENVIRONMENTAL STUDIES.....	3
2.2 SUMMARY OF IMPACTED MEDIA.....	4
2.2.1 Soils.....	4
2.2.2 Groundwater.....	5
2.2.3 Air.....	5
3.0 VOLUNTARY CLEANUP PROGRAM.....	5
3.1 PURPOSE.....	5
3.2 GOALS.....	5
3.3 MITIGATION OF SOILS AND MINE TAILINGS.....	6
3.4 MITIGATION OF GROUNDWATER.....	6
3.5 MITIGATION OF MINE TAILINGS.....	6
3.6 MITIGATION OF SURFACE WATER.....	6
3.7 MITIGATION OF SOILS.....	7
3.7.1 Natural Open Space South of Development.....	7
3.7.2 Residential Area.....	8
3.7.3 Roads and Trails.....	9
3.8 PUBLIC PARTICIPATION.....	9
3.9 COORDINATION OF PUBLIC CONCERNS.....	10
3.10 ROLES AND RESPONSIBILITIES.....	10
4.0 IMPLEMENTATION - ENVIRONMENTAL SOIL MITIGATION ACTIVITIES.....	11
4.1 SITE ACCESS.....	11
4.2 HEALTH AND SAFETY.....	11
4.3 GENERAL ACTIVITIES.....	12
4.3.1 Cross Media Transfer/Mitigation.....	14
4.3.2 Site Preparation and Staging.....	14
4.3.3 Pre-Soil Disturbance Activities.....	15
4.3.4 Operational Considerations During Construction.....	16
4.3.5 Site Monitoring.....	16
5.0 DISPOSAL FACILITIES.....	17
5.1 COORDINATION OF DISPOSAL ACTIVITIES.....	17
5.2 OFF-SITE TRANSPORTATION.....	17
5.3 DOCUMENTATION.....	17
6.0 MITIGATION AND VERIFICATION ANALYTICAL SAMPLING.....	18
6.1 SAMPLING ANALYSIS PROJECT PLAN (SAPP).....	18

6.1.1	Sampling Work Plan .....	18
6.1.2	Field Instrumentation for Field Screening of Soils .....	20
6.2	QUALITY ASSURANCE/QUALITY CONTROL .....	20
7.0	FINAL REPORT .....	20
8.0	SCHEDULE OF ACTIVITIES .....	21

**FIGURES**

Figure 1	Site Vicinity Map
Figure 2	Site Plan
Figure 3	Proposed Development
Figure 4	Sample Locations
Figure 5	Lead and Arsenic Concentrations
Figure 6	Lead in Soil ISO-Concentrations
Figure 7	Mitigation Areas (Aerial)
Figure 8	Mitigation Areas (Topographical)
Figure 9	Lead in Soil ISO-Concentrations Inset
Figure 10	Proposed Mitigation and Development

**APPENDICES**

Appendix A	Site Health and Safety Plan
Appendix B	Storm Water Pollution Prevention Plan
Appendix C	Fugitive Dust Control Plan

**MITIGATION WORK PLAN  
VOLUNTARY CLEANUP PROGRAM  
ALICE LODE SITE  
PARK CITY, UTAH  
(Revised August 3, 2006)**

**1.0 INTRODUCTION**

The purpose of this environmental Mitigation Work Plan is to present the operational, construction, and sampling procedures that will be utilized during the proposed mitigation of the mine tailings and impacted soils within Alice Lode. AMEC Earth & Environmental Inc., (AMEC) has been engaged by King Development Group, LLC (KDG) to prepare this report on behalf of KDG and Park City Municipal Corporation (PCMC) the current owners of the property within Alice Lode as subsequently defined in the following paragraph. For the purposes of this report, the "Owner" is defined as the current owners as well as subsequent owners of the land within Alice Lode. The Mitigation Work Plan is being completed under the Utah Division of Environmental Response and Remediation (UDERR) Voluntary Cleanup Program (VCP). The procedures to conduct mitigation include, but are not limited to,

- 
- Mitigating human and environmental exposure to the impacted soil through off-site disposal of impacted media and institutional controls,
  - Mitigation of impacted soil and mine tailings through removal and disposal,
  - Institutional control through capping and restricting access, and
  - The documentation of the location of the disposal site(s) and final characterization of the remaining mitigated soils.

As depicted on Figure 1, Vicinity Map, Alice Lode (Site) is located in Park City, Utah. The Site is located in the area of Woodside Gulch at the intersection of King Road and Ridge Avenue in Park City, Utah. The approximate geographical coordinates of the center of the Site are 40° 38' 11" North Latitude and 111° 29' 52" West Longitude. Figure 1 shows the USGS Topographic Map in which the Site area has been highlighted in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian. Figure 2 shows the Site boundaries and an area owned by KDG and PCMC that includes the reservoir and strip of land bisecting the Site to the reservoir. The total combined surface area of the Site is approximately 10.17 acres.

To include PCMC property in the VCP mitigation activities, a VCP application addendum will be prepared and submitted to the DERR. The addendum will include a request for inclusion, with a legal description of PCMC property and a signature of PCMC authorized representative. Approval of the Mitigation Work Plan by the DERR, will allow the Owners to mitigate the Site including PCMC property as shown on Figure 2.

The cleanup under the VCP is being submitted in order to clean up the Site to allow for single family homes and associated utilities and paved streets. The lots, streets, and home locations presented in this document are still in the development stage and have not been officially

AMEC Earth & Environmental  
9865 South 500 West  
Sandy, Utah 84070  
Telephone (801) 999-2002  
Fax (801) 999-2035

[www.amec.com](http://www.amec.com)

Alice Lode  
Mitigation Work Plan (Revised August 3, 2006)  
Voluntary Cleanup Program  
Project No. 5-814-000223  
August 3, 2006

approved by the PCMC. Figures 2 and 3 show the proposed home locations. The final property lines of each lot have not been established at this time. The Mitigation Work Plan assumes that the development will occur simultaneously with mitigation.

As part of this development, the Owner will complete necessary mitigation to be protective of human health and the environment. The UDERR, through the VCP, has established lead action levels in the soil of 400 milligrams per kilogram (mg/kg) in a residential area, 100 mg/kg in soil for arsenic, and 2,100 mg/kg of lead in a non-residential area. In addition, consideration has also been given to PCMC's requirement for minimal loss of trees, minimal destruction and removal of vegetation and hillsides, and the Division of Water Rights (DWR) rehabilitation requirements of the intermittent stream in Woodside Gulch. Long-term management of the Site will be presented in a Site Management Plan which will be prepared upon completion of the mitigation efforts presented in this Mitigation Work Plan.

To understand current impacts to the soil, AMEC on behalf of the Owner has investigated and characterized known and potentially adverse environmental impacts to the soil at the Site. The characterization results of the various Site investigations indicate that soil areas within Alice Lode have been impacted by varying concentrations of lead and arsenic from historic mining operations. The following sections describe the Site investigations that have been completed.

## 1.1 HISTORICAL BACKGROUND

The Alice Lode claim was mined during the 1890's and the early 1900's. A mine shaft and drift were completed during that time period. The location of the mine shaft could not be ascertained until, in 1976, a mine portal was discovered at the Site. The mine shaft extended approximately 300 feet from the portal and dropped at an angle for another 250 feet (*The Park Record*, 1976).

During a Geotechnical study completed by AMEC in June 2006, a mine shaft was uncovered on the west side of the gravel access road as shown on Figure 2. Review of historical data indicates the mine shaft is approximately 500 feet deep and was used for exploration purposes. The mine shaft surface opening is currently covered, fenced, and signed to restrict access. The closure of the mine opening is not part of this mitigation program and will be included as part of the Site development.

Historic aerial photographs were reviewed in an effort to identify the history of development and activities at the Site and the adjacent properties. The photographs available for review cover the years 1966, 1976, 1978, 1979, 1983, 1984, 1987, 1989, 1992, 1995, 1997, 2002, and 2003. During this time period the Site and surrounding properties appear as they do today. The water tank and reservoir located to the south of the Site were present in all of the aerial photographs. There did not appear to be any active mining activities during these time periods.

Alice Lode  
Mitigation Work Plan (Revised August 3, 2006)  
Voluntary Cleanup Program  
Project No. 5-814-000223  
August 3, 2006

## 2.0 ENVIRONMENTAL STUDIES

### 2.1 SUMMARY OF ENVIRONMENTAL STUDIES

The history and past sampling activities are detailed in the following documents. All of the documents are on file with AMEC, KDG, and the Utah Department of Environmental Quality (UDEQ).

*Sampling and Analysis Results Report, Investigation of Soil Contamination, Alice Lode Voluntary Cleanup Program Site, Park City, Utah, AMEC Earth & Environmental, Inc., March 31, 2006.*

*Sampling Analysis Project Plan and Quality Assurance Plan, Alice Lode Site, Park City, Utah, AMEC Earth & Environmental, Inc., AMEC Earth and Environmental, Inc., September 9, 2005. (SAPP/QAP)*

*Report Environmental Site Assessment, Voluntary Cleanup Program, Alice Lode Site, Park City, Utah, AMEC Earth & Environmental, Inc., July 13, 2005.*

*Phase II Environmental Site Assessment Report for Targeted Brownfields Assessment, Alice Lode TBA, Park City, Summit County, Utah URS Corporation, dated September 2003.*

The investigative activities indicate the following:

1. The Woodside Gulch area has been impacted by historical mining operations referred to as Alice Lode during the 1890's and the early 1900's. Mine tailings are present within the stream bed of Woodside Gulch within the boundaries of the Site.
2. Sampling of soil adjacent to the old unimproved road cut located on the east hillside at the Site did not indicate that mine tailings were present.
3. At the Site, lead concentrations in the soil outside of the mine tailings on either side of the stream bed within Woodside Gulch range as high as 10,000 mg/kg. Concentrations of lead in the soil greater than 400 mg/kg are present in surface soils along the east and west hillside slopes of Woodside Gulch at the Site.
4. The stream in Woodside Gulch is an intermittent stream with water flowing during spring runoff contributed by snow melt occurring in the higher elevations of the surrounding area. There is generally no continuous flow after approximately mid-summer. The intermittent stream joins with McLeod Creek which eventually joins with the Silver Creek drainage.
5. Historically, the stream in Woodside Gulch has flooded, carrying and depositing fine-grained material within the stream bed. Fine-grained fluvial deposits are present in the southern portion of the Woodside Gulch and were previously identified as mine tailings.
6. The upper reaches of Woodside Gulch and the headwaters of the intermittent stream in Woodside Gulch are located in the Silver King Mine area.

7. A gravel surfaced road bisects the Site. The gravel road is used by PCMC to access the water tank located just south of the Site. The gravel road is also used by recreational users to access trails south of the Site.
8. Two additional recreational use trails cut through the Site.

## 2.2 SUMMARY OF IMPACTED MEDIA

The following is a summary of impacted media discovered during the previously listed investigations.

### 2.2.1 Soils

Surface and subsurface soils at the Site were found to be impacted by varying concentrations of lead and arsenic. The topography of the Site is sloped in some areas up to 45 percent. The ground surface is vegetated on the hillsides with native scrub (Gambel) oak and undergrowth. The Intermittent stream in Woodside Gulch is partially vegetated in some areas with little to no vegetation in areas of mine tailings. Reworking of the soil and subsurface on the hillsides which can be contributed to mining operations, is not apparent. According to AMEC's and other subsurface investigations, subsurface soils consist of clay, silt, sand loam with a gradation to boulders to the underlying bedrock. Mine tailings are approximately 3 to 5 feet thick. The maximum thickness of soil on the bedrock is approximately 2 to 3 feet. In areas, bedrock is exposed at the surface.

Based on sampling results, visual evidence of mine workings, and color of exposed rock, one area of mine tailings was verified in Woodside Gulch within the Site boundaries. Previous reports indicated two areas of mine tailings. However, further investigation of the material on the south edge of the Site within Woodside Gulch and review of historical documents indicate mine tailings are not present. The elevated lead concentrations detected in the soil in Woodside Gulch in the south area are fluvial flood deposits. It is estimated that mine tailings in the north area of the Site are up to 5 feet thick. It is estimated that approximately 3,000 cubic yards of mine tailings are present within the Site boundaries. The characterization results are discussed in detail in the *Sampling and Analysis Results Report (SARR), Investigation of Soil Contamination, Alice Lode Voluntary Cleanup Program Site, Park City, Utah*, dated March 31, 2006. Figures 4 and 5 show sample locations and concentrations. Figure 6 shows the extent of the lead concentration in the soil, mine tailings, and fluvial flood deposits with lead concentrations greater than 2,100 mg/kg.

Soil sampling at the Site was completed by a PCMC authorized Brownfield's assessment in 2003 and the Owner, authorized AMEC investigations in 2005. The investigations indicate that lead concentrations in soil and mine tailings at the sampling locations ranged from 67.6 to 29,875.2 mg/kg. Arsenic concentrations ranged from less than the Level of Detection (LOD) to 3,897.6 mg/kg. Lead concentrations above 2,100 mg/kg were identified in and alongside Woodside Gulch and on the northwest hillside within the Site boundaries as shown on Figure 6. The recreation trail that runs along the east hillside of Woodside Gulch contained lead concentrations ranging from 67.6 mg/kg to 8,736 mg/kg. Although some of the lead

Alice Lode  
Mitigation Work Plan (Revised August 3, 2006)  
Voluntary Cleanup Program  
Project No. 5-814-000223  
August 3, 2006

concentrations in the soil along the trail are above the 2,100 mg/kg they do not appear to be mine tailings. The locations of areas of concentrations above 2,100 mg/kg are shown on Figure 6. The thickness of soil with concentrations above 2,100 mg/kg is estimated to be 3 feet thick. Approximately 6,000 to 7,000 cubic yards of soil with lead concentrations greater than 2,100 mg/kg are estimated to be present within the Site boundaries.

Soils impacted with lead concentrations greater than 400 mg/kg were identified along the east and west slopes of Woodside Gulch within the Site boundaries. The east and west slopes did not have any areas of obvious mine workings or tailings. Lead concentrations in the soil generally decreased with depth at each sample location. Lead concentrations along the slopes of the gulch are likely due to naturally occurring lead concentrations and dust settling along the slopes during historic mining operations. The volume of soil with lead concentrations greater than 400 mg/kg has not been calculated.

#### **2.2.2 Groundwater**

Groundwater sampling was not undertaken as part of the investigation. Regional groundwater studies in the Park City watershed are being conducted under the direction of the UDERR, Mr. Muhammad Slam. The Alice Lode Site and Woodside Gulch represent a small fraction of the regional groundwater system and it was determined that groundwater sampling would not be part of this VCP investigation and would be addressed within the regional study.

#### **2.2.3 Air**

Wind conditions for the Site vary depending on the time of year and the direction of local storms. Dry and/or dusty conditions could cause impacted subsurface soils to become airborne if the non-impacted layer of soil is removed and/or if excavation should occur. Impacted soil may potentially leave the Site through contact with workers boots, clothing, and construction equipment.

### **3.0 VOLUNTARY CLEANUP PROGRAM**

#### **3.1 PURPOSE**

The Owner has entered into the VCP in an endeavor to facilitate the mitigation of impacted areas within Alice Lode in order for development of the Site to proceed. This Mitigation Work Plan is based on the current development plans and mitigation will proceed simultaneously with construction development. In the event circumstances dictate the need for a change in the construction schedule an amendment or modification will be made to the Mitigation Work Plan in consultation with the UDERR Project Manager.

#### **3.2 GOALS**

It is the Owner's primary goal to undertake the mitigation of Alice Lode in such a manner that issues relative to human health and the environment are eliminated through the combination of

selected removal and disposal, capping, and restricting access to areas of impacted soils that are left in place. A Site Management Plan will be developed incorporating the means and methods to restrict access and to maintain capped areas upon completion of mitigation.

To accomplish this goal, the Owner will utilize various engineering and institutional control mechanisms as discussed in Sections 3.4, 3.5, 3.6, 3.7, and 4.0.

### **3.3 MITIGATION OF SOILS AND MINE TAILINGS**

Mitigation of soils and mine tailings will be undertaken through three primary mechanisms. These include:

1. Removal of impacted material to, and disposal at an appropriately licensed facility,
2. Leaving the soils in place and capping, and/or
3. Restricting access to the impacted soils that are to be left in-place.

### **3.4 MITIGATION OF GROUNDWATER**

Groundwater impacts are not an issue of concern for reasons discussed previously. Mitigation efforts are not required or further discussed.

### **3.5 MITIGATION OF MINE TAILINGS**

Visible mine tailings designated as MTB on Figure 7 and 8 will be removed and disposed at an appropriate licensed facility. At this time, Richardson Flats Repository has been identified as the disposal location. Removal methods are discussed in Section 4.0.

The stream bed in MTB outside the area of disturbance south of the turn-around will be restored by placing a filter fabric, followed by angular rock riprap. The MTB within the area of disturbance will be rehabilitated as per the preliminary development plans shown on Figure 3. A Stream Channel Alteration Permit Number 05-35064Sa was approved on February 7, 2006 for stream rehabilitation of Woodside Gulch within the Site boundaries by the Department of Natural Resources (DNR), Division of Water Rights (DWR). The permit expires on February 7, 2007. Detailed plans of rehabilitation will be submitted to the DWR after review and initial approval of the development plans by the PCMC Planning Commission and approval of the Mitigation Work Plan.

### **3.6 MITIGATION OF SURFACE WATER**

Potential impacts from stream water flowing through Woodside Gulch have been excluded from the VCP. As previously discussed, regional groundwater studies in the Park City watershed are being conducted under the direction of the UDERR, Mr. Muhammad Slam, and surface water is addressed within the regional study. By removal of mine tailings designated as MTB on Figures 7 and 8, from the stream channel within the Site boundaries, surface water quality will be improved.

Surface water pollution from mitigation activities will be prevented via a Storm Water Pollution Prevention Plan (SWP3) discussed in Section 4 of this document.

Storm water control for the proposed development is being addressed separately as part of the development plan. Storm water will follow PCMC Storm Water Management Plan ordinance.

### **3.7 MITIGATION OF SOILS**

#### **3.7.1 Natural Open Space South of Development**

This section describes the mitigation plan for the natural open space south of the proposed development. This area includes the existing gravel road which accesses the PCMC water tank and reservoir, PCMC property, and the land designated as natural open space on Figure 3. The trails in this area are discussed in Section 3.7.3. In this non-residential area, soils with lead concentrations greater than 2,100 mg/kg are present as shown on Figures 7, 8, and 9. Mine tailings that have been identified (MTB) will be removed as discussed in Section 3.5.

As shown on Figure 9, from the area of disturbance at the proposed turn-around south to the city water line within the stream bed, soils with lead concentrations greater than 2,100 mg/kg are present. The soils with lead greater than 2,100 mg/kg will be removed and where removal is not feasible the soil will be capped. The cap will consist of 12 inches of soil, rip rap or combination of the two. The steep slope within Woodside Gulch will direct field decisions of removal or capping. The hillsides will be re-vegetated with native plants. Detailed plans of rehabilitation will be submitted to the DWR after review and initial approval of the development plans by the PCMC Planning Commission and approval of the Mitigation Work Plan. Mature evergreen trees on east side of the gulch will not be removed. All efforts will be made to remove soil with excessive lead concentrations and cap remaining soils with lead concentrations greater than 2,100 mg/kg in this area.

The area south of the city water pipeline is heavily vegetated with grasses and mature evergreen and aspens. Removal or capping of soils with concentrations greater than 2,100 mg/kg would require removal of the mature vegetation. Therefore, access to this area will be restricted through the use of a six-foot chain link fence. Within the restricted area flood deposits (FD) shown on Figures 7, 8, and 9, one sample KD2-3 at 12 inches below grade had a lead concentration of 29,875.2 mg/kg. The soil will be re-sampled at the surface at this location and analyzed for lead. If lead concentrations at the surface are above 8,000 mg/kg, the soil will be removed or capped dependent upon field conditions. Soil lead concentrations at the surface at AL-SS-21 and AL-SS-22 were 12,200 mg/kg and 9,050 mg/kg, respectively. If these locations are accessible the soil in these areas will be removed or capped if removal of mature vegetation and trees is not necessary.

Access will be restricted in the natural, open, non-residential area through the use of a six-foot tall, chain link fence. The gravel access road will have a locked gate restricting vehicle access excepting PCMC personnel and other authorized personnel. To restrict access from the gravel

Alice Lode  
Mitigation Work Plan (Revised August 3, 2006)  
Voluntary Cleanup Program  
Project No. 5-B14-000223  
August 3, 2006

road to the Woodside Gulch stream bed, a chain link fence will be placed on the east side of the gravel road, from the south Site property boundary to the locked gate on the access road. The fence will extend from the gravel road, follow the south side of the city water pipeline east to the PCMC chain link fence surrounding the reservoir. The steep slope on the west side naturally restricts access and a fence is not necessary. A chain link fence will be placed on the south property line of the Alice Lode Site from the gravel road east to the PCMC property boundary. Figure 10 shows the location of the fence. Figure 10 also shows the area south of the area of disturbance where lead concentrations greater than 2,100 mg/kg have been removed or capped.

Signs will be placed on the fence identifying the area as private property and access is not allowed. Responsibility for these controls will likely be the responsibility of the homeowners association and will be outlined in the Site Management Plan.

### **3.7.2 Residential Area**

During construction of the proposed development, soils will be disturbed during construction of the building footprints, roads, driveways, and utility infrastructure. This disturbed area is referred to as the Area of Disturbance and is shown as a yellow line on Figures 7 and 8. Mitigation by removal of lead impacted soils with concentrations greater than 400 mg/kg will be completed in the area of disturbance.

Along the east Site property line, lead concentrations greater than 2,100 mg/kg and mine tailings are located outside the area of disturbance. The soils in this area will be mitigated by removal because the area is accessible, relatively flat, and near existing and proposed residences. On Figures 7 and 8, the area designated Area B has soil lead concentrations greater than 2,100 mg/kg outside the area of disturbance; lead impacted soil greater than 2,100 mg/kg in Area B will be mitigated by removal. Landscaped open areas are located in Areas A and B, which have soil lead concentrations greater than 400 mg/kg as shown on Figure 9. Until PCMC approves the final landscape plan, it is not known at this time the type of landscaping and the amount of disturbance. Because the soil lead concentrations above 2,100 mg/kg will be removed and the area is non-residential, the soil will be handled as non-residential.

The remaining areas shown on Figures 7 and 8 with soil lead concentrations greater than 400 mg/kg and outside of the area of disturbance will be mitigated by restricting access. Access will be restricted by the natural steepness of slope and a property deed restriction that would limit and control any future disturbances of the soil. This will be addressed in the Site Management Plan. Future disturbances may include, but are not limited to, future unplanned construction on the residential lot and landscaping. Figure 10 shows the mitigated areas and proposed development.

### 3.7.3 Roads and Trails

During mitigation and construction activities, the public use trails will be closed, and the gravel road will be closed except to authorized personnel. Recreational trail users will be re-routed at the south property boundary and the north property boundary prior to entry onto the Site.

To mitigate lead impacts on the gravel road, the road will be graded and resurfaced with appropriate gravel material. The grading and resurfacing of the road will follow PCMC road construction requirements and will be included in the development plans to the PCMC. The final surface of the road will be gravel and the top six inches of material will not have lead concentrations greater than 400 mg/kg. Upon completion of mitigation of the gravel road and other construction activities, recreational trail users will access the gravel road from the south property boundary from existing off-site trails and from the north property boundary from Ridge Avenue. The recreational trail (Daly access trail) located from the gravel road east will be resurfaced with six inches of appropriate gravel material and re-routed as shown on Figure 9. The recreational trails from the PCMC reservoir through Woodside Gulch will be closed and the trail will be re-routed to the gravel road as the slope is too steep to maintain the trail and the trail would cut through restricted areas. Trail routing is also subject to approval from the PCMC.

### 3.8 PUBLIC PARTICIPATION

A tabulated listing of public participation meetings held to date and planned for the immediate future on various aspects of the Alice Lode development is presented. Upon UDERR approval of the Mitigation Work Plan a public notice will be placed in the local newspaper, *The Park Record* and *The Salt Lake Tribune*. In addition, flyers will be delivered to residences near the Site. The public notice will allow a 30-day comment period and generally describe the Mitigation Work Plan. The Mitigation Work Plan will be available to the public and public meetings will be held as necessary.

#### Alice Lode Public Meeting and Notice Schedule

Date	Place	Purpose
January 11, 2006	Park City	Park City Planning Commission work session.
July 2006	Park Record	Public Notice
To be announced	Park City	Park City Planning Commission

Additional meetings such as neighborhood meetings or Park City Planning Commission meetings will be scheduled as necessary. Park City Planning Commission meetings have public comment as part of the agenda. The following is the public notice that will be published.

Alice Lode  
Mitigation Work Plan (Revised August 3, 2006)  
Voluntary Cleanup Program  
Project No. 5-814-000223  
August 3, 2006

**PUBLIC NOTICE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
VOLUNTARY CLEANUP PROGRAM**

The public is invited to comment on the cleanup of contaminated soil at the Alice Lode site located in the area of Woodside Gulch at the intersection of King Road and Ridge Avenue in Park City, Utah. King Development Group, LLC, represented by Jerry Fiat, will conduct cleanup under the Utah Department of Environmental Quality's Voluntary Cleanup Program.

Soils at the site have been impacted from historic mining operations. The remedy includes removal, capping, and restricting access to impacted soils while limiting removal of mature trees. The cleanup will remove and dispose off-site, mine tailings and soil with excessive lead concentrations. Soils in areas not accessible for removal will be capped. Access will be restricted in areas with excessive lead concentrations that are not accessible because of topography or because of excessive removal of mature trees and vegetation would be necessary.

Copies of the Mitigation Work Plan are available for review during normal business hours at the Utah Division of Environmental Response and Remediation (UDERR) offices, 168 North 1950 West, Salt Lake City, Utah 84116, and at Park City Municipal Corporation, Planning Office, 445 Marsac Avenue, 2<sup>nd</sup> Floor, Park City, Utah 84060. Please send your comments to Phillip Greer at the above UDERR address. For more information, contact Phillip Greer at 801-536-4246 or Jerry Fiat at 435-513-1273. The public is encouraged to comment on the plan through (*the date will be 30 days after it is placed in the paper*).

**3.9 COORDINATION OF PUBLIC CONCERNS**

Due to the nature of the work being undertaken and the location of the project Site within Park City, questions and concerns originating from residents and business owners in the general area may arise. Questions and concerns relating to construction and environmental issues will be referred to the Owner's Representative (the "Owner Representative" who has initially been designated as Mr. Jerry Fiat, at (435/513-1273)). A sign incorporating this information will be posted at the ingress and egress points of Alice Lode.

**3.10 ROLES AND RESPONSIBILITIES**

The following are personnel that have been identified for this Mitigation Work Plan. Other personnel will be identified as needed.

**Property Owner**  
King Development Group, LLC  
PO Box 4581  
Park City, Utah 84060  
Mr. Jerry Fiat, Owner's Representative

Alice Lode  
Mitigation Work Plan (Revised August 3, 2006)  
Voluntary Cleanup Program  
Project No. 5-814-000223  
August 3, 2006

**Property Owner and PCMC Environmental Coordinator**

Park City Municipal Corporation (PCMC)  
445 Marsac Avenue  
Park City, Utah 84060  
Mr. Ron Ivie, Building Inspector  
Mr. Jeff Schoenbacher, Environmental Coordinator

**Environmental Consultant**

AMEC Earth & Environmental, Inc. (AMEC)  
9865 South 500 West  
Sandy, Utah 84070  
Ms. Kathy Harris, Senior Project Manager

**UDERR Project Manager**

Utah Division of Environmental Response and Remediation (UDERR)  
168 North 1950 West, 1<sup>st</sup> Floor  
Salt Lake City, Utah 84114  
Mr. Phillip Greer, Environmental Scientist

**Mitigation Contractor**

Geary Construction, Inc.  
149 South Main Street  
Coalville, Utah 84017  
Ms. DeeAnn Geary

**4.0 IMPLEMENTATION - ENVIRONMENTAL SOIL MITIGATION ACTIVITIES**

**4.1 SITE ACCESS**

The Mitigation Contractor will be required to develop an access control plan and submit the plan to the Owner, Environmental Consultant, UDERR Project Manager, and the PCMC Environmental Coordinator for review and comment a minimum of two weeks prior to the anticipated start of mitigation activity.

The access control plan must assure strict access control to and from the Site is maintained at all times; that the mitigation boundaries of Alice Lode are to be fenced and designated points of ingress and egress are to be designated and controlled; and, that only equipment required as part of construction activities is to be permitted to enter the Site. The Site Access Plan will also address off-Site parking of the Mitigation Contractor's labor force and temporary staging of equipment and haul vehicles.

**4.2 HEALTH AND SAFETY**

The protection of human health and the environment is of major concern and importance during all phases of project work. The Owner's designated Mitigation Contractor has the full

responsibility for all aspects of health and safety on-Site and off-Site when and where remediation activities so impact. If the Owner's representative, the Owner's Environmental Consultant, or personnel of various regulatory agencies, while on-Site, observe conditions that warrant corrective action and report those conditions to the Mitigation Contractor, it becomes the Mitigation Contractor's sole responsibility to correct such conditions as they are reported. In the event that a situation arises that is an immediate threat to human health or the environment,

the Owner's representative, the Environmental Consultant, or the UDERR Project Manager may order an immediate halt to the work until corrective action has been implemented.

The Mitigation Contractor has the option to utilize the Site Health and Safety Plan (SHSP) found in Appendix A, or if the Mitigation Contractor prefers to utilize a different SHSP specific to this work. In such a case, the Mitigation Contractor's SHSP must address anticipated work conditions and potential contaminants and be no less stringent than the SHSP presented in this report. The SHSP must designate a Site Safety Officer by name and must detail the responsibilities for implementing and supervising the SHSP and for maintaining site control.

Two copies of the SHSP will be furnished to the Owner's representative a minimum of two weeks prior to the start of mitigation activities. The Owner's representative will furnish one copy to the UDERR Project Manager for the agency's use.

Multiple SHSPs may be developed depending on the protocol and requirements of each regulatory entity represented and/or working on-Site. Though multiple SHSPs may be on-Site, all SHSPs must be as stringent as the SHSP utilized by the Mitigation Contractor. The Mitigation

Contractor's SHSP will govern the health and safety aspects of the work on-Site. This does not preclude other business or government entities from implementing stricter requirements specific to their own employees.

#### **4.3 GENERAL ACTIVITIES**

This section outlines in general terms what is required of the Mitigation Contractor relative to environmental mitigation activities related to impacted soils and mine tailings situated within the Site's boundaries. Particular attention is directed towards efforts associated with the protection of human health and the environment. This section will assist in reducing exposure to contaminants by identifying and employing possible control measures during soil handling operations. Emphasis is also directed at the mitigation of cross-media contamination during construction activities.

All existing local, state, and federal regulations and guidance documents are to be followed by the Mitigation Contractor relative to the handling of contaminated media at this site.

Construction mitigation activities will be undertaken in the following general order:

1. Establish Site perimeter boundary of the residential/non-residential zones as delineated

on Figure 7 and 8. This is shown as the "Area of Disturbance" on Figures 7 and 8.

2. A SWP3 will be implemented for the duration of mitigation and construction activities within the Site boundaries. Included as Appendix B is a SWP3. The Mitigation Contractor is given the option to utilize the SWP3 found in Appendix B or to submit a different plan which is no less stringent than the plan in this report. The plan must be submitted for review and approval to the Owner's representative a minimum of two

weeks prior to start of work. Prior to initiation of mitigation activities a Notice of Intent (NOI) will be obtained.

3. Implement the Fugitive Dust Control Plan, an example of which is shown in Appendix C. The Mitigation Contractor may use this plan or develop and submit a separate plan that is no less stringent than the plan in this report. The plan must be submitted to the Owner's representative a minimum of two weeks prior to the start of work.
4. Implement a temporary decontamination area for people and equipment leaving the Site as described in Section 4.3.3.
5. Mitigation
6. Work is to be scheduled and implemented such that work activities will progress from the south to the north in order to eliminate the chance of cross contamination occurring.
  - a. Remove and Dispose (R&D) or cap upstream flood deposits designated as FD with concentrations greater than 10,000 mg/kg shown on Figures 7 and 8.
  - b. R&D mine tailings and impacted soils above the 400 mg/kg action level for lead from area MTB.
  - c. R&D or cover lead impacted soil above 2,100 mg/kg south of area of disturbance to the city water pipeline.
  - d. R&D impacted soils above the 400 mg/kg action level for lead from areas A, B, C, and D within the area of disturbance as shown on Figures 7 and 8. Remove excess soils from tree roots, rocks and boulders prior to transporting and disposing of this debris off-site. Employ institutional controls (cover or restrict access) in areas A, B, C, and D outside the area of disturbance. Twelve-inches of topsoil will be placed and maintained in capped areas. The Mitigation Contractor is to certify that the imported topsoil has concentrations of lead below 400 mg/kg and arsenic below 100 mg/kg through testing by a Utah State Certified analytical laboratory. As discussed in Section 3.5, no areas have been designated as being capped, however, field conditions may warrant a change of institutional control. The UDERR will be notified prior to any changes.
  - e. Areas E through M are not to be disturbed and institutional controls will be used to limit access to the area.
  - f. Excavated clean soils proved suitable for roadway/trail surfacing may be used to surface the trails and the roadway within the area of disturbance.
  - g. Paving operations are to proceed from the north to the south in order to prevent any cross contamination. Paving is only to be completed within the area of disturbance.
7. Construction (buildings, roads, utilities) can be undertaken simultaneously with remediation activities as long as cross contamination does not occur.

8. Access will be restricted through institutional controls to areas with lead concentrations above action levels and where R&D was not conducted.

The Mitigation Contractor is to provide the Owner's representative with a detailed schedule of mitigation and construction activities which clearly addresses the means, methods and timing of activities by which to assure against cross contamination.

#### **4.3.1 Cross Media Transfer/Mitigation**

The transfer of contaminants from on-Site soils to other media both on and off the Site is generally referred to as cross-media transfer. The Mitigation Contractor is to assure that cross-media contamination does not occur. It is the Mitigation Contractor's responsibility to prevent transfers of contaminants from the on-Site soils to air, water, and other natural media. Potential cross-media transfer may arise from the following:

- The inherent risk that the Site characterization has not identified all areas of high and low concentrations of contaminants of concern.
- Fugitive dust emissions during various on-Site activities including movement of equipment on-Site and the excavation, staging, hauling, and placement of soils.
- Leaching of contaminants to surface water from uncovered stockpiles and excavations.
- Improper handling of residues, such as silts collected in storm runoff catchment areas and generated from decontamination wash water which improper handling could allow contaminants to migrate and impact uncontaminated areas and surface waters.

In the event that a situation arises that is an immediate threat to human health or the environment, the Owner's representative, the Environmental Consultant, or the UDERR Project Manager may order an immediate halt to the work until corrective action has been implemented.

#### **4.3.2 Site Preparation and Staging**

Prior to moving equipment on the site and commencing soil operations, the Mitigation Contractor will undertake and complete the following activities:

- Stake the Site boundaries.
- Secure the site through fencing or other appropriate means.
- Implement Site access control with designated ingress and egress point(s) and controls.
- Identify and mark areas of impacted tailings and soils scheduled to be removed.
- Initiate the SWP3 and install engineering controls as stipulated in the plans. Identify surface drainage flow patterns and develop a surface runoff management plan to prevent contamination from flowing off-site.
- Identify and mark existing subsurface utilities through "Blue Stakes" and/or the appropriate public utility organization(s).

- Implement necessary air monitoring system.

#### **4.3.3 Pre-Soil Disturbance Activities**

Prior to the commencement of soil movement activities (clearing, grubbing, excavation, transporting, and placement), the following activities will be completed:

- The proposed means and methods of the decontamination of personnel and equipment are to be submitted to the Owner's representative, Environmental Consultant, and the UDERR Project Manager at least two weeks prior to the start of mitigation activities. In addition, a Site map and layout details of the decontamination area will be provided at the same time.
- The Environmental Consultant will notify UDERR of the commencement of soil removal activities at least one week prior to the actual start of mitigation work. The notification will be verbal.
- Implement site access control.
- Implement the SWP3 (see Appendix B). Off-Site runoff is to be prevented from entering and mixing with on-Site contaminated soils by the use of earthen berms or other field proven methods. On-Site surface runoff is to be captured by diversions to a controlled holding area. The runoff will be allowed to naturally evaporate. The sediment will be characterized and the sediment will be disposed of in the same manner as the site soils at the end of the project.
- Implement a temporary decontamination area for people and equipment leaving the site. At a minimum, this decontamination area is to be designed in such a manner as to collect wash water, soils, and other solid media generated during equipment decontamination. In addition, the decontamination area is to be provided with properly marked containers for the temporary storage of used personal protective equipment, such as clothes and shoe coverings.

#### **4.3.4 Operational Considerations During Construction**

During active soil remediation operations related to the disturbance of on-Site soils, the Mitigation Contractor shall:

- Monitor predicted and real-time weather conditions as those conditions would impact construction operations and cross media transfer as in the case of high wind conditions. Operations are to be adjusted accordingly. In this regard, the Mitigation Contractor is required to review past climatological records of the National Weather Service.
- Adjust the surface runoff mitigation and SWP3 plans and their field implementation as site conditions change during construction operations.
- Implement operational controls as Site conditions warrant.
- Maintain low vehicle speeds with all vehicles on unpaved driving areas.
- Control placement, size, and shape of soil piles. Place soil piles in areas where they are shielded from prevailing winds. Shape soil piles to minimize surface areas exposed to

winds. Employ wind screens where practical. Apply dust control measures, including coverings, to the soil piles as necessary. The Mitigation Contractor is to utilize the Air Monitoring Plan and procedure for controlling dust generated from the soil piles and the site in general while awaiting analytical results.

- Where practical, utilize larger equipment to minimize surface area/volume ratio of soils being excavated.
- When transporting soils off-Site, cover or enclose all loads. Observe all trucks leaving the Site for spillage. Take immediate corrective action when spillage or potential for spillage is observed.
- Utilize appropriate covers over stockpiles and excavations as conditions warrant.
- Apply water spray, with or without additives, during excavation, loading, and dumping operations, and to disturbed areas in general as site conditions warrant.
- Apply dust suppressants as Site conditions warrant.

#### **4.3.5 Site Monitoring**

##### **Personnel**

Individual personal air monitoring is to be undertaken in conformance with any applicable requirements of the SHSP. It is the Mitigation Contractor's responsibility to assure compliance with the provisions of the SHSP relative to personal air monitoring. Documentation of the analytical results is to be furnished to the Owner's representative and the Environmental Consultant in a timely manner.

##### **Air and Dust Monitoring**

Air monitoring will be conducted in accordance with the approved Fugitive Dust Control Plan.

Air monitoring will be dependent on daily weather conditions and adjusted in consultation with the UDERR Project Manager and the Environmental Consultant. The Mitigation Contractor shall maintain a daily log recording the location of the system, wind speed, wind direction, time of sample collection, chain of custody identification number, and the name of the sampler.

The type of air monitoring system to be employed at the Site is left to the Mitigation Contractor's discretion. The air monitoring system must be able to meet the above stated objectives. Prior to the commencement of any Site work, an ambient air sample is to be collected. This sample event is to form a base by which samples that may be collected during construction activities will be compared. Additional up-wind samples may be required during construction activities.

##### **Soils**

On-Site soils will be monitored by the Environmental Consultant on behalf of the Owner. The Mitigation Contractor is to coordinate its' operations so that adequate soil sampling can be completed. This coordination shall include, as a minimum: providing a schedule of proposed excavation and placement activities seventy-two (72) hours prior to those activities taking place; adjusting the rate of its operations to accommodate reasonable needs for testing; and stockpiling and identifying soils so that test results can be coordinated.

## **5.0 DISPOSAL FACILITIES**

Solid media removed from the Site will be disposed of at an appropriate facility. Debris, such as vegetation and acceptable soils may be disposed at a local non-hazardous waste landfill within reasonable haul distance from the site. Soils adhering to debris will be carefully removed by mechanical means such as brushing. This work will be undertaken in a manner consistent with safe operating procedures. Some materials, particularly excavated soils with lead concentrations above established action levels, will require disposal at a regulated waste landfill. Richardson Flats Repository has agreed to accept the waste material.

The Mitigation Contractor will identify the disposal location for non-hazardous waste disposal. The UDERR Project Manager will be notified of the selected location. It is the Mitigation Contractor's responsibility to ascertain the required documentation for delivering and disposing of materials at the non-hazardous waste disposal facilities and provide the completed documentation to the Owner's representative and the Environmental Consultant.

### **5.1 COORDINATION OF DISPOSAL ACTIVITIES**

The Mitigation Contractor is responsible for the coordination of all activities relative to the movement of debris off-Site for disposal purposes. The Mitigation Contractor will provide the UDERR Project Manager, and the Environmental Consultant with a written schedule of planned operations at the start of work and will update the schedule in a timely manner as site conditions warrant. The Environmental Consultant will collect soil samples during excavation activities as discussed in further detail in Section 6.0. This data will be continually reviewed and the Environmental Consultant will notify the Mitigation Contractor, the UDERR Project Manager, and the Owner's representative immediately if any problems should develop within the laboratory or with field meters, which would adversely impact the construction schedule.

### **5.2 OFF-SITE TRANSPORTATION**

Off-Site transportation of debris will be in complete conformance with all local, state, and federal rules, regulations, and laws. The Mitigation Contractor is responsible for the movement of soils both on and off the Site.

### **5.3 DOCUMENTATION**

The Mitigation Contractor is responsible for the complete coordination and timely preparation of all documentation required by the receiving facility for any debris removed to an off-site facility.

## **6.0 MITIGATION AND VERIFICATION ANALYTICAL SAMPLING**

The Owner anticipates that soils will be sampled and analyzed during mitigation activities using either field instrumentation and/or laboratory analysis of samples collected in the field. The Environmental Consultant shall conduct such testing.

### **6.1 SAMPLING ANALYSIS PROJECT PLAN (SAPP)**

A SAPP/QAP for this Site was previously submitted and approved by the UDERR. A new QAP will not be submitted as mitigation soil sampling methods will follow protocol presented in the previously approved QAP. Section 6.1 is the Sampling Analysis Project Plan (SAPP) for Site mitigation including the Sampling Work Plan, Field Instruments, and Quality Control.

#### **6.1.1 Sampling Work Plan**

It is the intent of this Mitigation Work Plan to remove and potentially cover soils impacted by lead above the established action levels as described in previous sections. An X-ray fluorescence (XRF) will be used to determine at which point excavation will cease. The XRF will be used to screen lead concentration and laboratory confirmation samples will determine if mitigation is complete.

XRF screening will occur every 50 feet to evaluate lead concentrations. To confirm mitigation is complete, a grab sample will be collected every 50 feet and four grab samples will be composited for submittal to the laboratory. Approximately 30 confirmation grab samples (approximately 10 composite samples) will be collected in FD, MTB, and the non-residential development section within the area of disturbance. The mine tailings are estimated to be up to 5 feet thick in some areas.

In the areas of proposed residential development, the XRF will be used to screen soil samples. Grab samples will be collected every 50 feet and four grab samples will be composited for submittal to the laboratory to confirm lead concentrations. The estimated number of confirmation grab samples to be collected is approximately 30 samples and approximately 10 composite samples will be submitted to the laboratory. Samples will be collected approximately every 50 feet in areas identified in the SARR as having lead concentrations above 400 mg/kg.

Soil with lead concentrations greater than 400 mg/kg but less than 2,100 mg/kg may be placed beneath roadways and paved areas. The concentration of the soils placed beneath the roadways and paved parking areas will be sufficiently characterized using XRF instrumentation and laboratory analysis to assure that sufficient information is available to prepare the Site Mitigation Plan. Random XRF instrument readings will be taken at one-foot lifts and laboratory analysis will be undertaken at a ratio of one laboratory sample per every 20 XRF readings.

The following quality control samples will be collected:

- To confirm XRF readings, 5 percent of the samples will be analyzed by a Utah-certified laboratory for analysis of total concentration of lead and arsenic using EPA Method

Alice Lode  
 Mitigation Work Plan (Revised August 3, 2006)  
 Voluntary Cleanup Program  
 Project No. 5-814-000223  
 August 3, 2006

6010B. Analysis using the Toxic Characteristic Leaching Procedure (TCLP) will not be undertaken.

- A trip blank will be sent for analysis at a ratio of 1 trip blank per 20 samples analyzed.
- Equipment blanks, if equipment decontamination is necessary, will be collected at one equipment blank per day.
- Duplicate split samples will be collected as a measure of the field and laboratory QA/QC. The UDERR Project Manager may be collecting split samples during the sampling operations.

**TABLE 1 - SAMPLE ANALYSES FOR LEAD AND ARSENIC IMPACTED SOIL  
 ALICE LODE  
 PARK CITY, UTAH**

Sample Number	Sample Type	Location	Rationale	Analytical Parameters	
				Pb/As XRF	Pb/As Laboratory
1-30	Soil	MTB, Non-residential	Screening	X	
31-41	Soil	FD, MTB, Non-residential	Confirmation		X
42-72	Soil	Residential development	Screening	X	
73-83	Soil	Residential development	Confirmation		X
83-87	Soil	Non-residential and Residential	Laboratory confirmation		X
88-90	Soil	Quality Control	Duplicate/Split	X	X
91-101	Soil	Quality Control	Equipment Blank		X
102-105	Water	Quality Control	Trip Blank		X

- Pb – Lead.
- As - Arsenic.
- Sample Identifications will be designated as KD3-XX, depth.
- American West Analytical Laboratories of Salt Lake City, Utah will be the designated Utah State Certified laboratory.
- Analysis for total lead and arsenic using EPA Method 6010B.

### **6.1.2 Field Instrumentation for Field Screening of Soils**

Field screening of soils will be undertaken with an XRF instrument during soil excavation for the sole purpose of expediting the excavation and disposal at the appropriate disposal facility. Field screening is not to be construed as a substitute for chemical analysis. The results obtained from chemical analysis will be the sole basis by which disposal decisions and final characterization will be determined.

The XRF will be calibrated at the beginning of each workday in conformance with the manufacturer's instruction.

### **6.2 QUALITY ASSURANCE/QUALITY CONTROL**

Sampling will proceed according to the methods described in the approved QAPP. The only exception to the procedures detailed in the QAPP is that a Level III QA/QC reporting package will be requested from the analytical laboratory. This will include a case narrative, laboratory control sample, matrix spike/matrix spike duplicate (MS/MSD) sample, and method blanks. Quality control samples of equipment blanks, trip blanks, and duplicates will be collected as previously described and shown on Table 1. In addition, field screening with the XRF instrument will be in complete conformance with the manufacturer's instructions.

A standard turnaround time will be requested from the laboratory for the initial characterization samples. A 24-hour turnaround time will be requested from the laboratory for the final confirmation and UDERR split samples.

Analytical samples to be sent to a certified laboratory for analysis will be collected using disposable equipment. Field decontamination of sampling equipment is not anticipated. All disposable sampling equipment and personal protective equipment will be cleaned, bagged, removed from the area, and properly disposed of as non-hazardous material.

### **7.0 FINAL REPORT**

The Environmental Consultant will prepare a final report. This report will encompass as-built drawings, field reports and logs, chain-of-custody forms, analytical results, manifests, permits, institutional controls, and other documentation as appropriate. This report will be furnished within a reasonable period of time after all construction operations associated with the remedial operations are accomplished. As-built drawings are to be furnished by the Contractor. The Site Management Plan will be prepared upon completion of the final report and will not be part of the final report.

Alice Lode  
Mitigation Work Plan (Revised August 3, 2006)  
Voluntary Cleanup Program  
Project No. 5-814-000223  
August 3, 2006

## 8.0 SCHEDULE OF ACTIVITIES

KDG anticipates initiation of this work using the following schedule:

### Design and Bid Period

Alice Lode                      Ongoing – Completion estimated July 2006.

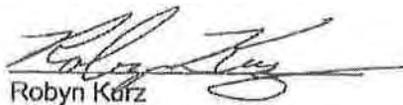
### Field Activities

Alice Lode                      September 2006 – actual time frame dependant on approval of the submitted Mitigation Work Plan.

### Final Report to DERR

Alice Lode                      Time frame will depend on the extent of activities as described in the Work Plan. A time frame cannot be estimated at this time.

This report was prepared by AMEC Earth & Environmental, Inc.



Robyn Katz  
Project Geologist

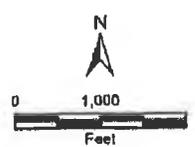
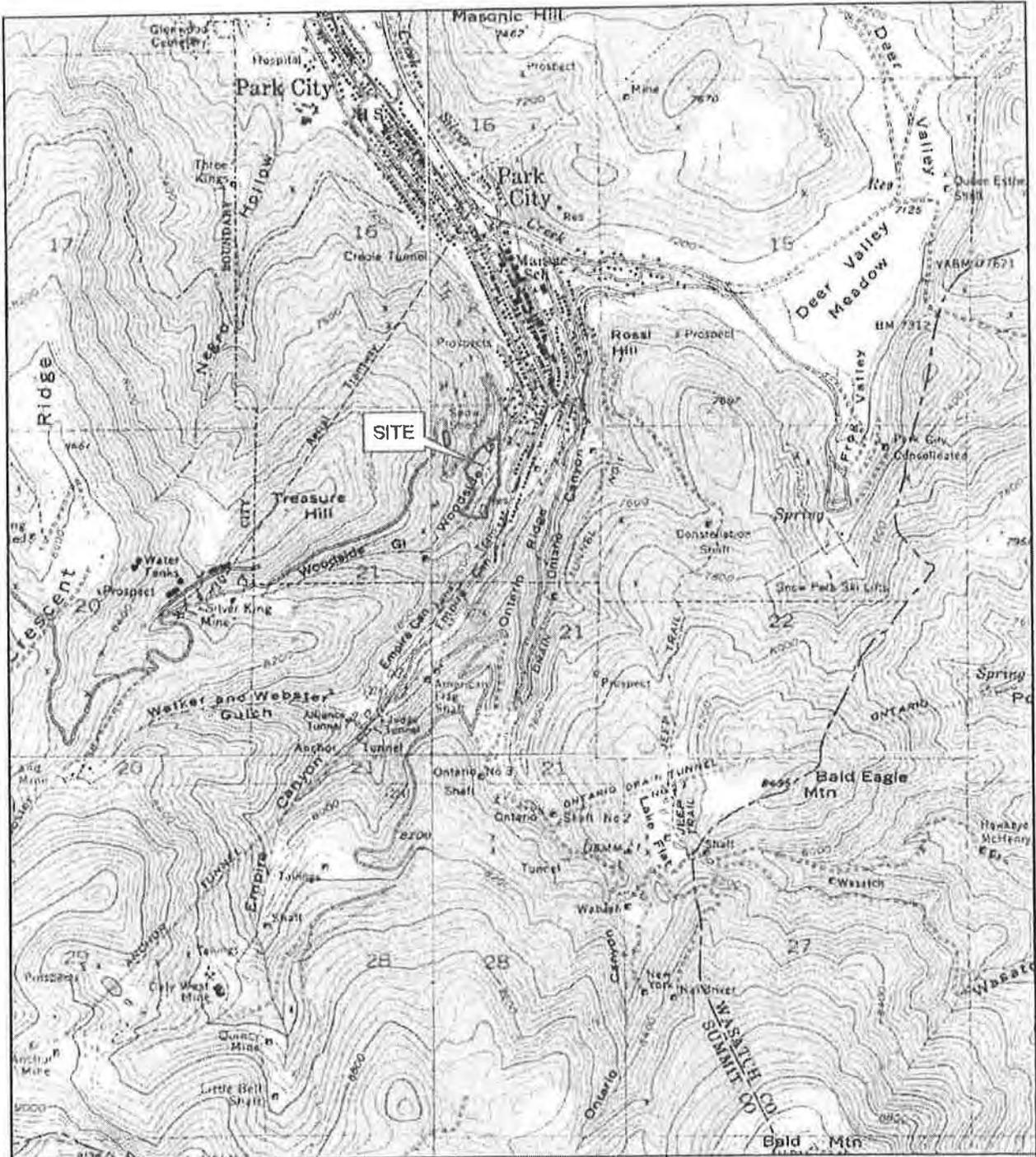
Date: 8/3/06

Reviewed by:



Kathy M. Harris, PG  
Senior Project Manager

Date: 8/3/06



Heber City, Brighton, Park City West, and Park City East Quadrangles  
 USGS 7.5 Minute Series (Topographic)

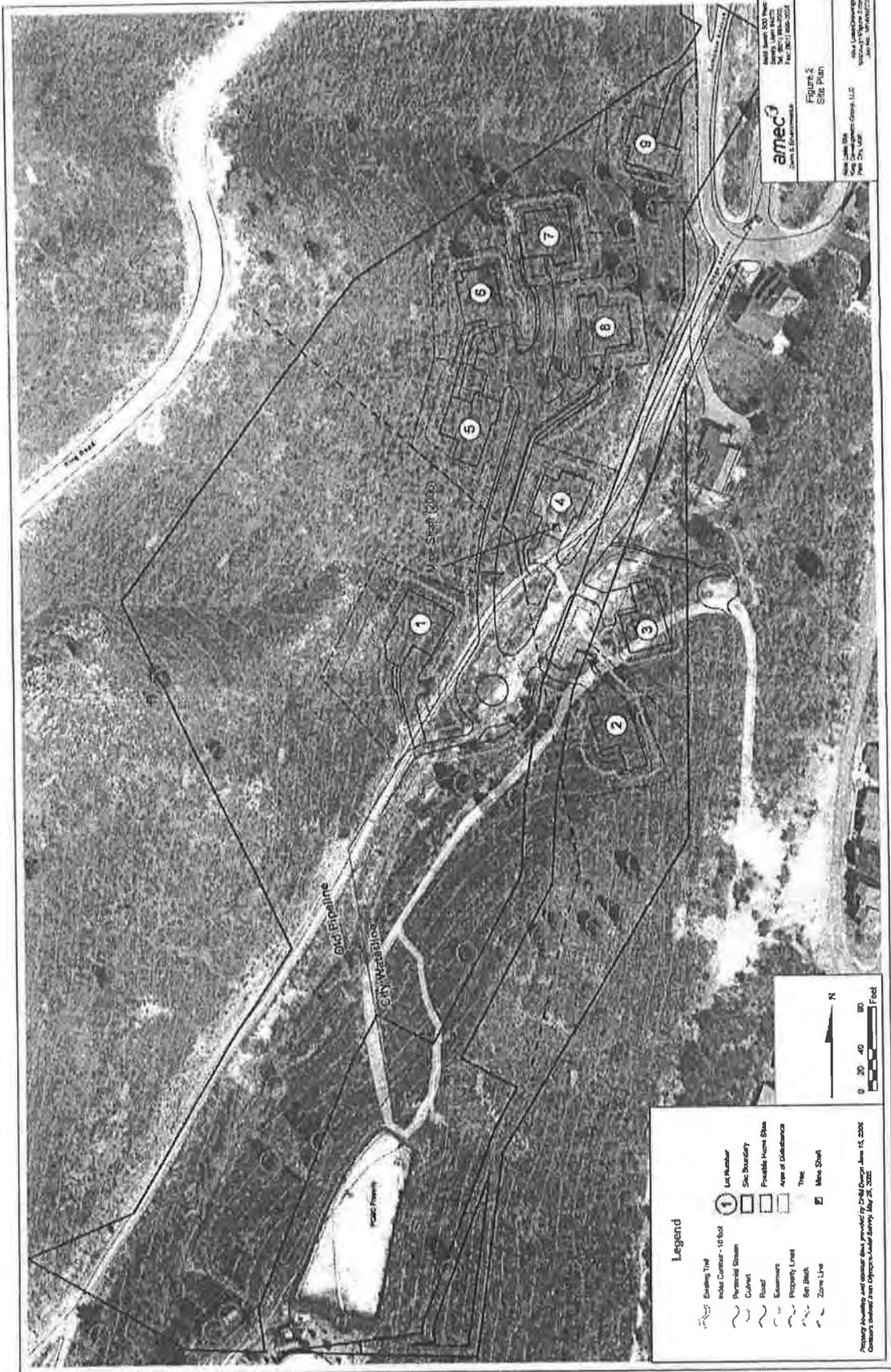
**amec**  
 Earth & Environmental, Inc.

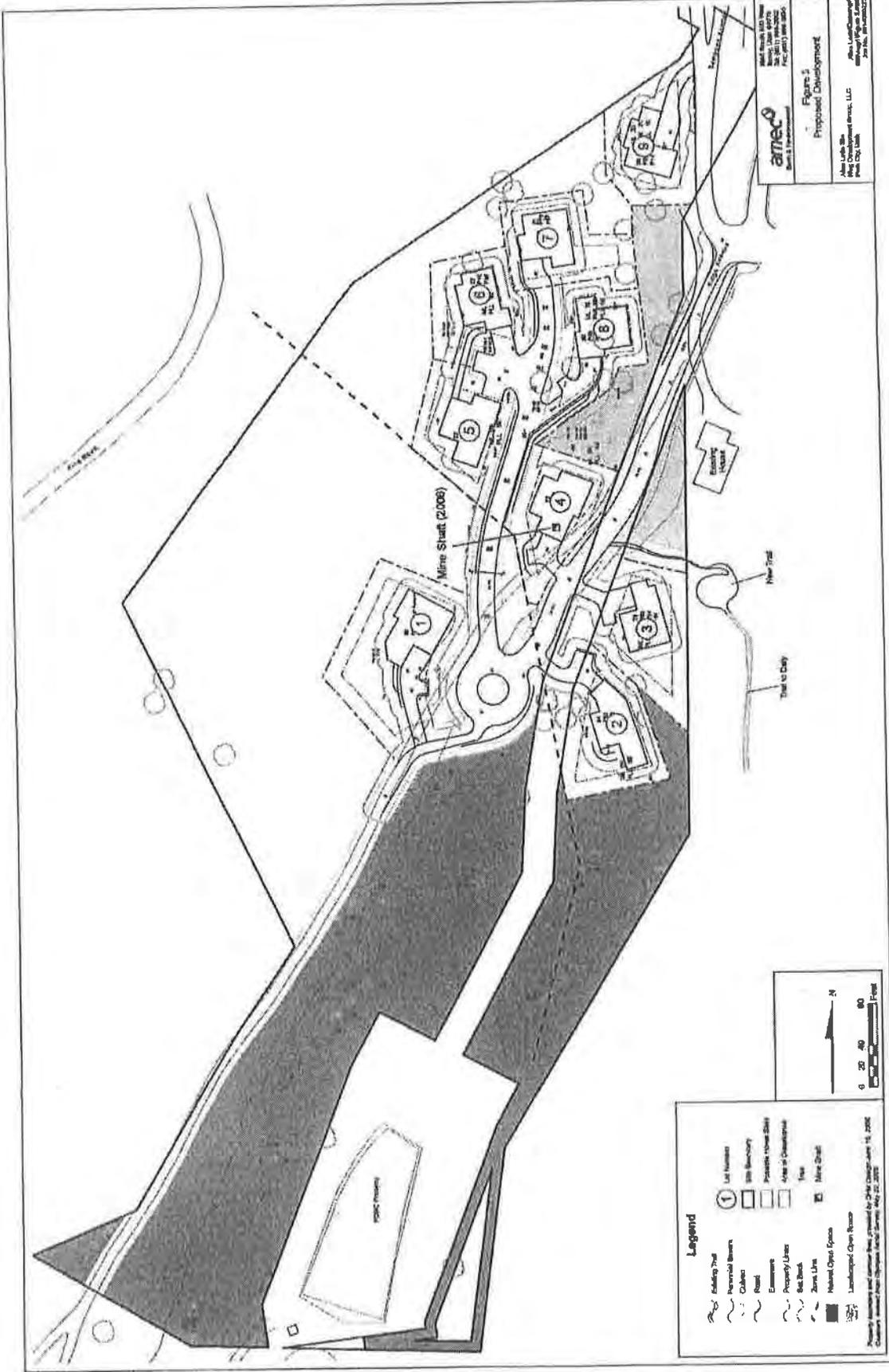
8866 South 500 West  
 Sandy, Utah 84070  
 Tel: (801) 999-2002  
 Fax: (801) 999-2102

Figure 1  
 Vicinity Map

Alice Lode Site  
 King Development Group, LLC  
 Park City, Utah

Alice Lode\Drawings\GIS\June\Figure1.mxd  
 Job No. 5-B14-00023





**amec**  
 10000 1st Avenue  
 Suite 100  
 Irvine, CA 92618  
 Tel: 949.261.2000  
 Fax: 949.261.2005

**Figure 5**  
 Proposed Development

Alan L. Williams, P.E.  
 Alan L. Williams & Associates, LLC  
 10000 1st Avenue, Suite 100  
 Irvine, CA 92618  
 Tel: 949.261.2005

**Legend**

- Utility Ties
- Horizontal Boundaries
- Columns
- Road
- Easements
- Property Lines
- Site Deck
- Storm Lines
- Natural Open Spaces
- Landscaped Open Spaces
- Lot Numbers
- Site Boundary
- Proposed Street Right
- Area of Contamination
- Tree
- Mine Shaft
- Parking Lot
- New Trail
- Trail to Entry

Property boundaries and contour lines provided by 2nd-CAD Company, June 14, 2006  
 Contour lines and site information provided by 2nd-CAD Company, July 22, 2006

0 25 50 100 Feet

N













**Appendix A**  
**Health and Safety Plan**

# **Site-Specific Health and Safety Plan Alice Lode**

---

**Prepared by  
AMEC Earth & Environmental, Inc.  
9865 South 500 West  
Sandy, UT 84070  
(801) 999-2002**

**June 8, 2006  
May 3, 2006 (revised)**

**Project No. 5-814-000223**

**SITE-SPECIFIC HEALTH AND SAFETY PLAN**

for

Alice Lode  
Project Title

Woodside Gulch, Park City, Utah  
Location

Prepared by: Kayli Moss Date 6/08/05  
Environmental Technician

Approved by: \_\_\_\_\_ Date 6/08/05  
Mark Longson, PG  
Safety, Health, and Environment Coordinator

Accepted by: \_\_\_\_\_ Date 6/08/05  
Name: Kathy M. Harris, PG  
Project Manager

Modified \_\_\_\_\_ Date 9/08/05  
Accepted by: Name: Kathy M. Harris, PG  
Project Manager 4/25/06

This Health and Safety Plan (HSP) is in accordance with company policies and Cal/OSHA Injury and Illness Prevention Program, Title 8: 3203. This HSP has been streamlined to avoid duplication of existing AMEC Earth & Environmental (AEE) documents.

CLASSIII DOC

November 2002

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. GENERAL INFORMATION.....	1
II. EMERGENCY CONTINGENCY PLAN.....	2
III. SITE CHARACTERIZATION.....	5
IV. WASTE CHARACTERIZATION.....	7
V. HAZARD EVALUATION.....	8
VI. PERSONAL PROTECTION & MONITORING EQUIPMENT GUIDELINES.....	9
VII. PARK CITY SOILS ORDINANCE WORKER HEALTH AND SAFETY.....	11
VIII. SAFETY STANDARD OPERATING PROCEDURES.....	12
IX. ACKNOWLEDGMENT AGREEMENT.....	17

**APPENDICIES**

Appendix A	Chemicals Hazardous Properties
Appendix B	Soils Ordinance Worker Health and Safety Notice

POST ON SITE

**CLASS III SITE HEALTH & SAFETY PLAN**

Prior to initiating field activities, the Site Safety Officer (SSO) or Project Manger must review the Site Health and Safety Plan (SHSP) with all members of the field crew, including AMEC employees, and subcontractors. All field team members working in the contamination zone, or who may be exposed during the course of their work, shall have completed OSHA 40-hour HAZWOPER and annual refresher training (29 CFR 1910.120), CPR and First Aid training. When required by the local regulatory authority, copies of training certificates, CPR/First Aid cards, and respirator fit-test documentation shall be maintained on-site. Each AMEC team member must review the SHSP and sign and date the Acknowledgement Agreement on page 18 of the plan. Each subcontractor employee and visitor must review the SHSP and sign, date, and describe their affiliation on page 19 of the plan. The signed plan is to be kept in the field for the duration of the project and returned to the project file upon completion of field activities.

SHSPs may be revised or rewritten for different phases of a project, if site activities are distinctly different, if areas of differing hazard are involved, or as information about contaminants and hazards changes. Changing conditions may justify either increasing or decreasing SHSP restrictions and action levels, depending upon the additional information generated.

**AMEC PROJECT NUMBER** 5-814-000223

I. GENERAL INFORMATION

Client:	<u>Jerry Fiat</u>	Site Owner:	<u>Jerry Fiat</u>
Site Name:	<u>Alice Lode</u>	Client Claim/P.O. Number	<u>N/A</u>
Site Address:	<u>Woodside Gulch, Park City, Utah</u>		
Project Manager:	<u>Kathy M Harris, PG</u>		
Revised by:	<u>Robyn E. Kurz</u>	Date:	<u>April 25, 2006</u>
Revision Approved by:	<u>Kathy M. Harris, PG</u>	Date:	<u>April 25, 2006</u>

Describe Planned Site Work and Indicate Dates of Current Activity as Work Proceeds:

Time Frame MM/YY - MM/YY	Project Phase	Description
June 9, 2005 through June 15, 2005	Project Phase 1	Approximately 70-80 soil samples will be collected every 200 feet at depths 0"-2" and at bedrock or auger refusal which is estimated to be less than two feet. Samples will be bagged and screened for lead and arsenic content using an X-Ray fluorescence (XRF) meter
2005	Project Phase 2	Additional delineation of lead and arsenic in soil.
2006	Project Phase 3	Mitigation of impacted soil.

II. EMERGENCY CONTINGENCY PLAN

A. LOCAL EMERGENCY TELEPHONE NUMBERS (provide area code):

Ambulance (801) 972-1211 \_\_\_\_\_  
 Hospital Emergency Room (435) 655-0055 \_\_\_\_\_  
 Poison Control Center 1-800-456-7707 \_\_\_\_\_  
 Fire Department 911 \_\_\_\_\_  
 Police Department 911 \_\_\_\_\_  
 Hazardous Materials Response Unit 1-800-424-8802 \_\_\_\_\_

Note: If you list 911, check to be sure it is activated in the site area and determine whether it is enhanced. Enhanced? Yes  No

B. EMERGENCY ROUTES

(Give name, address, telephone number, directions, distance and time estimate.)

Hospital\* name: Snow Creek Emergency & Medical Center Phone number:  
 Hospital address: 1600 Snow Creek Drive (435) 655-0055  
 Directions to nearest hospital:  
 See attached

Estimated driving distance: See attached  
 Estimated driving time: See attached

Does hospital accept chemically contaminated patients? Yes  No

\* Hospital should be notified immediately if an injury occurs which requires medical attention.

Alice Lode  
Health & Safety Plan  
Project No. 5814-000223  
April 25, 2006

INSERT MAP OF HOSPITAL ROUTE(S) AS LAST PAGE OF SITE HEALTH & SAFETY PLAN.

**C. SITE RESOURCES**

Water supply available on site:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
Telephone available on site:	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	AMEC provided cellular phone
Bathrooms available on site:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
Electricity available on site:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	
Other resources available on site:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	

If "yes," identify:

Employee cell phone

For each "no," identify the closest available resource and provide directions:

Water will be provided by AMEC employees. Restrooms are located at the Marsac Transport Center. Electricity will not be needed during the sampling event.

**D. EMERGENCY CONTACTS:**

**PHONE NUMBER (provide area codes)**

	<u>Work</u>	<u>Cell</u>
1. Project Manager: Kathy M. Harris, PG	(801) 999-2002	Not applicable
2. Unit Manager: Mark Longson, PG	(801) 999-2002	Not applicable
3. Health and Safety Sr. Specialist: Mark Longson, PG	(801) 999-2002	Not applicable
4. Site Contact: Robyn E. Kurz	(801) 999-2002	(801) 870-4659
Utility Emergency Contacts		
5. Phone – Qwest <i>SLC area</i> : (801) 532-5000 <i>non-SLC area</i> : 1-800-662-4111		
6. Electric – Utah Power 1-800-662-4111		
7. Gas – Questar 1-800-541-2824		
8. Sewer - (435) 615-5300		
9. Water - (435) 615-5300		

**E. PROJECT HEALTH AND SAFETY TEAM:**

Team Members (list)

Project Manager:	Kathy M. Harris, PG
Public Information:	Mark Longson, PG
AMEC On-site Personnel:	Robyn E. Kurz, Kayli Moss
(On-site personnel are responsible for AMEC site health & safety)	Robyn E. Kurz
AMEC Site Safety Officer:	Robyn E. Kurz
SHE Manager	Mark Longson, PG

**F. PERIMETER ESTABLISHMENT:**

Map/Sketch attached: Yes  No  Site secured: Yes  No   
Perimeter identified: Yes  No  Zone(s) of Contamination Identified: Yes  No   
Prevailing wind direction, if known: unknown

In the event of an emergency incident, the site project team will meet at:  
At the base of Woodside Gulch on Daly Avenue

Evacuation routes & procedures, if applicable:  
Not applicable

**G. WORK ZONES:**

An exclusion zone, contamination reduction zone, and support zone will be identified for each site or site activity. Zones will be marked with yellow **CAUTION** tape or cones, as needed.

**H. SITE SECURITY:**

When work scheduling requires that an excavation be left open overnight, security fencing will be erected to restrict access to the site or work zones described in Section II.G.

**III. SITE CHARACTERIZATION**

**A. Summary of Previous Site Investigation(s):**

Mine tailings from Alice Lode present within Woodside Gulch. Lead and arsenic impacted soil present.

**B. Sources of Previous Site Investigation Information:**

AMEC and Brownfields Investigation.

**C. General Facility Description:**

Active  Closed/Abandoned  
Vacant undeveloped

Current site activities (operations on-site, products, raw materials used, etc.):

None

How many years has the site been operating? Previous mine claim 1890's and 1900's.

Was the site used by previous owners? Yes  No

Describe previous site activities: Mining and recreation.

Surface cover on-site includes:

<input type="checkbox"/>	Soil/bare ground	<input type="checkbox"/>	Clay caps	<input type="checkbox"/>	Plastic cover
<input type="checkbox"/>	Grass	<input type="checkbox"/>	Paving/asphalt	<input type="checkbox"/>	Water bodies
<input type="checkbox"/>	Woods	<input type="checkbox"/>	Swamp	<input checked="" type="checkbox"/>	Brush/scrub
<input type="checkbox"/>	Buildings	<input type="checkbox"/>	Unpaved roads	<input type="checkbox"/>	Other _____

Approximate site surface area: Unknown Unknown acres

Percentage of surface area: Paved \_\_\_\_\_ %  
 Vegetated 75 %  
 bare soil 25 %  
 under water \_\_\_\_\_ %

Potential for dust generation on-site: High  Medium  Low

Any site access restrictions? Yes  No   
 Fenced/locked  Posting (signs)  Security Guards

Is there evidence of public access to the site? Yes  No

If "yes," describe: Gravel access road, recreational trails.

**D. Regulatory Contacts:**

Are regulatory agencies involved with the site? Yes  No

If "yes," are they federal?  state?  local?

Name \_\_\_\_\_ Agency \_\_\_\_\_ Phone \_\_\_\_\_

Phillip Greer	DERR	(801) 538-4246
Jeff Schoenbacker	PCMC	

**IV. WASTE CHARACTERIZATION**

**A. Waste/Contaminant Type(s):** Liquid  Soil  Solid  Sludge  Gas

Characteristic(s):  
 Corrosive     Ignitable     Radioactive     Explosive  
 Volatile     Toxic     Reactive     Flammable  
 Unknown     Other (name)    Heavy Metals Lead, Arsenic

**B. Major Spills/Releases:**

Type	Date	Chemical	Quantity	Contaminated Media
Soil	Unknown	Lead /Arsenic	Unknown	Soil

(\* air, surface water, soil, or ground water)

Free Product: Yes  No  Dissolved: Yes  No   
 Have removal actions occurred: Yes  No   
 If "yes," describe: \_\_\_\_\_

Is there evidence that contaminants present could cause vapor problems in structures on-site?

Yes  No  If "yes", is building mechanically ventilated? Yes  No   
 \_\_\_\_\_ Exhaust Ventilation  
 \_\_\_\_\_ General Building Ventilation

**C. Chemicals/Wastes Stored On-Site:**

How many?                      Size?                      Chemical?

Alice Lode  
 Health & Safety Plan  
 Project No. 5814-000223  
 April 25, 2008

<input type="checkbox"/>	Drums	_____	_____	_____
<input type="checkbox"/>	Tanks	_____	_____	_____
<input type="checkbox"/>	Vats	_____	_____	_____
<input type="checkbox"/>	surface Impoundments	_____	_____	_____
<input type="checkbox"/>	Pits /landfills	_____	_____	_____
<input checked="" type="checkbox"/>	other Unknown	_____	_____	_____

Identify all chemical products AMEC will use or store on site: None

Material Safety Data Sheets (MSDSs) are **required** for site chemicals. Please indicate where MSDSs can be found for this site:

MSDS Log/binder                       Attached

V. HAZARD EVALUATION

List all chemicals below that are present or are suspected of being present on-site and list their maximum concentrations in soil/water. Information on hazardous properties is listed in **Appendix A**. For chemicals not shown in **Appendix A**, enter the hazardous property information in the spaces provided and attach a Material Safety Data Sheet.

Chemical Name	PEL/TLV	Maximum Concentration in Soil	Maximum Concentration in Water	Health Hazards/ Comments
Lead	.05mg/m <sup>3</sup>	Unknown	Unknown	Wear proper PPE
Arsenic	.01mg/m <sup>3</sup>	Unknown	Unknown	Wear proper PPE

P = results pending

Potential Hazards (check boxes that apply to the site)

<input type="checkbox"/>	corroded containers	<input type="checkbox"/>	Visible leachate	<input type="checkbox"/>	underground tanks
<input type="checkbox"/>	overhead electric lines	<input type="checkbox"/>	Underground utilities	<input type="checkbox"/>	surface tanks
<input checked="" type="checkbox"/>	visible soil contamination	<input type="checkbox"/>	Odors	<input type="checkbox"/>	observed tanks
<input type="checkbox"/>	observed free product	<input type="checkbox"/>	Dust	<input type="checkbox"/>	confined spaces

<input type="checkbox"/>	open lagoons	<input type="checkbox"/>	open pits
<input type="checkbox"/>	air stack emissions	<input type="checkbox"/>	on-site surface water contamination
<input type="checkbox"/>	visible on-site releases	<input type="checkbox"/>	off-site surface water contamination
<input type="checkbox"/>	visible off-site releases	<input type="checkbox"/>	Interior building contamination
<input type="checkbox"/>	visible on-site erosion	<input type="checkbox"/>	no obvious hazards

VI. PERSONAL PROTECTION & MONITORING EQUIPMENT GUIDELINES

A. **PERSONAL PROTECTION:**

Level of Protection: B  C  D  (with modifications)

Modifications:

1. All personnel working in the exclusion zone must wear hardhat, safety shoes, safety glasses and/or face shield.
2. Gloves and tyvek/saranex suit should be worn if contact with contaminated water or soil is likely.
3. Hearing protection must be worn if noise levels prevent normal conversation at a distance of three feet
4. **No smoking, eating, or drinking is allowed in the exclusion or contamination reduction zones.**
5. No personnel are to enter or approach any excavation area where there is a danger of wall collapse or confined space entry.
6. Respiratory protection is dependent on conditions listed in Section VI.B.3, page 12.

B. **SURVEILLANCE EQUIPMENT AND MATERIALS:**

1. Calibration

The photoionization detector (PID) or flame ionization detector (FID) will be calibrated before and after field activities by a qualified individual.

2. Frequency

The breathing zone of AMEC employees on-site will be monitored every hour (at a minimum) and recorded in the AMEC fieldbook. Monitoring should be conducted during tasks which may result in exposure to vapors.

3. Instrumentation

Instrument	Reading	Action Taken
Photoionization detector (HNu) or Flame ionization detector (OVA) for	Known Chemical $\frac{1}{2}$ X TLV of most toxic contaminant = Level C = ___ppm	<b>Level C.</b> Air-purifying respirator with canisters.

Instrument	Reading	Action Taken
Total Organic Vapors	5 X TLV of most toxic contaminant = Level B = ___ ppm  Unknown Chemical: 5 x background or 5 ppm = Level C 10 x background or 10 ppm = Level B	Level B, or leave area. Contact Health and Safety Sr. Specialist.
Explosion Meter	< 10% of LEL 10 – 20% of LEL  > 20% of LEL	Work may continue. Evaluate Inhalation potential. Work may continue. Eliminate all ignition sources, increase monitoring frequency, consider use of ventilation. <b>Work must stop!</b>
Oxygen Meter	< 19.5% O <sub>2</sub>  19.5% to 23.5% O <sub>2</sub>  >23.5% O <sub>2</sub>	Leave area. Reenter only with SCBA/supplied air respirator. Work may continue. Investigate causes of changes above/below 21%. <b>Work must stop.</b> Ventilate before returning and retest atmosphere. O <sub>2</sub> -rich atmospheres pose explosion hazards.
Benzene Colorimetric Detector Tubes **	0 – 0.5 ppm 0.5 - 10 ppm  > 10 ppm	Level D. Work may continue. Level C. Air-purifying respirator with organic vapor canisters. Leave area. Contact Health and Safety Sr. Specialist.
Hydrogen Sulfide (H <sub>2</sub> S) Colorimetric Tubes or Monitors—Some states with high regional H <sub>2</sub> S have special, local monitoring requirements. **	0-5 ppm 5-10 ppm  >10 ppm	Continue working. <b>Requires Level B</b> including supplied air respirator or SCBA. Increase monitoring frequency. <b>Supplied air respirator</b> required due to poor warning properties and toxicity.
Sound Level Meter **	< 85 dBA  85 - 90 dBA  > 90 dBA	Suggest wearing hearing protection when it is necessary to raise voice to be heard at distance of 3 feet. <b>Hearing protection required.</b> Install warning signs for fixed noise sources. <b>Hearing protection required.</b> Employer must have Hearing Conservation Program
Example: Perchloroethylene Colorimetric Detector Tubes	Perchloroethylene's TLV = 25 ppm  $\frac{1}{2} \times 25 \text{ ppm} = 12.5$	Level C. Air-purifying respirator with

Instrument	Reading	Action Taken
	ppm = Level C	canisters.
	5 X 25 ppm = 125 ppm = Level B	Level B, or leave area. Contact Health and Safety Sr. Specialist.

\*\*Optional depending on site conditions and if these contaminants or hazards are suspected of being present on site.

**C. FIRST AID EQUIPMENT AND PROCEDURES:**

1. First Aid Equipment:

Standard first aid kit (sized for number of individuals on-site).

Portable eye wash (appropriate for number of individuals on-site).

2. First Aid Procedures:

Ingestion: Follow instructions from Poison Control Center or the MSDS.

Inhalation: Move victim to fresh air. Seek medical attention if needed.

Dermal Exposure: Remove contaminated clothing. Wash thoroughly with water.

A first aid kit will be provided on-site for use in case of minor injuries. A portable eye wash will also be provided. If a worker suffers a chemical splash in the eye, the field team will be instructed to flush the eye for 15 minutes and arrange for off-site medical treatment immediately. Workers will also be instructed to thoroughly wash with soap and water any unprotected skin which comes in direct contact with contaminated soil or water.

Workers providing CPR or First Aid should use Universal Precautions to control possible exposure to bloodborne and infectious agents. Report all CPR or First Aid assistance to the Health and Safety Sr. Specialist immediately.

3. Site Emergencies:

In the event of a fire or explosion, evacuate the site immediately and call the appropriate emergency responder (phone numbers listed in Section II.A., page 2).

In case of a spill, try to contain or stop the spill if it can be done safely and call the local fire department or hazardous materials response (HAZMAT) unit. Phone numbers are listed in Section II.A., page 2.

Have procedures for remediation system shutdown or emergency procedures been provided to site owner or manager?

Yes     No    (Applies to sites with remediation systems in place).

**VII. PARK CITY SOILS ORDINANCE WORKER HEALTH AND SAFETY**

Due to Park City's historic past as a mining town the City enacted the Landscaping and Maintenance of Soil Cover Ordinance. Additionally a Worker Health and Safety Notice, found in **Appendix B**, addresses issues that workers may have to deal with when working with lead impacted soils.

## VIII. SAFETY STANDARD OPERATING PROCEDURES

### A. CHEMICAL HAZARDS:

A photoionization detector (PID) or flame ionization detector (FID) will be used to measure the relative concentration of organic vapors. Monitoring for exposure to specific, known contaminants may be done using activated charcoal tubes and vacuum pumps, vapor badges, or colorimetric tubes in the breathing zone when working with heavily contaminated soil or water. Action limits for use of respiratory protective equipment are outlined in Section VII.B. All respiratory protection equipment shall be NIOSH/MSHA-approved and use shall conform to OSHA 29 CFR 1910.134. A written Respiratory Protection Program detailing selection, use, cleaning, storage, medical monitoring, training and fit-testing of respiratory protective equipment is maintained at the AMEC office.

In addition to posing inhalation hazards, many hazardous contaminants can also be absorbed through the skin. Skin contact with any contaminated liquid or soil should be prevented. In situations where sampling would result in direct skin contact with contaminated liquids, saturated soil or contaminated equipment, rubber gloves will be worn.

Drilling or digging may also liberate pockets of hydrogen sulfide (H<sub>2</sub>S). While the characteristic "rotten egg" odor of H<sub>2</sub>S is detectable at levels as low as 0.0005 ppm, prolonged detection is unreliable due to its olfactory fatigue properties. In open air on a typical remediation site, risk from exposure to H<sub>2</sub>S is minimal. However, should H<sub>2</sub>S be encountered, workers shall be instructed to stop drilling/digging and move to an upwind location until the vapors have dissipated, as measured by colorimetric H<sub>2</sub>S detector tubes. The bore hole or excavation will be immediately backfilled.

A combination explosion meter/oxygen (O<sub>2</sub>) meter will be available on-site to monitor the levels of flammable gases, such as petroleum vapors and methane. An explosion meter should also be used by the subcontractor to verify that the atmosphere inside an underground storage tank has been inserted prior to allowing the tank to be removed.

### B. PHYSICAL HAZARDS:

1. Mechanical hazards: cuts, abrasions, contusions; slips, trips, falls; being struck or entrapped by moving parts of heavy equipment or falling objects. Such hazards will be minimized by keeping the work area free of equipment and debris that could cause slips, trips or falls and maintaining a safe distance from heavy equipment and moving machinery parts.
2. Electrical hazards: Possible excavation of unanticipated electrical cables and potential contact by heavy equipment with overhead power lines during drilling and excavation. Maintain at least 20 feet clearance from overhead power lines. If unavoidably close to overhead or buried power lines, turn power off and lock out circuit breaker. All equipment will be properly locked/tagged out when required by the Energy Lockout/Tagout Program and Safe Electrical Work Policy and Procedure for AMEC Project Work. Avoid standing in water when operating electrical equipment.
3. Traffic hazards: Site work may occasionally necessitate working in parking lots, streets or other areas with vehicular traffic. In such instances, the work team will be issued neon traffic safety vests and will use traffic cones and/or barricades as necessary to prevent collision between pedestrians and motor vehicles.
4. Open excavations: When scheduling or work conditions necessitate leaving excavations open overnight, security fencing will be erected to restrict access to the site or work zones described in Section II.G

### C. UTILITIES:

A minimum of 48 hours prior to excavating, Underground Service Alert or the state equivalent

Name: Blue Stakes

Phone: (801) 532-5000/1-800-662-4111

will be contacted and informed of the scheduled field activities. The underground service locator company will identify which underground utilities (e.g., electrical, gas, sewer, water, telephone, cable TV) are present and will notify their respective owners. The utilities will be located by their owners. Prior to drilling, post holes or probing to a depth of 5 feet will be done to ensure no utilities, lines or tanks are in the way.

Has the utility service locator company been notified?    Yes        No        No digging

Confirmation #, if applicable: \_\_\_\_\_

**D. WORK LIMITATIONS (time of day, weather, heat/cold stress):**

In high ambient temperatures (especially in conjunction with high humidity), follow heat-stress precautions. Drink plenty of cool water and/or electrolyte replacement beverages (e.g., Gatorade). Take frequent breaks in areas out of direct sunlight and remove protective clothing during breaks. Check the resting pulse rate and increase the number of breaks if the pulse rate does not return to normal during work breaks. If possible, alter work schedules so work may be conducted during cooler parts of the day (i.e., morning or evening). Work may only progress during daylight hours or under conditions of adequate lighting.

Symptoms of heat exhaustion and heat stress include:

- \* Profuse sweating or complete cessation of sweating;
- \* Changes in skin color;
- \* Increased respiration;
- \* Vision problems, confusion;
- \* Body temperatures in excess of 100°F; and
- \* Increased heart rate.

Any member of the work team who exhibits these symptoms should immediately be removed from the area and observed while resting in a shaded area after removal of impervious or restrictive clothing and after consumption of cool water or electrolyte fluid. If symptoms persist, immediate medical attention shall be sought.

In cold temperatures, especially when combined with high wind, follow hypothermia precautions:

- Take frequent work breaks in a wind-sheltered area;
- Dress in removable layers of insulated clothing to prevent sweating;
- Carry protective water-proof gear and use it before getting wet;
- Drink warm liquids; and
- Monitor co-workers for signs of shivering, incoordination, or confusion. Workers exhibiting these signs should be removed from the work area and placed in a heated warming shelter.
- Frost-bite (superficial or deep tissue) can occur on any exposed skin at temperatures of 30.2°F or colder.
- If available clothing does not give adequate protection to prevent hypothermia or frostbite (which can occur on any exposed skin), work should be modified or suspended until adequate clothing is made available or until weather conditions improve.

If extreme cold conditions are encountered, follow the ACGIH TLV booklet's "work-warming regime" recommendations, taking an appropriate number of breaks in a heated warming shelter.

**E. FIRE AND EXPLOSION HAZARDS:**

During any drilling, excavation or remediation activities on sites with flammable contaminants, the potential for fire and explosion of flammable vapors exists. Extreme caution should be taken to monitor for the presence of flammable vapors or conditions which could create flammable conditions. Explosion meters are available for this monitoring and action levels are defined in Section VII.B.3., page 11. Fire extinguishers must be available on all sites with the potential for flammable vapors or electrical fires (i.e., systems, control panels). Use of fire extinguishers by employees trained in their use is limited to employee rescue, or extinguishing relatively small, controllable fires. AMEC does not expect or require its employees to fight fires.

In the event of a fire or explosion, the following action plan should be followed:

**Shut down equipment and shut off all supply lines** immediately, if this can be done safely.

**Evacuate** the immediate area. At this point you may not know if a soil vapor fire has started or if a supply line, natural gas line, etc. has been hit. Tank, supply line, or remediation system fires are extremely hazardous and precautions must be taken to evacuate the area immediately.

**Call 911** to notify the fire department. AMEC employees are not trained fire brigades. Every fire should be treated as an emergency. Even if the fire is extinguished by site personnel, professional fire departments should evaluate the situation to ensure that the danger is over and that a fire will not reoccur.

**Evaluate** the situation to identify the source of the flammable vapors and to assess the danger to employees, the public and property. From a safe distance, try to determine if the fire is a supply line fire, soil vapor, electrical, or methane fire. This information should be communicated to the fire department. Small fires from known sources (i.e., engine fires, electrical panel fires, etc.) may be extinguished if the employee can do it without high risk. A soil vapor fire may eventually burn itself out. Soil stockpiles must be placed away from nearby structures and property lines. Extinguishing fires in fuel vapor-laden soils with clean soil may be possible. **Employees or subcontractors shall not enter an excavation to attempt to extinguish a fire.**

#### F. NOISE/HEARING PROTECTION:

Workers shall be instructed in the recognition of noise hazards and shall be provided, and trained in the use of, hearing protective devices. Hearing protective devices shall be worn when working around heavy equipment, particularly drill rigs, or when background noise is so high that a worker has to shout to be heard at a distance of 3 feet.

#### G. LEVELS OF PROTECTION:

Conditions may allow work to be performed in Level D protection: hard hat, steel-toed shoes/boots, cotton coveralls or long-sleeved shirts and long pants, eye protection, hearing protection, and gloves if needed.

If monitoring equipment or site conditions indicate the need to upgrade the level of protection to Level C, air-purifying respirators with organic vapor canisters (or other appropriate cartridges), Tyvek or chemically resistant coveralls with hoods, chemical resistant inner and outer gloves, and disposable boot covers will be donned.

At no time will a AMEC employee conduct work on any site requiring Level A protection. On worksites requiring Level B protection, workers will be provided with additional training and equipment. A Health and Safety Sr. Specialist must be on-site at all times while work is being conducted.

#### H. DECONTAMINATION PROCEDURE:

Level: B  C.  D

Alice Lode  
Health & Safety Plan  
Project No. 5814-000223  
April 25, 2006

Contamination may result from walking through contaminated soils or liquids, splashing liquids during sampling, use of or contact with contaminated equipment, or contact with air contaminants. Field team workers will be instructed to observe the following precautions to assure contaminants will be effectively removed from tools, equipment, and protective clothing.

- \* Tools, equipment and personnel will be decontaminated using procedures appropriate for the level of personal protection worn.
- \* All contaminated, disposable clothing (e.g., Tyvek suits, gloves and disposable boot covers) will be properly bagged for disposal and left on site.
- \* All personnel will be instructed to wash hands, face, neck and forearms at the end of the work shift and to shower at the end of the workday.
- \* No eating, drinking, or smoking will be permitted in the immediate vicinity of heavy equipment and/or drilling and excavating activities.

Special decontamination requirements: \_\_\_\_\_

#### I. CONFINED SPACES:

If entry into a confined space is necessary, a Confined Space Entry Permit must be completed and authorized, and confined space entry procedures followed. Detailed information on AMEC's Confined Space Entry classification system, entry procedures and permitting system can be found in the AMEC Health & Safety Manual.

Does this site have any permit-required confined spaces?    Yes        No   

#### J. INVESTIGATION-DERIVED MATERIAL DISPOSAL:

Soil cuttings and well development or sampling water shall be placed in 55 - gallon drums on-site. Disposal methods of drummed soil and water will be determined according to laboratory analytical data. Proper disposal is the responsibility of the responsible party.

#### K. EXCAVATIONS:

All soil excavation and utility trenching is to be undertaken in strict conformance with all applicable local, state, and federal regulations.

Entry into excavated areas or trenches is allowed only when:

- 1) shoring, sloping and spoil pile placement is in conformance with 29 CFR 1926 Subpart P, and
- 2) personal protection and monitoring, as detailed in this Site Health and Safety Plan, has been implemented.

Alice Lode  
Health & Safety Plan  
Project No 5814-000223  
April 25, 2006





**Appendix A**  
Chemical Hazardous Properties

APPENDIX A  
CLASS III SHSP—HAZARDOUS PROPERTY INFORMATION

Material	Water Solubility At 25°C	Specific Gravity	Vapor Density <sup>p</sup>	Flash Point °F	Vapor Pressure mmHg	%LEL/ %UEL <sup>q</sup>	LD 50 mg/kg <sup>r</sup>	TLV-TWA PEL <sup>s</sup>	IDLH Level <sup>t</sup>	Recommended Respiratory Protection/Max. Use Concentration/Other Thresholds <sup>v</sup>	Hazard Property <sup>w</sup>	Dermal Toxicity <sup>u</sup>	Acute Exposure Symptoms <sup>x</sup>
Acetone	Miscible	0.790	2.0	0	180 (20 °C)	2.5/12.8	5800	750 ppm 1000 ppm 550 ppm proposed TLV	20,000 ppm	½OV/1000 ppm 100 ppm	B	DEJ (Eye)	BEFKM/I
Acrolein	40%	0.841	1.94	-15	210 (20 °C)	2.8/31	46	0.1 ppm 0.7 ppm	2 ppm	Supplied air Poor warning .2t ppm	BCDE	BEJ	ADKMN
Acrylonitrile (Vinyl cyanide)	7%	0.800	1.9	32	100 (23 °C)	3.0/17	78	2 ppm (Skin) 2 ppm (Skin)	500 ppm	½OV/20 ppm FFOV/100 ppm 2t.4 ppm-Rapid fatigue	BCDEG	DGI	SFGKLMN
Ammonia	34%	0.771	0.59	Not Appl.	8.5 atm (20 °C)	1.5/23	350	25 ppm 50 ppm	300 ppm	¼AM/250 ppm FFAM/500 ppm 46.8 ppm	CD	DJI	MN
Arsine	20%	1.689	2.7	Not Appl.	11,000 (20 °C)	5.1/78	3	0.05 ppm 0.05 ppm	6 ppm	Supplied air Warning unknown	BCDG	DG	BCDEFGKL MNQ
Asbestos	Insoluble	3.1-3.25	Not Appl.	Not Appl.	0 (20 °C)	N/A/N/A	Not Avail.	0.1 f/cc	Not Appl.	¼HEPA/2 f/cc FFHEPA/10 f/cc	G		
Benzene	0.18%	0.877	2.77	12	75 (20 °C)	1.2/7.8	950	10 ppm 1 ppm (0.5 ppm - skin proposed TLV)	3000 ppm	½OV/10 ppm FFOV/50 ppm PAPROV 100 ppm 4.68 ppm	BODGI	DGI (Eye)	BCDEFH/KIM NOR
Bromoform	0.1%	2.890	6.7	Not Appl.	5 (20 °C)	N/A/N/A	1147	0.5 ppm (Skin) 0.5 ppm (Skin)	None Estab.	½OV/5 ppm FFOV/25 ppm 1-5 mg/m <sup>3</sup>	CDE		BCDKHNP
Butane	0.006%	0.579	2.07	-76	760 (20 °C)	1.6/6.4	None Estab.	800 ppm	None Estab.	Supplied Air Poor Warning 0.16 ppm	B (Simple Asphyxiant)		
Calcium hydroxide	1.85%	2.24	Not Appl.	Not Appl.	0 (20 °C)	N/A/N/A	7340	5 mg/m <sup>3</sup> 5 mg/m <sup>3</sup> (Respirable)	None Estab.	½DM/50 mg/m <sup>3</sup> FFDM/250 mg/m <sup>3</sup>	A	DJ (Skin, Eye)	N
Carbon monoxide	2%	1.250 g/l	0.57	Not Appl.	>35 atm (20 °C)	12.5/75	None Estab.	25 ppm 50 ppm	1500 ppm		BC (Chem. Asphyxiant)		CEFKMP

Material	Water Solubility ALB	Specific Gravity <sup>c</sup>	Vapor Density <sup>b</sup>	Flash Point °F	Vapor Pressure mmHg	%LEL/ %UEL <sup>a</sup>	LD 50 mg/kg	TLV-TWA PEL	IDLH Level <sup>d</sup>	Recommended Respiratory Protection, Max. Use Concentration, Odor Threshold	Hazard Property	Dermal Toxicity <sup>e</sup>	Acute Exposure Symptoms <sup>f</sup>
Carbon tetrachloride	0.08%	1.594	5.32	Not Appl.	91.3 (20 °C)	NA/NA	2350 ppm	5 ppm (Skin) 10 ppm	300 ppm	Supplied Air Poor Warning >10 ppm	CDG	DF	CDP
Chlorobenzene	0.05%	1.106	3.88	82	11.8 (25 °C)	1.3/9.6	2290	10 ppm 7.5 ppm	2400 ppm	½OV/100 ppm FFOV/500 ppm 0.71 ppm	BCDI	CFI	BCFKLMNCP R
Chloroform	0.5%	1.483	4.12	Not Appl.	158.4 (20 °C)	NA/NA	908 ppm	10 ppm 50 ppm (Ceiling)	1000 ppm	Supplied Air Poor Warning 205-307 ppm	ODG		BCEKLN
Chromic acid	61.7%	2.70	Not Appl.	Not Appl.	0 (20 °C)	NA/NA	Not Avail.	0.05 mg/m <sup>3</sup> as Cr 0.1 mg/m <sup>3</sup> (Ceiling)	30 mg/m <sup>3</sup>	½DM/0.01 mg/m <sup>3</sup> FF DM/0.05 mg/m <sup>3</sup>	ACEG	DI	MIN
Cyanides	Soluble	1.52	Not Appl.	Not Appl.	0 (20 °C)	NA/NA	Varies w. Compd.	5 mg/m <sup>3</sup> 5 mg/m <sup>3</sup> (Ceiling)	50 mg/m <sup>3</sup>	Supplied Air Poor Warning	CD	CFI	FLNFQ
1,1-Dichloroethane	0.6%	1.175	3.44	2	230 (25 °C)	5.4/11.4	725	100 ppm 100 ppm	4000 ppm	Supplied Air Questionable Warning 49-1359 ppm	BCD	BEH	ABHIMNO
1,2-Dichloroethane (ethylene dichloride)	0.9%	1.257	3.42	56	62 (20 °C)	6.2/16	670	10 ppm 50 ppm	1000 ppm	Supplied Air Poor Warning	BCDGI	CFJ	BFHMN
1,1-Dichloroethylene (vinylidene chloride)	0.25%	1.213	3.25	-2	581 (25 °C)	7.3/16	200	5 ppm	None Estab.	Supplied Air Poor Warning 190 ppm	BCDGI	CFI	BFIMNO
Diesel Fuel	Insoluble	0.81-0.90	NA	130	NA	0.6-1.3 6-7.5	None Estab.	350 mg/m <sup>3</sup> Proposed TLV	None Estab.	0.7 ppm	BCD	CI	BCDFHKLMI NP
Ethyl benzene	0.014%	0.867	3.66	70	10 (26 °C)	0.6/6.7	3500	100 ppm 100 ppm	2000 ppm	½OV/1000 ppm 140 ppm	BCDI	CFI	BFHKLMP R
Ethyl bromide	0.914%	1.461	3.76	-4	467 (25 °C)	6.8/8.0	1350	5 ppm (Skin) 200 ppm	3500 ppm	½OV/50 ppm FFOV/250 ppm 1-5 ppm	BCD	CEI	BCDEKIMNO R
Ethylene glycol	Miscible	1.114	2.14	232	0.06 (20 °C)	3.2/21.5	4700	100 ppm (Ceiling) None Estab.	None Estab.	½OV/DM/500 ppm FFOV/DM/1000 ppm 0.1-40 ppm	C	CEH	BEFHK

Material	Water Solubility <sup>1</sup>	Specific Gravity <sup>2</sup>	Vapor Density <sup>3</sup>	Flash Point <sup>4</sup> °F	Vapor Pressure <sup>5</sup> mm-Hg	%LEL <sup>6</sup> %UEL <sup>6</sup>	LD 50 <sup>7</sup> mg/kg	TLV-TWA <sup>8</sup> PEL <sup>8</sup>	IDLH Level <sup>9</sup>	Recommended Respiratory Protection/Max Use Concentration/Max Use Odor Threshold <sup>10</sup>	Hazard Property <sup>11</sup>	Dermal Toxicity <sup>12</sup>	Acute Exposure Symptoms <sup>13</sup>
Gasoline	insoluble	0.72-0.76	3-4	-50	Var	1.4/7.6	None Estab.	300 ppm	None Estab.	1/10V/1000 ppm .25 ppm	BCD	CI	BCEFHKLML NP
Hexane	0.002%	0.660	2.97	-9	150 (25 °C)	1.1/7.5	28,710	50 ppm 500 ppm	5000 ppm	Supplied Air Poor Warning 65-248 ppm	BDI	CEH	BCEEFHKLML NP
Hydrochloric acid	67%	1.05	1.27	Not Appl.	40.5 atm (20 °C)	N/A/N/A	900	5 ppm (Ceiling) 5 ppm (Ceiling)	100 ppm	1/10V/50 ppm FF/AG/100 ppm 1-3 ppm	AE	DFJ	MAN
Hydrogen sulfide	0.4%	1.539 g/l	1.19	Not Appl.	17.5 atm (20 °C)	4/44	Not Avail.	10 ppm 20 ppm (Ceiling)	300 ppm	Supplied Air 0.0047 Fatigue	BCD (Chem Asphyxiant)	DGJ	BCDMNP
Isopropyl alcohol	Miscible	0.785	2.08	53	44 (25 °C)	2/12.7	5045	400 ppm 400 ppm	12,000 ppm	1/10V/1000 ppm 40 ppm	BEI	CEH	F/HP
Kerosene	Insoluble	0.83-1.0	4.5	100-165	5	0.7/5.0	None Estab.	350 mg/m <sup>3</sup> Proposed TLV	None Estab.	1 ppm	CD	CI	BCDFHKLML NP
MTBE (methyl tertiary butyl ether)	Moderate	0.74	Unavail.	-15	245 (25 °C)	1.6/5.4	2.96 g/kg	40 ppm None Estab.	None Estab.	Unavailable	BD	A	BFK
Methane	Soluble	0.717 g/l	.554	369	40 atm (-86.3 °C)	5/1.5	Not Appl.	None Estab. None Estab.	Not Appl.	Supplied Air if O <sub>2</sub> < 19.5% 200 ppm	BC (Simple Asphyxiant)	DGJ	COHNP
Methyl chloride	0.5%	.916	2.47	<32	3800 (20 °C)	8.1/17.4	1830	50 ppm (Skin) 100 ppm	10,000 ppm	Supplied Air Warning Unknown	BCDGI	DFH	BCDEFJLKL OR
Methylene chloride	2%	1.35	2.93	Unk.	380 (22 °C)	13/23	1600	50 ppm 25 ppm	5000 ppm	Supplied Air Poor Warning	CDEGI	CFI	BOIKMNR
Methyl ethyl ketone (MEK)	28%	0.805	2.41	16	77.5 (20 °C)	1.4/11.4	2737	200 ppm 200 ppm	3000 ppm	1/10V/1000 ppm 1-30 ppm	BI	CEI	BCFIN
Naphthalene	Insoluble	1.145	4.42	190	.23 (25 °C)	.9/5.9	490	10 ppm 10 ppm	500 ppm	1/10V/100 ppm FF/3V/500 ppm	C	CGI	BKLNQ
Nitric acid	Miscible	1.503	2.3	Not Appl.	47.6 (20 °C)	N/A/N/A	Not Avail.	2 ppm 2 ppm	100 ppm	Supplied Air	ACEI	CFJ	MIN

Material	Water Solubility <sup>A,B</sup>	Specific Gravity	Vapor Density <sup>C</sup>	Flash Point <sup>D,E</sup>	Vapor Pressure <sup>F</sup> mmHg	%LEL/ %UEL <sup>G</sup>	LD 50 <sup>H</sup> mg/kg	TLV-TWA PEL <sup>I</sup>	IDLH Level <sup>J</sup>	Recommended Respiratory Protection/Max. Use Concentration/odor Threshold <sup>K</sup>	Hazard Property	Dermal Toxicity <sup>M</sup>	Acute Exposure Symptom <sup>N</sup>
Perchloroethylene (tetrachloroethylene)	0.02%	1.623	5.7	Not Appl	18.47 (25 °C)	NANA	2629	25 ppm 100 ppm	500 ppm	Supplied Air Poor Warning 47 ppm	ODGI	DEI	BCDFHKL M NP
Phenol	9%	1.058	3.24	175	0.351 (25 °C)	1.7/8.6	317	5 ppm (Skin) 5 ppm (Skin)	250 ppm	1/2OV-DM/50 ppm FF/OV-DM<250 ppm	BC	DGI	M/N
PCBs (polychlorinated biphenyls chlorodiphenyl)	Insoluble	1.934	4.46	Not Appl	155 (25 °C)	NANA	1010 ppm	0.5 mg/m <sup>3</sup> (Skin) (54% Chlorine) 0.5 mg/m <sup>3</sup> (Skin) (54% Chlorine)	5 mg/m <sup>3</sup>	Supplied Air Warning Unknown 100-140 ppm	GI	GH	M/N
Sulfuric acid	Miscible	1.841	3.4	Not Appl	1 (145 °C)	NANA	2140	1 mg/m <sup>3</sup> (Skin) 1 mg/m <sup>3</sup>	80 mg/m <sup>3</sup>	1/2AG-DM/10 mg/m <sup>3</sup> FF/AG-DM/50 mg/m <sup>3</sup> Eye Protection Required	EI	DJ	M/N
1,1,2-Tetrachloroethane	0.3%	1.587	5.79	Not Appl	9 (30 °C)	NANA	800	1 ppm (Skin) 5 ppm (Skin)	150 ppm	Supplied Air Poor Warning	ODG	CEI	BCFHKL MNP
Tetraethyl lead	insoluble <sup>E</sup>	1.653	8.5	199	0.2 mm (20 °C)	1.8/ Unkn	12.3	0.10 mg/m <sup>3</sup> (Skin) 0.075 mg/m <sup>3</sup> (Skin)	40 mg/m <sup>3</sup>	Supplied Air Warning Unknown	CG	CFI	N
Tetramethyl lead	Insoluble <sup>A</sup>	1.999	6.5	100	22.5 mm (20 °C)	Unkn/ Unkn	105	0.15 mg/m <sup>3</sup> (Skin) 0.075 mg/m <sup>3</sup> (Skin)	40 mg/m <sup>3</sup>	Supplied Air Poor Warning	CG	CFI	N
Toluene	0.05	0.866	3.2	39	21 (20 °C)	1.2/7.7	2000	50 ppm (Skin) 200 ppm	2000 ppm	1/2OV/500 ppm FF/OV/1000 ppm 0.17-40 ppm (300-400 ppm)-Olfactory Fatigue	BCI	B/E	BEFHKL M NP Q/PQ
1,1,1-Trichloroethane (TCA)	0.4%	1.338	4.63	Unk	1.00 (20 °C)	7.5/12.5	9600	350 ppm 350 ppm	1000 ppm	Supplied Air Questionable Warning	CDI		BCFHNP
Trichloroethylene (TCE)	0.16%	1.465	4.53	90	57.8 (20 °C)	8/10.5	5650	50 ppm 100 ppm	1000 ppm	Supplied Air Poor Warning	BCGI	DJ	BEK NP

Material	Water Solubility <sup>1</sup>	Specific Gravity <sup>2</sup>	Vapor Density <sup>3</sup>	Flash Point <sup>4</sup>	Vapor Pressure <sup>5</sup>	%LEL/ %UEL <sup>6</sup>	LD 50 <sup>7</sup>	TLV-TWA PEL <sup>8</sup>	IDIH Level <sup>9</sup>	Recommended Respiratory Protection/Max. Use Concentration/Odor Threshold <sup>10</sup>	Hazard Property	Dermal Toxicity <sup>11</sup>	Acute Exposure Symptoms <sup>12</sup>
Vinyl chloride	0.1%	.911	2.15	-108	2660	3.6/33	500	5 ppm 1 ppm	Not Avail.	Supplied Air Poor Warning	BDEGI	DGI	CFHIN
Xylenes	Insoluble	0.866	3.68	63-81	9mm (20 °C)	1.1/6.6- 7.0	5000	100 ppm 100 ppm	1000 ppm	1/2 O <sub>2</sub> / <1000 ppm	BCI	CFI	BEFHKLAIN P
<b>Inorganic Metals (as dust/mist)</b>													
Arsenic	Insoluble <sup>a</sup>	5.727	2.6	NA	0 (20 °C)	Fiam. dust/NA	763	0.01 mg/m <sup>3</sup> 0.01 mg/m <sup>3</sup>	100 mg/m <sup>3</sup>	1/2 HEP A0.1 mg/m <sup>3</sup> FF HEP A0.5 mg/m <sup>3</sup>	B(Dust) CGI		ACDGHLMN OOR
Beryllium	Slightly H <sub>2</sub> O	1.85	Not Applic.	NA	0 (20 °C)	NANA	456 IV	0.002 mg/m <sup>3</sup> 0.002 mg/m <sup>3</sup>	10 mg/m <sup>3</sup>	1/2 HEP A0.005 mg/m <sup>3</sup> FF HEP A0.025 mg/m <sup>3</sup>	B(Dust) CG		M
Cadmium	Insoluble <sup>a</sup>	8.65	3.9	NA	0 (20 °C)	Fiam. dust/NA	225	0.01 mg/m <sup>3</sup> 0.005 mg/m <sup>3</sup>	50 mg/m <sup>3</sup>	1/2 HEP A0.03 mg/m <sup>3</sup> FF HEP A250 mg/m <sup>3</sup>	B(Dust) CGI		M
Chromium	Insoluble <sup>b</sup>	7.14	Not Applic.	NA	0 (20 °C)	NANA	27,500	0.5 mg/m <sup>3</sup> (Metal & Cr III compounds) 1 mg/m <sup>3</sup> (Metal/insoluble salts)	Not Avail.	1/2 HEP A0.5 mg/m <sup>3</sup> FF HEP A25 mg/m <sup>3</sup>	Explosive powder		MN
Copper	Insoluble <sup>a</sup>	8.94	Not Applic.	NA	0 (20 °C)	NANA	Not Avail.	1 mg/m <sup>3</sup> 1 mg/m <sup>3</sup>	Not Avail.	1/2 HEP A10 mg/m <sup>3</sup> FF HEP A50 mg/m <sup>3</sup>	S (Powder)		MN
Lead	Insoluble <sup>b</sup>	11.34	Not Applic.	NA	0 (20 °C)	NANA	Varies w/ Cmpd	0.05 mg/m <sup>3</sup> 0.05 mg/m <sup>3</sup>	700 mg/m <sup>3</sup>	1/2 HEP A0.5 mg/m <sup>3</sup> FF HEP A2.5 mg/m <sup>3</sup>	B(Dust) CI		ACDGHOR
Mercury	0.28 mmoles	13.534	6.95	NA	2 X 10 <sup>-3</sup>	NANA	20-210	0.025 mg/m <sup>3</sup> 0.1 mg/m <sup>3</sup> (Ceiling)	28 mg/m <sup>3</sup>	1/2 MERC-HEP A0.5 mg/m <sup>3</sup> FF MERC-HEP A2.5 mg/m <sup>3</sup>	CI		AGLMNQR
Nickel	Insoluble <sup>a</sup>	8.90	Not Applic.	NA	0 (20 °C)	NANA	Not Avail.	1 mg/m <sup>3</sup> (Metal/insoluble compounds) 1 mg/m <sup>3</sup>	Not Avail.	Supplied Air Warning Unknown	GI		CDGKMNQ
Silver	insoluble <sup>b</sup>	10.49	Not Applic.	NA	0 (20 °C)	NANA	Not Avail.	0.1 mg/m <sup>3</sup> (Metal)	Not Avail.	1/2 HEP A0.1 mg/m <sup>3</sup> FF HEP A 0.5 mg/m <sup>3</sup>	B(Dust)		N

Material	Water Solubility <sup>A, B</sup>	Specific Gravity <sup>C</sup>	Vapor Density <sup>D</sup>	Flash Point <sup>E</sup>	Vapor Pressure <sup>F</sup> mm.Hg	%LEL/ %UEL <sup>G</sup>	LD 50 mg/kg <sup>H</sup>	TLV-TWA PEL <sup>I</sup>	IDLH Level <sup>J</sup>	Recommended Respiratory Protection/Max. Use Concentration/Obor Threshold <sup>K</sup>	Hazard Property <sup>L</sup>	Dermal Toxicity <sup>M</sup>	Acute Exposure Symptoms <sup>N</sup>
								0.01 mg/m <sup>3</sup>					
Thallium	Insoluble <sup>B</sup>	11.85	7.09	NA	7 (325 °C)	N/A/N/A	Not Avail	0.1 mg/m <sup>3</sup> (Skin) 0.1 mg/m <sup>3</sup> (Skin)	20 mg/m <sup>3</sup>	1/2 OSHA mg/m <sup>3</sup> FF-MEPA-5 mg/m <sup>3</sup>	B(Dust)		ADCLNOQ
Zinc oxide (dust)	0.016%	5.607	2.82	NA	0 (20 °C)	N/A/N/A	7950	10 mg/m <sup>3</sup> (Dust) 5 mg/m <sup>3</sup> (Respirable dust)	800 mg/m <sup>3</sup>	1/2 OSHA 60 mg/m <sup>3</sup> FF-DNI/500 mg/m <sup>3</sup>	C		N

The ACGIH lists TLV-TWAs for different forms of asbestos: Amosite (0.5 f/cc), Chrysotile (2 f/cc), Crocidolite (0.2 f/cc), and other forms (2 f/cc). They are proposing a T.M. of 0.2 f/cc for all form of asbestos.

APPENDIX A

CLASS III SHSP—HAZARDOUS PROPERTY INFORMATION

Explanations and Footnotes

- A. Water solubility expressed as 0.2 g means 0.2 grams per 100 grams of water at 20 °C. Water solubility is expressed in different terms in different references. Many references use the term "insoluble" for materials that will not readily mix with water, such as gasoline. However, most of these materials are water soluble at the part per million or part per billion level. Gasoline, for example, is nearly insoluble and will be found as a discrete layer on top of the ground water. But certain gasoline constituents, such as benzene, toluene, and xylene, will also be found in solution in the ground water at the part per million or part per billion level.
- B. Solubility of metals depends on the compound in which they are present.
- C. Specific gravity is the ratio of the density of a substance to the density of a reference substance. For solids and liquids, the reference substance is water, for gases, the reference substance is air. Specific gravity is expressed in units of g/cc (for solids and liquids) or g/l (at 0 °C and 760 mm Hg) for gases.
- D. Vapor density is the weight/unit volume expressed as grams/cubic centimeter liquids
- E. Flash point is the temperature at which a liquid or volatile solid gives off sufficient vapor to form an ignitable mixture with the air. Flash points may be determined by the open cup method or closed cup method. Several chlorinated hydrocarbons exhibit no flash point in the conventional sense, but will burn in the presence of high energy ignition sources or will form explosive mixtures at temperatures above 200 °F.
- F. Vapor pressure is the pressure at a given temperature of a vapor in equilibrium with its liquid or solid form. It is expressed as mm Hg at 1 atm. Temperatures vary...see chart.
- G. Lower explosive limit (LEL) and Upper explosive limit (UEL) are the minimum and maximum concentrations of a gas or vapor in air which will support flame. LEL and UEL are expressed as % in air at ambient or room temperature.
- H. LD<sub>50</sub> is the quantity of a substance administered by ingestion that is necessary to kill 50% of the test animals exposed to it within a specified time.
- I. Threshold limit value as a time-weighted average (TLV-TWA) is the concentration for a normal 8-hr workday and 40-hr work week to which nearly all workers may be repeatedly exposed, day after day, without adverse effect. Values reported are the current ACGIH Threshold Limit Value-Time Weighted Average (TLV-TWA) and OSHA Permissible Exposure Limit (PEL)
- All PELs are based on pre-1989 values, per OSHA's 1993 decision to vacate the 1989 PELs.
- J. Immediately Dangerous to Life and Health (IDLH) concentrations represent the maximum concentrations from which, in the event of a respirator failure, one could escape within 30 minutes without a respirator and without experiencing any escape-impairing or irreversible health effects.
- K. Recommended Respiratory Protection Max. Use Concentration is used to show the limits for respirator style and contaminant concentration. The codes in the table refer to the following:
- ½ = Half-face, air-purifying respirator
  - FF = Full-face, air-purifying respirator
  - OV = Organic vapor canisters
  - HEPA = High Efficiency Particulate Air canisters
  - PAPR = Powered Air-purifying Respirator
- The Odor Threshold is the lowest concentration at which one may detect an odor or experience a warning effect such as taste, eye irritation, etc., which varies with individual susceptibility.

Appendix A  
 CLASS III SHSP -  
 HAZARDOUS PROPERTY INFORMATION  
 Explanations and Footnotes  
 Continued..

L Hazard Property

A - Corrosive  
 B - Flammable  
 C - Toxic  
 D - Volatile  
 E - Reactive  
 F - Radioactive  
 G - Carcinogen  
 H - Infectious  
 I - Reproductive Toxin

*Note: A reproductive toxin is a compound (chemical) that affects the reproductive organs (generally the sperm and eggs, but sometimes the physical structure of the testes or ovaries, too). It can affect the reproductive organs of males, females, or both, if can affect the reproductive organs of an adult or child; it can affect the reproductive organs of a developing fetus with or without affecting the mother.*

M. Dermal toxicity data is summarized in the following three categories:

1. Skin Penetration
  - A - negligible penetration (solid-polar)
  - + B - slight penetration (solid-nonpolar)
  - ++ C - moderate penetration (liquid/solid-nonpolar)
  - +++ D - high penetration (gas/liquid-nonpolar)
2. Systemic Potency
  - E - Slightly Toxic (LD50 = 5 - 15 g/kg)  
 Lethal dose for 70 kg adult = 1 pint to 1 quart
  - F - Moderately Toxic (LD50 = 0.5 - 5 g/kg)  
 Lethal dose for 70 kg adult = 1 ounce to 1 pint
  - G - Extremely toxic (LD50 = 5 - 50 mg/kg)  
 Lethal dose for 70 kg adult = 7 drops to 1 teaspoon

3. Local Potency

- H - slight - reddening of the skin
- I - moderate - irritation/inflammation of skin
- J - extreme - tissue destruction/necrosis

N Acute Exposure Symptoms

- A - abdominal pains
- C - comatose
- E - confusion
- G - diarrhea
- I - dyspnea
- K - headache
- M - respiratory irritation
- B - central nervous system depression
- D - convulsions
- F - dizziness
- H - drowsiness
- J - fever
- L - nausea
- N - skin
- O - tremors
- P - unconsciousness
- Q - vomiting
- R - weakness

ALCONOX MSDS - ALCONOX MSDS

## Alconox®

### MATERIAL SAFETY DATA SHEET

Alconox, Inc.  
30 Glenn Street  
White Plains, NY 10603  
24 Hour Emergency Number - Chem-Tel (800) 255-3924

#### I. IDENTIFICATION

Product Name (as appears on label) ALCONOX  
CAS Registry Number: Not Applicable  
Effective Date: January 1, 2001  
Chemical Family: Anionic Powdered Detergent  
Manufacturer Catalog Numbers for sizes 1104, 1125, 1150, 1101, 1103 and 1112

#### II. HAZARDOUS INGREDIENTS/IDENTITY INFORMATION

There are no hazardous ingredients in ALCONOX as defined by the OSHA Standard and Hazardous Substance List  
29 CFR 1910 Subpart Z.

#### III. PHYSICAL/CHEMICAL CHARACTERISTICS

Boiling Point (F): Not Applicable  
Vapor Pressure (mm Hg): Not Applicable  
Vapor Density (AIR=1): Not Applicable  
Specific Gravity (Water=1): Not Applicable  
Melting Point: Not Applicable  
Evaporation Rate (Butyl Acetate=1): Not Applicable  
Solubility in Water: Appreciable-Soluble to 10% at ambient conditions  
Appearance: White powder interspersed with cream colored flakes.  
pH: 9.5 (1%)

#### IV. FIRE AND EXPLOSION DATA

Flash Point (Method Used): None  
Flammable Limits:  
LEL: No Data  
UEL: No Data  
Extinguishing Media: Water, dry chemical, CO<sub>2</sub>, foam  
Special Fire fighting  
Procedures:  
Self-contained positive pressure breathing apparatus and protective clothing should be worn when fighting fires involving chemicals.  
Unusual Fire and Explosion  
Hazards:  
None

#### V. REACTIVITY DATA

Stability: Stable

Hazardous Polymerization: Will not occur

Incompatibility (Materials to Avoid): None

Hazardous Decomposition or Byproducts: May release CO<sub>2</sub> on burning

0

0

Red

Fire

Yellow

Reactivity

White

Special

Blue

Health

NFPA

Rating

ALCONOX MSDS - ALCONOX MSDS - ALCONOX MSDS - ALCONOX MSDS - ALCONOX MSDS

#### VI. HEALTH HAZARD DATA

Route(s) of Entry:

Inhalation? Yes

Skin? No

Ingestion? Yes

Health Hazards (Acute and Chronic):

Inhalation of powder may prove locally irritating to mucous membranes. Ingestion may cause discomfort and/or diarrhea. Eye contact may prove irritating.

Carcinogenicity:

NTP? No

IARC Monographs? No

OSHA Regulated? No

Signs and Symptoms of

Exposure:

Exposure may irritate mucous membranes. May cause sneezing.

Medical Conditions

Generally Aggravated

by Exposure:

Not established. Unnecessary exposure to this product or any industrial chemical should be avoided. Respiratory conditions may be aggravated by powder.

Emergency and First

Aid Procedures:

Eyes: Immediately flush eyes with water for at least 15 minutes.

Call a physician.  
Skin: Flush with plenty of water.  
Ingestion: Drink large quantities of water or milk. Do not induce vomiting. If vomiting occurs administer fluids. See a physician for discomfort.

#### VII. PRECAUTIONS FOR SAFE HANDLING AND USE

Steps to be Taken if Material is Released or Spilled:  
Material foams profusely. Recover as much as possible and flush remainder to sewer. Material is biodegradable.  
Waste Disposal Method:  
Small quantities may be disposed of in sewer. Large quantities should be disposed of in accordance with local ordinances for detergent products.  
Precautions to be Taken in Storing and Handling:  
Material should be stored in a dry area to prevent caking.  
Other Precautions:  
No special requirements other than the good industrial hygiene and safety practices employed with any industrial chemical.

#### VIII. CONTROL MEASURES

Respiratory Protection (Specify Type): Dust mask - Recommended  
Ventilation:  
Local Exhaust-Normal  
Special-Not Required  
Mechanical-Not Required  
Other-Not Required  
Protective Gloves: Impervious gloves are useful but not required.  
Eye Protection:  
Goggles are recommended when handling solutions.  
Other Protective Clothing or Equipment: None  
Work/Hygienic Practices: No special practices required  
THE INFORMATION HEREIN IS GIVEN IN GOOD FAITH BUT NO WARRANTY IS EXPRESSED OR IMPLIED.

**Appendix B**

Soils Ordinance Worker Health and Safety Notice

## Soils Ordinance Worker Health and Safety Notice

Long before being recognized as an Olympic venue, Park City was also known as one of the great American silver mining towns. As a result, during a century of active mining, the Park City Mining District produced millions of ounces of silver as well as a substantial amount of mine tailing waste. Soils impacted with mine tailings are known to contain elevated levels of heavy metals, most notably lead. As a result, some soils within the soils ordinance pose an environmental and human health risk. The health risk is based on scientific studies that show long-term lead exposure can affect a child's neurological development as well as adversely affecting adult health. To manage the environmental and human health risks, Park City enacted the Landscaping and Maintenance of Soil Cover Ordinance to isolate mill tailings from human contact by mandating the installation of a six-inch clean topsoil cap on all lots within the soils ordinance boundary. However, as a contract worker that will be working within the Soils Ordinance District, the City feels that it is equally **important** to make you aware of the **heavy metals issues and the recommended precautions**. As a result, this notice is provided to you to make you aware of practices you can exercise for minimizing your exposure and protecting your family:

**All workers that will be involved in generating soils within the ordinance boundary are recommended to wear Level "D" protection. Level D protection is the following work attire:**

- **Standard work uniform** - Coveralls, long sleeve shirts, and long pants.
- **Steel toe boots (optional)** - In the event heavy equipment is utilized.
- **Hardhat (optional)** - In the event heavy equipment is utilized.
- **Safety glasses (optional)** - In the event dust is generated.
- **Dust mask (optional)** - In the event dust is generated.
- **Leather gloves**

**Just as important to wearing proper protection, the City also recommends the following practices to avoid bringing mine waste constituents into the home.**

- **Take off boots outside your home.**
- **If entering the home with boots on, wash your boots thoroughly before entering.**
- **Wash hands and face or other exposed areas after working with generated soils.**
- **Remove any clothes that have been exposed to soils and place them directly into the clothes washer.**
- **Leave gloves or other exposed equipment out of reach of children.**

Thanks for your help, and welcome to Park City.



**Appendix B**

Storm Water Pollution Protection Plan

**STORM WATER POLLUTION PREVENTION PLAN  
ALICE LODE  
PARK CITY, UTAH**

Prepared By:

AMEC Earth & Environmental  
9865 South 500 West  
Sandy, Utah 84070

For:

King Development Group, LLC  
P.O. Box 4581  
Park City, Utah 84060

May 3, 2006

Job No. 5-814-000223

## TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION.....	1
2.0 PROJECT DESCRIPTION.....	2
2.1 NAME OF RECEIVING WATERS.....	2
3.0 PROJECT PERSONNEL.....	3
4.0 SEQUENCE OF MAJOR ACTIVITIES.....	3
5.0 EROSION AND SEDIMENT CONTROLS.....	4
5.1 TEMPORARY STABILIZATION.....	4
5.2 PERMANENT STABILIZATION.....	4
5.3 SILT FENCE.....	4
5.4 SEDIMENT BASIN.....	4
5.5 STORM WATER MANAGEMENT.....	5
5.6 STORM WATER RUN-ON/RUN-OFF CONTROL.....	5
6.0 WASTE CONTROLS.....	5
6.1 SOLID WASTE - TRASH AND CONSTRUCTION WASTE.....	5
6.2 SANITARY WASTES.....	6
6.3 WASTE SOILS.....	6
6.3.1 Decontamination Procedures.....	6
6.4 TIMING OF CONTROL/MEASURES.....	7
7.0 MAINTENANCE/INSPECTION PROCEDURES.....	8
7.1 STRUCTURAL CONTROLS.....	8
7.2 NON-STORM WATER DISCHARGES.....	8
8.0 INVENTORY OF MATERIALS LIKELY TO BE USED ON-SITE.....	8
9.0 SPILL PREVENTION.....	9
10.0 HAZARDOUS PRODUCTS.....	9
11.0 PETROLEUM PRODUCTS.....	9

## FIGURES

- Figure 1      Vicinity Map  
Figure 2      Site Plan

**STORM WATER POLLUTION PREVENTION PLAN  
ALICE LODE  
PARK CITY, UTAH**

**1.0 INTRODUCTION**

The Utah Administrative Code (UAC) R317-8-3.9 requires a Utah Pollutant Discharge Elimination System (UPDES) General Storm Water Permit for construction projects greater than one acre. A requirement of the UPDES is the development of a Storm Water Pollution Prevention Plan (SWP3). This SWP3 is specific to the construction activities associated with the mitigation activities planned at the Alice Lode Site.

This project is a mitigation and construction development project in which final development plans have not been approved. Therefore, this SWP3 is initially written to identify the best management practices and controls to be employed to ensure compliance with the UPDES permit. Once specific designs for construction activities are completed, the Contractor or Environmental Consultant will walk the area and design the placement of storm water controls. Copies of the storm water control drawings will be given to on-site personnel to be added to the on-site SWP3 prior to construction activities of the area covered by the drawings. It will be the Contractor's responsibility to ensure all storm water controls are in place prior to construction activities in that specific area of the project. The Contractor or Environmental Consultant will daily inspect the project's storm water controls to ensure active compliance with the UPDES. The inspection will be documented in writing.

The goal of this SWP3 is to control the transportation of sediments and potential pollutants that may originate on-site and prevent them from flowing to receiving surface water bodies. The techniques and control measures described in this SWP3 focus on providing control of pollutant discharges with practical approaches that utilize readily available expertise, materials, and equipment.

This SWP3 includes the following:

- A description of the project.
- The major activities that will occur during mitigation.
- An account where the storm water goes.
- A discussion of erosion and sediment controls.
- Procedures for waste and impacted material disposal.

This SWP3 will be implemented prior to mitigation and construction activities in any area or phase of the project and will be terminated when all disturbed areas are stabilized, construction activities described herein have ceased, and a completed Notice of Termination has been filed with UDEQ-DWQ.

## 2.0 PROJECT DESCRIPTION

The Site is located in the area of Woodside Gulch at the intersection of King Road and Ridge Avenue in Park City, Utah. Figure 1 shows the USGS Topographic Map in which the Site area has been highlighted in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian. Figure 2 shows the Site boundaries and an area including the reservoir and strip of land bisecting the Site to the reservoir owned by Park City Municipal Corporation (PCMC). The total combined surface area of the Site is approximately 10.17 acres. King Development Group, LLC (KDG) plans on developing the Site into single family homes with associated utilities and paved streets.

As part of this development, KDG will complete necessary mitigation to be protective of human health and the environment. The UDERR, through the VCP, has established lead action levels in the soil of 400 milligrams per kilogram (mg/kg) in a residential area, 100 mg/kg in soil for arsenic, and 2,100 mg/kg of lead in a non-residential area. In addition, consideration has also been given to PCMC requirement for minimal loss of trees and the Division of Water Resources (DWR) rehabilitation requirements of the intermittent stream in Woodside Gulch. Long-term management of the Site will be presented in a Site Management Plan which will be prepared upon completion of the Mitigation Work Plan.

Activities which are anticipated to disturb soils at the Site include:

- Clearing and grubbing of surface vegetation.
- Installing a stabilized construction entrance with an appropriate vehicle decontamination zone; erecting erosion and sediment controls on the remediation site.
- Mitigation of soils impacted with heavy metals as specified in the Mitigation Work Plan.

## 2.1 NAME OF RECEIVING WATERS

Storm water runoff from Woodside Gulch drain to the intermittent stream located on-Site. Storm water from the Site must first pass through structural controls prior to discharge to the municipal storm sewer system. Sedimentation ponds and/or silt fences must be used to trap suspended solids within Site boundaries to prevent contaminants from entering the McLeod Creek drainage. Surface water from the Site enters a drainpipe outside the north edge of the Site, flows north through Park City and joins McLeod Creek which drains to East Canyon Creek. Storm water runoff from the VCP project site cannot enter either of these drainages.

Storm Water Pollution Prevention Plan  
Alice Lode  
Project No 5-814-000223  
May 3, 2006

### **3.0 PROJECT PERSONNEL**

#### **Owner Name and Address:**

King Development Group, LLC. (KDG)  
P.O. Box 4581  
Park City, Utah 84063  
Primary Contacts: Mr. Jerry Fiat, (435) 513-1273

#### **Owner's Environmental Consultant Name and Address:**

AMEC Earth & Environmental, Inc.  
9865 South 500 West  
Sandy, Utah 84070  
Primary Contact: Kathy M. Harris, PG, (801) 999-2002

#### **Contractors (Mitigation and Construction)**

To be determined

### **4.0 SEQUENCE OF MAJOR ACTIVITIES**

The following is a generalized sequence of major events that will occur:

1. Construct site entrance and vehicle/equipment decontamination zone.
2. Erect silt fence around site periphery.
3. Excavate sedimentation basin.
4. Clear and grub vegetation in areas of soil removal.
5. Perform removal of lead impacted soils. Soil will be immediately removed off-site. If stockpiles are necessary the following steps will be used.
6. Soil will be temporarily stockpiled or staged on impermeable materials.
7. Erect temporary dikes around contaminated soil stockpiles using 60 mil polyethylene liner and clean soil. Dikes shall be a minimum of 12 inches high and shall encompass the entire stockpile of soil. Soil used in dike construction shall be obtained from the construction area immediately west of the site.
8. Remove contaminated soil stockpile from the Site for proper disposal at permitted facilities.
9. Verify removal of contaminated soils from staging areas through confirmation sampling and laboratory analysis of residual soils, if any, remaining after stockpile removal.
10. Stabilize excavated and graded areas within three days of last remediation activity in that area.
11. Remove any accumulated silt and sediment from silt fence area.
12. Remove construction entrance and decontamination zone.
13. Remove silt fence from periphery of the site.

## **5.0 EROSION AND SEDIMENT CONTROLS**

### **5.1 TEMPORARY STABILIZATION**

If soil stockpiles or staging areas are necessary, whether contaminated or clean, shall be stabilized using water as a palliative to mitigate blowing dust. Cleared and grubbed slopes shall also be sprayed with water to mitigate blowing dust. Any portion of the Site where remediation activities are expected to be suspended for more than 14 days shall be stabilized no later than 3 days after the last remediation activity at that location. If current weather forecasts indicate pending changes in weather conditions to include high winds and/or precipitation, the temporary stabilization shall be conducted as soon as practical or within 1 day following the last remediation activity to help minimize the potential spread of contamination. The temporary stabilization shall consist of covering bare soils with either hay, mulch, or a geotextile anchored to the ground to prevent blowing dust and sediment runoff.

### **5.2 PERMANENT STABILIZATION**

The remediation Site shall be permanently stabilized by the new single family homes and the associated parking, roads, sidewalks, curbs and gutters, and vegetation. The Alice Lode site will be turned over to the General Contractor upon completion of the remediation. The General Contractor is responsible for the construction of the Site and will complete the Site work only after all impacted soil has been removed.

### **5.3 SILT FENCE**

A silt fence, constructed of filter fabric stretched between supports, shall be erected around all down slope areas of the Site periphery. The silt fence shall incorporate stakes integrated into the filter fabric, with the stakes driven securely into the ground at eight to ten-foot intervals. The lower portion of the filter fabric will be weighted by folding soil into the lower portion of the filter fabric on the inside of the fence to provide additional reinforcement. Silt fences placed in areas where increased runoff is likely shall be further reinforced through the use of additional stakes and through secondary silt fences to provide additional backup. Where feasible, the silt fence may be integrated into the Site security fence that is to be constructed around the entire Site. All structural controls shall be subject to regular inspection and maintenance.

### **5.4 SEDIMENT BASIN**

An Impermeably-lined sediment basin shall be constructed at the Site entrance/decontamination zone. The basin shall be constructed such that material washed from equipment exiting the Site will be retained in the basin and prevented from tracking to the streets or storm water conveyances. The size of the basin will be determined by the size of the vehicles used for hauling. Storm water draining from the Site may also be diverted to a separate Impermeably-lined sediment basin through the use of temporary dikes to prevent contaminated soils from migrating with storm water to other less contaminated portions of the Site. At the end of the project, or if sediment

Storm Water Pollution Prevention Plan  
Alice Lode  
Project No. 5-814-000223  
May 3, 2006

accumulates to 50 percent of the design capacity of the basin, sediments will be sampled and analyzed for total and TCLP lead and arsenic in accordance with other sampling detailed in the Mitigation Work Plan. Based on analytical results, sediments from the basin shall be disposed of as either a hazardous or non-hazardous material at an appropriate facility. Wastewater retained in the sediment and decontamination basins will be removed before the basins reach 75 percent of capacity and stored in a portable holding tank. This water will subsequently be applied as a spray for dust suppression in other areas of the Site where needed, taking due care not to apply wastewater in areas where remediation and final characterization have already been completed, and using only the amount of water necessary to eliminate blowing dust. Excess water applied to barren ground could lead to erosion problems while excess water on soil stockpiles or excavated soil piles could lead to unnecessary sediment and/or contaminated water generation. At the end of the project, any remaining wastewater will be sampled and analyzed by a State-certified laboratory for lead and arsenic to determine whether it may be discharged to the local storm sewer or sanitary sewer after securing appropriate permitting, or whether it will require off-Site disposal at an appropriately regulated facility. All structural controls shall be subject to regular inspection and maintenance.

#### **5.5 STORM WATER MANAGEMENT**

Upon completion of construction, it is anticipated that storm water will be allowed to flow directly to the McLeod Creek drainage system.

#### **5.6 STORM WATER RUN-ON/RUN-OFF CONTROL**

The topography of the VCP Site drops in elevation from the southwest to the northeast approximately 130 feet across 900 feet horizontal. An intermittent stream flows through Woodside Gulch typically during spring run-off and flow discontinues in late summer and fall. The upper reaches of the Site are located in the Silver King Mine where runoff initiates. Surface water from the Site enters a drainpipe outside the north edge of the area, flows north through Park City and joins McLeod Creek which drains to East Canyon Creek.

Storm water from within the Site must first pass through structural controls prior to the drainage system. Sedimentation ponds and/or silt fences must be used to trap suspended solids within Site boundaries to prevent contaminants from entering the municipal storm sewer system.

#### **6.0 WASTE CONTROLS**

##### **6.1 SOLID WASTE - TRASH AND CONSTRUCTION WASTE**

Waste materials will be collected and stored in a secure dumpster. The dumpster shall meet local and state waste management regulations. Trash and construction debris will be deposited in the dumpster and the dumpster will be emptied on an as needed basis,

Storm Water Pollution Prevention Plan  
Alice Lodge  
Project No. 5-814-000223  
May 3, 2006

allowing time to schedule pick up of the full dumpster prior to overflow conditions. The on-Site manager shall be responsible for following these procedures.

## **6.2 SANITARY WASTES**

All sanitary wastes shall be collected from the portable units at least three times per week or as required by location regulations.

## **6.3 WASTE SOILS**

Soils impacted with lead concentrations above UDERR Action Levels will be disposed at Richardson Flats Depository, Park City, Utah. No other potentially hazardous wastes or petroleum products are expected to be encountered at the site. The Contractor shall be responsible to implement these procedures. Copies of all hazardous waste manifests, non-hazardous bills-of-lading, and analytical results will be included in the post remedial action report to be prepared by AMEC Earth & Environmental, Inc. The requirements for each of the two disposal facilities will be provided to the UDERR project manager under separate cover.

### **6.3.1 Decontamination Procedures**

Equipment and vehicles will be decontaminated when mobilizing from a contaminated area to an uncontaminated area, and as needed prior to leaving the Site.

The movement of equipment and vehicles between contaminated and uncontaminated areas will be kept to a minimum. The number of vehicles and equipment units allowed within contaminated areas will be minimized and should include only those needed to complete the required remediation work. Workers' vehicles should be parked outside the boundaries of regulated work zones.

All vehicles and equipment leaving the Site will be visually inspected by the Contractor and/or the Site Safety Officer to ensure that there is no material that can be tracked off-Site. If excess material remains, the vehicle or equipment will be subject to final decontamination prior to leaving the Site.

Equipment and vehicle decontamination areas will include a bermed area lined with polyethylene sheeting to catch and maintain rinsate water and debris. The dimensions of these structural controls will be sufficiently large to allow decontamination of affected sections (e.g., potentially contaminated backhoe buckets) entirely within the bermed areas.

Equipment and vehicles will be scraped, brushed, and rinsed as needed to remove dust and dirt to visibly clean.

Wastewater and residual soils resulting from the decontamination process will be recycled and/or disposed of in accordance with applicable requirements. Decontamination wastewater will be applied as a spray for dust suppression in other

Storm Water Pollution Prevention Plan  
Alice Lode  
Project No. 5-814-000223  
May 3, 2006

areas of the Site where needed, taking due care not to apply decontamination water in areas where remediation and final capping have already been completed. Some decontamination wastewater will also be added to the surface of contaminated soils designated for off-Site disposal at an appropriately regulated facility. This will be limited to small quantities of decontamination wastewater applied to contaminated soils after they are loaded into hazardous waste transport trucks, as an extra measure of dust suppression during transport (in addition to covering the loads). In this application, only enough water will be applied to dampen the upper surface of the soil, but in no case will free water or slurries be allowed to accumulate within the transport trucks. Any remaining wastewater will be sampled and analyzed by a State-certified laboratory for lead and arsenic to determine whether it may be discharged to the local storm sewer or sanitary sewer after securing appropriate permitting, or whether it will require off-Site disposal at an appropriately regulated facility. Residual soils resulting from the decontamination process will be considered as potentially hazardous waste until sampled and analyzed for total VOCs, semi-VOCs, and TCLP concentrations of lead and arsenic to determine whether these soils may be disposed as non-hazardous waste. If the results indicate that the residual soils do not meet criteria for disposal as non-hazardous waste, they will be manifested for disposal at the Richardson Flat facility under the existing approved waste stream profile.

Disposable protective clothing and plastic sheeting used in the work area and during decontamination shall be properly packaged, labeled, and disposed of. Equipment used for decontamination shall be decontaminated or disposed of properly. Commercial laundries or cleaning establishments that decontaminate protective clothing or equipment shall be informed of the potentially harmful effects of exposures.

#### **6.4 TIMING OF CONTROL/MEASURES**

As indicated in the section on events sequencing, the stabilized Site entrance/decontamination zone and security/silt fence shall be constructed prior to any clearing, grubbing, or grading of the site. Current and predicted weather will be monitored to identify conditions requiring additional dust control and runoff mitigation measures. Areas where remediation has ceased will be temporarily stabilized within three days of termination of activity in that area. If current weather forecasts indicate pending changes in weather conditions to include high winds and/or precipitation, the temporary stabilization shall be conducted within one day following the last remediation activity to help minimize the potential spread of contamination. Upon completion of remediation activities, the entire Site will be turned over to the General Contractor for construction of the single family homes. All silt, dust, and storm water management activities will become the responsibility of the general contractor.

## **7.0 MAINTENANCE/INSPECTION PROCEDURES**

### **7.1 STRUCTURAL CONTROLS**

- All structural storm water management control, including temporary dikes, silt fences, and the sediment basin, shall be inspected by the Contractor once a week and/or after any storm event of 0.5-inch or greater.
- An inspection log shall be kept indicating who conducted the inspection, the date of the inspection, what controls were inspected, and the condition of the controls.
- Any deficiencies in storm water controls shall be reported immediately and repairs shall be implemented immediately if weather forecasts indicate a 20 percent or greater probability of precipitation within the next 24 hours. If precipitation is not expected based on the current weather forecast, then repairs shall be implemented no later than 24 hours after the report of deficiency.
- Built up sediment/silt shall be removed from the security/silt fence when it reaches one-third the height of the fence. The fences will average 3 to 4 feet in height. After removal of the sediment/silt, the rigidity of the silt fence shall be reinforced as needed to ensure that the fence will not topple during a subsequent storm event.
- Built up sediment shall be removed from the sediment basin when it reaches 10 percent of the design capacity of the basin, or at the end of the job.
- Stockpiles are to be covered as field conditions warrant.
- Contractor will maintain the monitoring of Site conditions on weekends. The level of effort will be based on expected weather conditions for the weekend period. If needed, staff will be deployed to observe, maintain, or realign the controls.

### **7.2 NON-STORM WATER DISCHARGES**

It is expected that the following non-storm water discharges will occur at the Site during the remediation period:

- Vehicle/Equipment decontamination wash water.
- Personnel decontamination wash water.

These "discharges" shall be captured in bermed decontamination zones within remediation Site boundaries and disposed of properly. In no instance are non-storm water discharges to be allowed to enter the municipal storm sewer system. Depth to groundwater is approximately ten feet below ground surface on average. Catchment areas will be lined to prevent seepage to groundwater as previously discussed.

### **8.0 INVENTORY OF MATERIALS LIKELY TO BE USED ON-SITE**

The following materials are expected to be used at the remediation site and have the potential to enter storm water unless properly handled:

- detergents

- petroleum products

Potential environmental impacts from these products will be mitigated by using spill prevention practices as described herein. All products shall be used, handled, and disposed of according to the manufacturer's instructions as indicated on the product labeling and Material Safety Data Sheets (MSDSs). The Remediation Contractor maintains a list of all chemical products used at the job site as part of its written Hazard Communication Program, which includes a file of MSDSs maintained at the job site. This includes a requirement that subcontractors provide a listing of all chemical products to be used, along with their MSDSs. Copies of the Remediation Contractor's Hazard Communication Program and subcontractors' Hazard Communication requirements are to be provided.

#### **9.0 SPILL PREVENTION**

Good housekeeping practices are key to preventing spills or other accidental exposure of materials to storm water runoff. The following practices shall be implemented on-site.

- Every effort will be made to store only enough products required to do the job.
- All materials shall be stored in a neat, orderly manner, and, if possible, in their original containers and in a shed or under a protective covering.
- Substances will not be mixed with one another unless recommended by the manufacturer.
- Whenever possible, all of a product will be used up before disposing of the container.
- Manufacturers' recommendations for proper use and disposal shall be followed.
- The on-Site manager shall be responsible for proper use and disposal of all materials and wastes.

#### **10.0 HAZARDOUS PRODUCTS**

Risks associated with hazardous products will be reduced by implementing the following practices:

- Products shall be kept in original containers unless they cannot be resealed.
- Original manufacturer's label and MSDS information shall be kept at the Site.
- Any surplus product that must be disposed of shall be done so in accordance with the manufacturer's instruction as indicated on the product's label and MSDS, and in accordance with applicable state regulations at R315-1 through R315-50 and federal regulations at 40 CFR parts 260 to 282.

#### **11.0 PETROLEUM PRODUCTS**

Project activities will include the use of fuel and related petroleum products (e.g., lubricants and hydraulic fluid) necessary for equipment operation. To prevent impact to

Storm Water Pollution Prevention Plan  
Alice Lode  
Project No. 5-814-000223  
May 3, 2006

Site soils or water from these products, fueling of equipment and the use of related petroleum products at the work Site will be conducted over a portable liner, bermed on its edges to serve as a catch basin in the event of a spill. Fuel will be dispensed from a pickup truck-mounted fuel tank. When fuel and other petroleum products are dispensed to equipment, due care will be taken to prevent and minimize potential spills. A spill response kit will be readily available at the scene during all fueling activities. The spill response kit will contain: 1) ultrasorb or other sorbent materials to contain any spills, 2) shovels, and 3) at least one 55-gallon drum for use as a kit content storage container and for temporary storage of contaminated sorbent material and/or soils should a spill occur. Due to the relatively small quantities of petroleum products involved, no significant releases are anticipated during the course of normal operation. In the event of a spill of fuel or other petroleum products, sorbent material will be used to absorb the spilled product, which itself will be contained within the lined and bermed area. Any contaminated sorbent material will be containerized and profiled for off-site disposal at an appropriately licensed disposal facility. The spill will be promptly reported to the Contractor's Project Manager, King Development Group, LLC representative, and Utah DEQ representatives, who will evaluate the need for any additional cleanup or other follow up actions.

If petroleum products are to be stored on-Site in quantities greater than 1,320 gallons, or if any petroleum storage tank with capacity greater than 660 gallons is to be used at the remediation Site, a Spill Prevention Control and Countermeasures Plan shall be developed for the remediation Site. Such plan shall be incorporated into this storm water plan by reference.



**Appendix C**

Fugitive Dust Control Plan

**FUGITIVE DUST PLAN  
ALICE LODE  
PARK CITY, UTAH**

Prepared By:

AMEC Earth & Environmental  
9865 South 500 West  
Sandy, Utah 84070

For:

King Development Group, LLC  
P.O. Box 4581  
Park City, Utah 84060

May 3, 2006

Job No. 5-814-000223

## TABLE OF CONTENTS

	<u>Page</u>
1.0 INTRODUCTION.....	1
1.1 PROJECT SCOPE .....	1
1.2 PROJECT SCHEDULE .....	2
1.3 PROCESS DESCRIPTION .....	2
2.0 FUGITIVE DUST EMISSION SOURCES.....	2
2.1 STATIONARY SOURCES .....	2
2.1.1 Project Haul Roads .....	2
2.2 MOBILE SOURCES .....	2
2.2.1 Excavation, Loading, and Dumping.....	3
2.2.2 Hauling .....	3
2.2.3 Grading, Bulldozing, and Scraping.....	3
2.2.4 Staging/Operation Areas.....	3
2.3 DUST CONTROL COORDINATION .....	3
3.0 FUGITIVE DUST EMISSION CONTROLS .....	3
3.1 PAVED HAUL ROADS .....	4
3.2 UNPAVED ROADS .....	4
3.3 HAULING AND DUMPING .....	5
3.4 LOADING, DOZING, EXCAVATING, AND GRADING.....	5
3.5 STAGING/OPERATION AREAS .....	5
3.6 DEMOLITION .....	6
3.6.1 Revegetation .....	6
3.7 MISCELLANEOUS FUGITIVE DUST CONTROL CONDITIONS.....	6
3.7.1 Special Control Measures .....	6
3.7.2 Off-Hour Controls .....	6
4.0 FUGITIVE DUST MONITORING .....	7
4.1 SOURCE FUGITIVE DUST SAMPLING .....	7
4.2 PERIMETER FUGITIVE DUST SAMPLING.....	8
4.3 AIR LEAD SAMPLING.....	8
4.4 QUALITY ASSURANCE/ QUALITY CONTROL.....	9
4.5 REPORTING .....	9

**FUGITIVE DUST CONTROL PLAN  
ALICE LODGE SITE  
VOLUNTARY CLEANUP PROGRAM  
PARK CITY, UTAH**

**1.0 INTRODUCTION**

This Fugitive Dust Control Plan has been developed to define and control the sources of dust emissions associated with mitigation of the Alice Lode Site. The Site is located in the area of Woodside Gulch at the intersection of King Road and Ridge Avenue in Park City, Utah. The approximate geographical coordinates of the center of the Site are 40° 38' 11" North Latitude and 111° 29' 52" West Longitude.

The Fugitive Dust Plan describes the following:

- General fugitive dust emitting operations.
- Locations and duration of the operations.
- Preventative and mitigation measures to control emissions.
- Sampling and Monitoring Procedures.

The Fugitive Dust Control Plan was developed to comply with applicable sections of Utah Administrative Code (UAC) R307-205 and 309 and in accordance with the Utah Division of Air Quality (DAQ) guidelines. Fugitive emissions from any source shall not exceed 15% opacity. Opacity observations of emissions from stationary sources shall be conducted in accordance with EPA Method 9. UAC R307-309 specifies that fugitive dust does not exceed 20% opacity at the source and 10% opacity at the Site perimeters.

Activities impacted by the plan are limited to operations that occur within the project area.

**1.1 PROJECT SCOPE**

KDG has entered into the Voluntary Cleanup Program (VCP) in an endeavor to facilitate the mitigation of impacted areas within Alice Lode in order for development of the Site to proceed. The mitigation is based on the current development plans and mitigation will proceed simultaneously with construction development. In the event circumstances dictate the need for a change in the construction schedule an amendment or modification will be made to the Mitigation Work Plan in consultation with the UDERR VCP Project Manager.

King Development Group, LLC, (KDG) will complete mitigation to be protective of human health and the environment. The UDERR, through the VCP, has established lead action levels in the soil of 400 milligrams per kilogram (mg/kg) in a residential area, 100 mg/kg in soil for arsenic, and 2,100 mg/kg of lead in a non-residential area. In addition, consideration has also been given to PCMC's requirement for minimal loss of trees, minimal destruction and removal of vegetation and hillsides, and the Division of Water Rights (DWR) rehabilitation requirements of the intermittent stream in Woodside Gulch.

AMEC Earth & Environmental, Inc.  
9865 South 500 West  
Sandy, Utah 84070  
Telephone (801)999-2002  
Fax (801)999-2035

[www.amec.com](http://www.amec.com)

Fugitive Dust Plan  
Alice Lodge  
Project No. 5-814-000223  
August 3, 2006

Mitigation of soils and mine tailings will be undertaken through three primary mechanisms. These include:

1. Removal of impacted material to, and disposal at an appropriately licensed facility,
2. Leaving the soils in place and capping, and/or
3. Restricting access to the impacted soils that are to be left in-place.

## **1.2 PROJECT SCHEDULE**

The Fugitive Dust Plan will be in place prior to any mitigation and construction activity at the Site. The mitigation work is anticipated to begin in September 2006 and be complete by October 2006.

## **1.3 PROCESS DESCRIPTION**

Construction and mitigation activities that will occur during this project include earth moving and excavation, material loading and hauling, and clearing and leveling activities needed to complete the project.

The materials that will be disturbed during this project include mine tailings, soils and bedrock (which generally consist of silts, silty clays, and silty fine sands),

## **2.0 FUGITIVE DUST EMISSION SOURCES**

Source may include both stationary and mobile sources. Sources may include the excavation, loading, dumping, hauling, and dozing of material, grading operations, and possible staging areas.

### **2.1 STATIONARY SOURCES**

#### **2.1.1 Project Haul Roads**

Construction activities will utilize both paved and unpaved roads. Paved roads will be limited to existing roadways used to move material away from the project area. An unpaved gravel road is present within the Site.

### **2.2 MOBILE SOURCES**

Mobile sources on the project will consist of excavating, loading, hauling, dumping, dozing, scraping, and grading material. The minimal construction equipment to be utilized on this roadway project will include, but is not necessarily limited to, the following equipment:

- Tracked Backhoes
- Rubber Tire Backhoes
- Graders
- Rollers

### **2.2.1 Excavation, Loading, and Dumping**

Material excavation will occur throughout the project area. These operations will be conducted as necessary using rubber tire loaders and backhoes and tracked backhoes. Native material in the project area has been determined to consist mostly of bedrock, silts, silty clays, and silty fine sands.

Material loading will occur throughout the project. Operations will consist of loading material into off-highway and legal hauling vehicles using rubber tire loaders and backhoes, and tracked backhoes.

### **2.2.2 Hauling**

Hauling operations will occur throughout the project area. These operations will consist of transporting construction supplies, equipment, and aggregate materials.

### **2.2.3 Grading, Bulldozing, and Scraping**

Grading operations will compose a major portion of the project. Most grading will be completed using graders, loaders, front-end loaders, and backhoes. Bulldozers and scrapers may be utilized in the grading processes and in clearing, grubbing, and leveling operations.

### **2.2.4 Staging/Operation Areas**

Staging/operation areas have not been designated at this time.

## **2.3 DUST CONTROL COORDINATION**

The Contractor (to be designated) and the Environmental Consultant will direct fugitive dust control implementation, and maintenance.

## **3.0 FUGITIVE DUST EMISSION CONTROLS**

Control of fugitive dust emissions will be achieved through the application of general good housekeeping procedures and control measures. Visible emissions will be overseen and managed using these control measures. Opacity caused by fugitive dust shall not exceed 20 percent, as specified by Rule 307-309-3. Fugitive Dust monitoring will be the responsibility of the Environmental Consultant and is described in Section 4. During active operations related to the disturbance of on-site soils and in preparation of off-work hours, the contractor shall monitor real-time and predicted weather conditions as those conditions would impact construction operations and cross media transfer as in the case of high wind conditions. Operations are to be adjusted accordingly.

### 3.1 PAVED HAUL ROADS

Preventative and mitigation measures will be implemented to minimize deposition of material and control any deposition on paved roads, which may contribute to fugitive dust. Dust materials are deposited onto paved roads in a variety of ways including erosion, wind deposition, vehicle deposition, pavement wear, spills, track-out, and anti-skid material. Though several of these causes are beyond the control of the project, the implementation of preventative and mitigation measures will minimize the contribution from the project.

Preventative measures will include, but not be limited to:

- Using general good housekeeping procedures;
- Creating "shake-off" pads of coarse-grained material, such as gravel or asphalt grinding, at heavily used exit areas which empty onto paved surfaces;
- Minimizing standing areas of water and/or areas of mud which may be tracked onto paved areas;
- All haul trucks will be equipped with acceptable freeboard; and
- When deemed necessary, brooming the surfaces and wheels of vehicles entering paved areas.

Mitigation measures will include, but not be limited to:

- Brooming or sweeping small areas of deposition;
- Using wet method brooming vehicles to sweep deposits; and
- When deemed necessary, water will be used to wet or flush deposits that are obviously and visibly adding to the fugitive dust. This method will be used sparingly to prevent contributing to track-out problems by creating muddy areas.

### 3.2 UNPAVED ROADS

Fugitive dust from unpaved roads is generally the result of fine-grained particles becoming airborne due to the action of vehicle movement along the road, and wind erosion. Both preventative and mitigation measures will be employed in controlling possible emissions from unpaved roads.

Preventative and mitigation measures will include, but not be limited to:

- General good housekeeping procedures, such as a strong maintenance program consisting of grading and the regular application of water. Coarse-grained "shake-off" pads will be utilized in heavy traffic areas to prevent the transfer of material to paved roads;

Project traffic speeds will be reduced so as not to add to the potential for creating airborne dust. As a general rule of thumb, if dust created by vehicle travel is observed

- The speed of that vehicle should be reduced; and
- The application of water will be undertaken as needed. Applications will be dependent on factors such as temperatures, humidity, wind velocity, and traffic volume. Over-wetting should be avoided so as not to contribute to the potential for track-out or present a safety hazard.

### **3.3 HAULING AND DUMPING**

Emissions associated with hauling and dumping generally result from the spillage of material, drop height, and wind-blown dust during travel. To minimize fugitive dust from the project the following measures will be implemented:

- Good housekeeping procedures will be implemented. The procedures will include such measures as minimizing the drop height of material and maintaining loading areas so as not to contribute to vehicle deposition;
- If needed, misting of loads with water to adhere fine particles; and
- Covering loads that are visibly contributing fugitive dust emissions.

### **3.4 LOADING, DOZING, EXCAVATING, AND GRADING**

Loading, dozing, excavating, grading, and other such activities will be a significant activity in the operation of the project. To help minimize fugitive dust from such operations the following measures will be implemented:

- Good housekeeping procedures will be implemented. The procedures will include such measures as minimizing spillage and the reduction of drop height;
- Compaction of disturbed areas will occur as soon as practical;
- If needed, wetting the area being worked; and
- If needed, reduction of the area being worked.

### **3.5 STAGING/OPERATION AREAS**

Staging/operation areas may be utilized during the project life. These areas will include, but not be limited to, operations such as equipment storage, construction supply and material storage, and limited storage of fill and aggregate material. Short-term stockpiles will consist mainly of material placed temporarily while awaiting placement on the project. To help minimize fugitive dust from such operations the following measures will be implemented:

- General good housekeeping procedures and a strong maintenance program will be implemented;
- Creating pads of coarse-grained material, such as gravel or asphalt grinding, to minimize contact with fine-grained material;
- Minimizing standing areas of water and/or areas of mud; and

- The speed of that vehicle should be reduced; and
- The application of water will be undertaken as needed. Applications will be dependent on factors such as temperatures, humidity, wind velocity, and traffic volume. Over-wetting should be avoided so as not to contribute to the potential for track-out or present a safety hazard.

### **3.3 HAULING AND DUMPING**

Emissions associated with hauling and dumping generally result from the spillage of material, drop height, and wind-blown dust during travel. To minimize fugitive dust from the project the following measures will be implemented:

- Good housekeeping procedures will be implemented. The procedures will include such measures as minimizing the drop height of material and maintaining loading areas so as not to contribute to vehicle deposition;
- If needed, misting of loads with water to adhere fine particles; and
- Covering loads that are visibly contributing fugitive dust emissions.

### **3.4 LOADING, DOZING, EXCAVATING, AND GRADING**

Loading, dozing, excavating, grading, and other such activities will be a significant activity in the operation of the project. To help minimize fugitive dust from such operations the following measures will be implemented:

- Good housekeeping procedures will be implemented. The procedures will include such measures as minimizing spillage and the reduction of drop height;
- Compaction of disturbed areas will occur as soon as practical;
- If needed, wetting the area being worked; and
- If needed, reduction of the area being worked.

### **3.5 STAGING/OPERATION AREAS**

Staging/operation areas may be utilized during the project life. These areas will include, but not be limited to, operations such as equipment storage, construction supply and material storage, and limited storage of fill and aggregate material. Short-term stockpiles will consist mainly of material placed temporarily while awaiting placement on the project. To help minimize fugitive dust from such operations the following measures will be implemented:

- General good housekeeping procedures and a strong maintenance program will be implemented;
- Creating pads of coarse-grained material, such as gravel or asphalt grinding, to minimize contact with fine-grained material;
- Minimizing standing areas of water and/or areas of mud; and

- Short-term stockpiles will be wetted regularly as dictated by the particle size of the material and atmospheric conditions so as to maintain the adhesive properties of the material. Piles will not be unnecessarily disturbed and disturbances will be minimized.

### **3.6 DEMOLITION**

Demolition activities have the potential to add to the fugitive dust from the project. As these operations will need to be conducted during the project to remove existing roadways, structures, and other components, operations that are observed to produce dust may be sprayed with water. Detrital material may also be misted with water so as to adhere fine particles to the rubble.

#### **3.6.1 Revegetation**

Areas designated to be revegetated will be planted as soon as practical. Prior to revegetation, these areas will be monitored for possible contribution to fugitive emissions, and mitigation measures such as wetting or the placement of mulch, bark, or hay will be applied.

### **3.7 MISCELLANEOUS FUGITIVE DUST CONTROL CONDITIONS**

#### **3.7.1 Special Control Measures**

In cases of unusual or stressed conditions on the project which may result in an increase of fugitive dust emissions, such as high winds or very dry conditions, or if there is an unexplained increase in opacity or justifiable citizen complaints, special control measures may be enacted. Any occurrence of unfavorable conditions will be corrected as soon as practical. The source or cause of the condition shall be investigated and the cause determined. When the cause has been determined, mitigation measures will be applied until the disturbance has been corrected.

#### **3.7.2 Off-Hour Controls**

During periods when work is suspended, such as weekends, holidays, and non-working hours, special precautions will be taken to ensure that there is not a significant increase in fugitive dust emissions from the project. Monitoring and implementation of preventative measures shall be the responsibility of the Contractor. Preventative measures to be taken before off-hours will include, but not be limited to:

- Monitoring the forecasted weather conditions for the potential for adverse conditions, such as high winds, high temperatures, or dry conditions;
- If adverse conditions should be predicted, areas with the potential to release fugitive dust may be wetted, covered, or temporary windbreaks may be created using equipment or other material; and
- If needed, a project representative may monitor the project area for signs of unwanted emissions. This method would most likely be used during longer periods of off-hours.

#### 4.0 FUGITIVE DUST MONITORING

The Fugitive Dust Plan will comply with applicable sections of UAC R307-309 that fugitive opacity does not exceed 20% at the source and 10% at the Site boundaries. The DAQ allowable fugitive dust over a 24 hour period is 150 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). In addition, the plan will comply with Occupational Safety and Health Administration (OSHA) Lead in Construction Standard (29 CFR 1926.62). Allowable lead per quarterly calendar year is 1.5  $\mu\text{g}/\text{m}^3$ .

Opacity is commonly determined through visual observation as described in EPA Method 9. Inspectors train and certify as "Visible Emission Observers" and pass tests measuring their ability to determine the opacity of plumes with known percentage levels. To determine opacity, procedures similar to EPA Method 9 are followed in determining opacity for mobile and intermittent sources. However, the requirement for observations to be made at 15-second intervals over a six-minute period does not apply.

Sampling will be completed during active construction activities as follows:

- Opacity readings by a trained and certified "Visible Emission Observer".
- Real-time sampling within 100 feet of the point of generation using a direct reading particulate counter.
- Real-time sampling at the Site boundary downwind of the prevailing wind direction using a direct reading particulate counter.
- Air lead sampling at the Site boundary and of on-Site personnel using sampling pumps and personnel badges.

#### 4.1 SOURCE FUGITIVE DUST SAMPLING

A direct-reading particulate monitor will be used throughout the 8- to 10-hour workday and continue throughout the duration of the work activities to collect fugitive dust readings within 100 feet of the source of generation. Dust-suppression activities will be initiated when particulate concentrations are  $>0.5 \text{ mg}/\text{m}^3$ , or if visible dust is present at the site perimeter. In general, visible dust occurs at a particulate concentration of approximately  $0.5 \text{ mg}/\text{m}^3$  for a duration of over one minute as measured on a direct-reading particulate counter. The frequency of direct-air readings using a meter may be reduced with consistent low readings. However, a trained and certified "Visible Emission Observer" will record opacity data as shown below.

The Environmental Consultant will continuously monitor dust levels during all dust generating activities either with a meter or by a trained and certified "Visible Emission Observer". The data to be recorded will include the following:

- Time of day and location.
- Direct-reading monitor and/or observed opacity reading.
- Description of the activities.

- A summary of other observations (weather, visible dust, etc.).
- Corrective actions taken.

#### **4.2 PERIMETER FUGITIVE DUST SAMPLING**

A direct-reading particulate counter monitor will be used throughout the 8- to 10-hour workday and continue throughout the duration of the work activities at the down-wind location at the Site perimeter. Dust-suppression activities will be initiated at the source if 20 percent opacity is exceeded, which is approximately  $8 \text{ mg/m}^3$ , for a duration of over one minute on a direct-reading monitor. Fugitive dust will not exceed  $150 \text{ ug/m}^3$  in 24 hours as required by the DAQ. The frequency of direct-air readings using a meter may be reduced with consistent low readings. However, a trained and certified "Visible Emission Observer" will record opacity data as shown below.

The Environmental Consultant will continuously monitor dust levels at the perimeter during all dust generating activities either with a meter or by a trained and certified "Visible Emission Observer". The data to be recorded will include the following:

- Time of day and location.
- Direct-reading monitor and/or opacity reading.
- Description of the activities.
- A summary of other observations (weather, visible dust, etc.).
- Corrective actions taken.

#### **4.3 AIR LEAD SAMPLING**

Air lead sampling will be completed at the Site boundary and of on-Site personnel using sampling pumps and personal badges to comply with OSHA Lead in Construction Standard (29 CFR 1926.62). DAQ action levels for lead is  $1.5 \text{ ug/m}^3$  as a total weighted average (TWA) concentration, and  $30 \text{ ug/m}^3$  as an 8-hour average concentration at an employee's breathing zone. Air sampling pumps will be used at the property boundary to measure air lead concentrations. Personal badges will be used on select on-Site personnel. Samples will be analyzed by an accredited laboratory for total lead. The frequency of air lead sampling may be reduced based on acceptable lead concentrations and opacity readings. At all times, sampling will be completed to be protective of the workers and human health.

The data to be recorded will include the following:

- Time of day and location.
- Lead concentration, direct-reading monitor and/or opacity reading.
- Description of the activities.
- A summary of other observations (weather, visible dust, etc.).
- Corrective actions taken.

Fugitive Dust Plan  
Alice Lode  
Project No. 6-814-000223  
August 3, 2006

#### **4.4 QUALITY ASSURANCE/ QUALITY CONTROL**

The Environmental Consultant will calibrate and maintain the sampling equipment. This technician maintains records on all equipment according to the manufacturer's specifications.

A standardized form will be used to document on-site air monitoring and sampling activities. The form will document wind direction, time weighted average dust concentrations for the workday at the property boundaries, documentation of the daily weather station download, dust monitoring measurements collected throughout the day, and site observations.

#### **4.5 REPORTING**

Data will be incorporated into the Mitigation Work Plan final report.

**Exhibit 18 to  
Alice Lode Factual Background**



**Building Department • City Engineer • Planning and Zoning**

August 10, 2006

Mr. Phillip Greer  
Utah Division of Environmental Response and Remediation  
168 North 1950 West  
PO Box 144840  
Salt Lake City, Utah 84114-4840

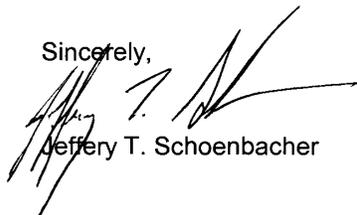
Re: Park City Municipal Corporation property at Alice Lode  
Inclusion into Voluntary Cleanup Program Cleanup

Dear Mr. Greer:

Park City Municipal Corporation (PCMC) requests to include the PCMC property delineated in the attached legal description, in the Department of Environmental Quality Voluntary Cleanup Program (VCP). The site is located in Woodside Gulch and referred to as Alice Lode. The VCP site number for Alice Lode is CO25.

King Development Group, LLC, represented by Jerry Fiat, will conduct the cleanup under the Utah Division of Environmental Response and Remediation (UDERR) VCP. The Mitigation Work Plan, dated August 3, 2006, has been approved by the DERR.

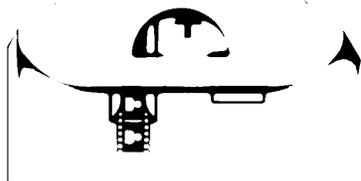
Sincerely,



Jeffery T. Schoenbacher

Cc: Jerry Fiat, King Development Group, LLC  
Kathy Harris, AMEC Earth & Environmental, Inc.

Park City Municipal Corporation • 445 Marsac Avenue • P.O. Box 1480 • Park City, UT 84060-1480  
Building Department • (435) 615-5100 • FAX (435) 615-4900  
City Engineer • (435) 615-5055 • FAX (435) 615-4906  
Planning and Zoning • (435) 615-5060 • FAX (435) 615-4906



**Exhibit 19 to  
Alice Lode Factual Background**



State of Utah

Department of  
Environmental Quality

Dianne R. Nielson, Ph.D.  
*Executive Director*

DIVISION OF ENVIRONMENTAL  
RESPONSE AND REMEDIATION  
Brad T Johnson  
*Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY HERBERT  
*Lieutenant Governor*

ERRC-072-07

April 9, 2007

Jerry Fiat  
King Development Group, LLC  
P.O. Box 244  
Park City, Utah 84060

**RE: Alice Lode Mitigation Work Plan and Public Comments**

Dear Mr. Fiat:

The Division of Environmental Response and Remediation (DERR) has completed its review of the revised *Mitigation Work Plan, Alice Lode Site, Voluntary Cleanup Program*, dated August 3, 2006. The report was submitted by AMEC Earth and Environmental, Inc. on behalf of King Development Group. Based on the information submitted, DERR accepted the Mitigation Work Plan subject to completion of the public comment requirements.

A notice inviting public comment on the work plan was published in the Park Record and the Salt Lake Tribune, and was also displayed on the bulletin board of the Park City Municipal Corporation Planning Office at 445 Marsac Avenue. Copies of the notice were hand delivered to residences near the project. No comments were received by the DERR during the 30-day public comment period, from October 6, 2006 to November 11, 2006. As such, DERR has accepted the proposed work plan.

Please keep the DERR informed of your plans and schedules for construction. The DERR will need to be on-site to oversee the remedial work and to collect split samples. Thank you for your participation in the Voluntary Cleanup Program. If you have any questions regarding this letter, please call me at (801) 536-4246.

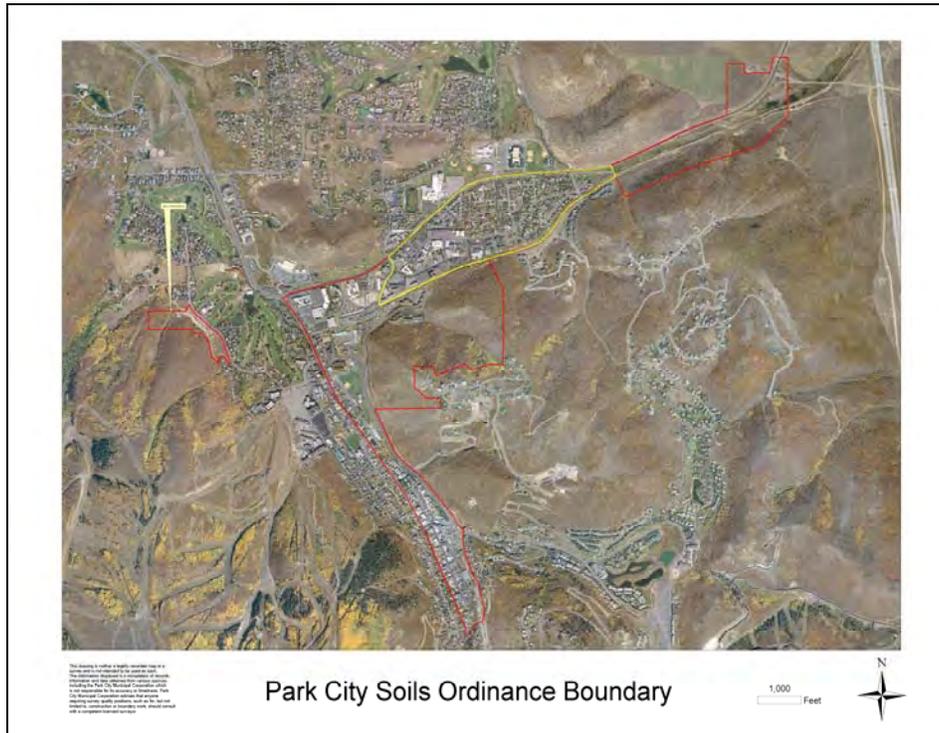
Sincerely,

Phillip Greer, Project Manager  
Division of Environmental Response and Remediation

PLG/eds

cc: Kathy Harris, AMEC Earth & Environmental, Inc.  
Vince Ketellapper, EPA, Region VIII  
Jeff Schoenbacher, Park City Municipal Corporation  
Steve Jenkins, E.H.S., M.P.H., Director, Summit County Public Health Department

**Exhibit 20 to  
Alice Lode Factual Background**



**PARK CITY MUNICIPAL CORPORATION**  
**SOILS ORDINANCE AREA ENVIRONMENTAL MANAGEMENT SYSTEM**  
**2006 ANNUAL REPORT**  
**November 6, 2006**

**Prepared by: Park City Municipal Corporation (PCMC)**  
**445 Marsac Avenue**  
**P.O. Box 1480**  
**Park City, Utah 84060-1480**  
**Jeff Schoenbacher, Environmental Coordinator**  
**(435) 615-5058**  
**jschoenbacher@parkcity.org**

**Submitted to: Utah Department Environmental Quality**  
**168 North 1950 West**  
**Salt Lake City, UT 84114**  
**Mo Slam, Project Manager**  
**(801) 536-4282**

**United States Environmental Protection Agency**  
**Region 8**  
**999 18<sup>th</sup> Street**  
**Suite 500**  
**Denver, CO 80202**  
**Kathy Hernandez, Project Manager**  
**(303) 312-6101**

## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION:</b> .....	<b>2</b>
<b>2.0</b>	<b>Soil Mitigation Compliance Program</b> .....	<b>2</b>
	Table 1.0 Capped Lots .....	3
<b>3.0</b>	<b>Revised Soils Ordinance - adopted 06-27-2006</b> .....	<b>3</b>
<b>4.0</b>	<b>Annual Lot Risk Assessment</b> .....	<b>5</b>
4.1	Non-Characterized Lots.....	5
4.2	Wet Chemistry Results .....	5
<b>5.0</b>	<b>Non-compliant lots</b> .....	<b>5</b>
<b>6.0</b>	<b>Education and outreach</b> .....	<b>5</b>
6.1	Soil Ordinance Resident Notices .....	6
6.2	Summit County Lead Screening Services.....	7
6.3	New Residents and Renters Orientation .....	7
6.4	Real Estate Agent Orientation .....	7
6.5	Lead Awareness Campaign to Local Physicians .....	7
<b>7.0</b>	<b>Prospector Sampling Records and Data</b> .....	<b>7</b>
<b>8.0</b>	<b>Prospector Drain Outfall</b> .....	<b>7</b>
<b>9.0</b>	<b>Worker Health and Safety</b> .....	<b>8</b>
<b>10.0</b>	<b>Top Soil Assistance program (TSAP)</b> .....	<b>9</b>

## Addendum

- [EMS Resolution](#)
- [Soils Ordinance](#)
- [Final Notice Letter](#)
- [Top Soil Assistance Program](#)
- [Real Estate Agent Notice](#)
- [Prospector Drain Results](#)
- [Prospector Drain Pilot Results](#)
- [Environmental Information Handbook](#)
- [Compliance Map](#)
- [Alice Lode VCP Work Plan](#)
- [Notice Letter Non-Characterized Lots](#)
- [Awareness Letter](#)
- [Physician Notice Letter](#)
- [BMP Brochure](#)
- [Volunteer Sampling](#)
- [Land Management Company](#)
- [Wetland Vault](#)
- [Certificate of Compliance](#)

## 1.0 INTRODUCTION:

In a cooperative effort with the Utah Department of Environmental Quality (UDEQ) and the United States Environmental Protection Agency (USEPA), Park City Municipal Corporation (PCMC) has agreed to the implementation of an Environmental Management System (EMS) to further protect human health and the environment within the Soils Ordinance Area. The established goals of the EMS were to define the environmental procedures, monitoring, education, and controls for containing soils impacted with mine tailings. The EMS program was adopted by resolution and funded by the City Council on April 15<sup>th</sup> 2004<sup>1</sup>. Furthermore, due to the requirements within the EMS, the City Council has also approved the revised “[Park City’s Landscaping and Maintenance of Soil Cover Ordinance](#)”<sup>2</sup> in order to support the EMS.

This annual report represents PCMC 2006 Annual Report, which the City agreed to submit to USEPA and UDEQ in order to summarize the annual EMS benchmarks.

## 2.0 SOIL MITIGATION COMPLIANCE PROGRAM

Represented under [Addendum 1](#) is the current compliance map for all properties within the original soils ordinance boundary. The lots identified in red are properties that have been capped and are considered compliant with the ordinance. The lots identified in black, are properties that have either not been sampled or have been sampled and are under enforcement. Finally, the properties identified in yellow are units that were capped during the Improvement District time frame. Within the original ordinance boundary there are 293 residential lots and to date there remain 20 properties that have yet to be sampled or capped with 6” of acceptable cover. As a result, there are 262 lots that have been capped and sampled to verify compliance and subsequently a Certificate of Compliance has been issued.

As agreed upon within the EMS proposal, PCMC chose to pursue a goal of capping 15 lots per year. Again, that goal was exceeded this year, resulting in 32 properties being issued “Certificate of Compliance” document which verify the installation of a cap and acceptable cover (<200 ppm lead). Out of 31 lots, all were capped in accordance with the conventional landscaping standard of 6” of clean topsoil substrate and vegetation layer. Typically, there continues to be many property owners that prefer the combination of the xeriscape and conventional landscaping standard. The xeriscape standard was a 2004 revision to the ordinance and provided owners with the flexibility of achieving compliance by employing water conservation practices. Similar to last year, there were some owners that went even further with the xeriscape standard by installing a 6” clean top soil substrate along with a weed barrier fabric, and 6” of bark or rock. It should also be noted that the repository at Richardson Flats continues to be a beneficial resource for property owners that were concerned with the financial impacts of disposing of soils within a permitted landfill. Because of the existence of the repository, many owners have removed berms containing mine tailings as well as choosing to excavate an additional 12” to 16” of impacted soil and reincorporate clean topsoil in order to re-certify the lot. These owners utilized the repository for disposing of generated soils in order to achieve compliance with the ordinance standards.

The sampling protocol for a property seeking compliance remains the same; composite samples are procured from the front, back, and both sides of the dwelling. The samples are then

---

<sup>1</sup> Tab 1 – Council Resolution - 4/15/04

<sup>2</sup> Tab 2 - Chapter 15 – 11-15-1 Building Code

submitted under a Chain of Custody to Chemtech-Ford Laboratory (State Certified) and analyzed for total lead. After receiving the final lab report supporting the lead levels being <200 ppm, the property is determined to be compliant and a [Certificate of Compliance](#) is sent along with a sampling narrative, results report, site map, and Homeowner BMP Brochure. Table 1.0 represents the properties that were capped this year<sup>3</sup> and subsequent lead concentrations:

**Table 1.0 Capped Lots**

<b>SampleId</b>	<b>DateSampled</b>	<b>Address</b>	<b>AvgOfResult</b>	<b>Comments</b>
78378c	5/9/2006	1307 SULLIVAN RD	<b>33.56</b>	
78378d	5/9/2006	1311 SULLIVAN RD	<b>161.04</b>	
78378b	5/9/2006	1315 SULLIVAN RD	<b>71.5</b>	
78378	5/9/2006	1316 PARK AVE	<b>37.06</b>	
6814000272	9/11/2006	1790 BONANZA DR	<b>8.90</b>	
80256C	8/22/2006	1846 PROSPECTOR AVENUE	<b>258.66</b>	
78468	5/16/2006	1862 PROSPECTOR AVENUE	<b>837.14</b>	Vacant Lot
78468B	5/16/2006	1878 PROSPECTOR AVENUE	<b>837.14</b>	Vacant Lot
78468C	5/16/2006	1894 PROSPECTOR AVENUE	<b>837.14</b>	Vacant Lot
80256B	8/16/2006	2100 SIDEWINDER DRIVE	<b>20.75</b>	
79793	7/27/2006	2166 MONARCH DRIVE	<b>187</b>	
80256D	8/22/2006	2194 MONARCH DRIVE	<b>55.94</b>	
81371	10/24/2006	2197 COMSTOCK DRIVE	<b>29</b>	
79566	7/13/2006	2211 COMSTOCK DRIVE	<b>10.5</b>	
78970B	6/12/2006	2236 COMSTOCK DRIVE	<b>478.33</b>	
78675E	5/26/2006	2276 SAMUEL COLT COURT	<b>261.69</b>	
79793b	7/27/2006	2302 MONARCH DRIVE	<b>13.89</b>	
78751B	6/1/2006	2303 MONARCH DRIVE	<b>203</b>	
78468Z	5/16/2006	2337 WYATT EARP WAY	<b>325.27</b>	
78970	6/12/2006	2338 COMSTOCK DRIVE	<b>16.93</b>	
80130	8/15/2006	2349 DOC HOLLIDAY DRIVE	<b>15.10</b>	
80440	8/31/2006	2375 DOC HOLLIDAY DRIVE	<b>9</b>	
78675D	5/26/2006	2405 DOC HOLLIDAY DRIVE	<b>258.14</b>	
80256	8/17/2006	2452 LILY LANGTRY COURT	<b>21.28</b>	
79717	7/19/2006	2500 WYATT EARP	<b>30.73</b>	
103006	10/30/2006	2623 ANNIE OAKLEY DRIVE		Results not yet received.
80440B	8/31/2006	2653 ANNIE OAKLEY DRIVE	<b>22.5</b>	
78654	5/24/2006	445 MARSAC AVENUE	<b>9.39</b>	
6814000249	6/15/2006	PARK CITY HIGH SCHOOL PLAYING	<b>26</b>	
102006	10/25/2006	Silver Star Exportation	<b>1000</b>	Vacant Lot
4814000167	6/21/2006	UNION PACIFIC RIGHT OF WAY	<b>33.88</b>	

### 3.0 REVISED SOILS ORDINANCE - ADOPTED 06-27-2006

The revisions to the “[Landscaping and Maintenance of Soil Cover Ordinance](#)” found within Park City Building Code Chapter 11-15 was revised this year and approved by City Council June 27<sup>th</sup> 2006. The revisions comprised of expanding the Soil Ordinance boundary to include Park City High School (PCHS) Facility. This was mutually agreed upon by the City and PCHS, based

<sup>3</sup> List includes lots within the original and expanded ordinance area.

upon an [Environmental Assessment](#) that was conducted by Amec Earth and Environmental, Inc (AMEC) for Park City School District dated January 20th, 2006, where it was revealed the property exhibited elevated underlying lead levels that exceed USEPA's Health Based Risk Standard of 400 ppm. Therefore, the purpose of revising the ordinance was to reinforce the City's and Park City School Districts commitment of protecting human health and the environment by including the school complex into the ordinance boundaries and applying the applicable institutional controls.

It should also be mentioned that PCMC and King Development Group, LLC have entered into the Voluntary Clean-up Program (VCP) with the Utah Department of Environmental Quality for the Alice Lode Mining site situated off of King Road. The Alice Lode Mining Claim comprises of 10.17 acres with 8.63 acres being owned by King Development Group and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated from 1920 to 1935. PCMC successfully obtained Brownfield grant funding in 2003 resulting in a United States Environmental Protection Agency (USEPA) Targeted Brownfield Phase II Assessment being completed for this property.

The assessment revealed heavy metal contamination consistent with mine tailing impacts exceeding USEPA's Risk-Based Concentrations for residential and industrial property. It is PCMC and King Road Development Group intent to remediate the Alice Lode impacts to protect human health and the environment consistent with UDEQ oversight. Furthermore, this project directly coincides with the City's commitment to improve water quality within the Silver Creek Watershed by eliminating a contaminate source that impacts surface water quality within Woodside Gulch. The Utah Department of Environmental Quality has approved the [Work Plan](#) for this project that is scheduled to commence in 2007. After the site is remediated it is anticipated that the ordinance will be revised to include the VCP boundary and protect the site with the institutional controls and a site management plan.

Lastly, it is important to reiterate the following ordinance standards that were adopted in 2004:

- Acceptable cover was expanded from just grass and vegetation cover to include xeriscape landscaping practices. Specifically the standard requires a weed barrier fabric and 6" of rock or bark.
- Soils are strictly prohibited from being transported or reused outside the Soils Ordinance Boundary.
- Soils being disposed of are to be characterized for arsenic and lead and disposed of within a permitted facility depending on the TCLP characteristics.
- The reuse of soils within the Soils Ordinance Boundary is allowed providing the area is capped and the Building Department pre-approves the site.
- The boundary was redrawn to exclude Chatham Crossing due to PCMC, USEPA, and UDEQ concurring that the area does not pose a threat to human health or the environment. This was based on evaluating several years of soils data that further substantiated this claim.
- The boundary has been expanded to include the Transit Center and the CERCLIS Marsac Mill Site. The purpose of including the Transit Center was to protect the facility and the Marsac Mill site, which is known to contain elevated levels of heavy metals.
- Non-compliant lots were required to conform by December 31, 2004.
- Non-sampled and uncharacterized lots are to be sampled by 2006.
- Non-compliance has been upgraded to a nuisance and enforced as a Class B Misdemeanor.

- The lot-testing fee for compliance has been waived and is now done without a \$100.00 charge to the owner. In addition, the City conducts sampling on generated soils destined for disposal and there is no charge for TCLP analysis.
- No parking of vehicles on capped lots.

#### **4.0 ANNUAL LOT RISK ASSESSMENT**

The risk assessment was completed this year resulting in two properties; 2100 Sidewinder Drive and [2238 Sidewinder Drive](#) being identified as a nuisance and sent enforcement letters.

The property owners for these properties were taken to court and plead guilty for non-compliance and as a result a fine was issued in both cases. Typically the fines range from \$150 to \$1000 and it is at the discretion of the prosecutor who considers the extent of the infraction. The owner of 2100 Sidewinder Drive has re-landscaped the lot and a Certificate of Compliance was issued August 16<sup>th</sup> 2006. The owner of 2238 Sidewinder Drive has not completed the corrective actions to date and will be issued another warning in 2007 should the property not be mitigated.

##### **4.1 *Non-Characterized Lots***

On January 10<sup>th</sup>, 2006 the City sent out 15 [notices](#) that made owners aware that if they had not gotten their property sampled, that they were required to do so by January 1<sup>st</sup>, 2006. Because of this notice many owners requested that their lot be sampled for compliance. In addition, some of the lots sampled this year also completed corrective actions and installed a compliant cap to contain underlying lead levels. Therefore some of these lots are part of the dataset that were issued a Certificate of Compliance this year.

##### **4.2 *Wet Chemistry Results***

This year 14 lots were sampled and analyzed with wet chemistry to determine if the lead levels were compliant with the EMS standard. The volunteers for the verification sampling ranged from real estate agents to owners wanting to know the lead levels for their property. Reviewing the wet chemistry [results](#), out of 37 samples an average lead concentration of 338.96 ppm was revealed and determined to be compliant with the EMS screening threshold. It should also be noted that some of these property owners that participated in the EMS program became eligible for the Top Soil Assistance Program (Section 10.0) and should the cap be disturbed in the future would be able to recover \$450.00 for capping the lot.

#### **5.0 NON-COMPLIANT LOTS**

Similar to last year's annual report, on January 10<sup>th</sup> 2006 fifteen owners were provided with a "[Final Notice](#)" before being referred to the City Attorney's Office for enforcement. Within that notice they were required to submit a work plan by April 14<sup>th</sup> 2006 in order to avoid enforcement. This year the City followed up with those owners that were sampled in 2005 and had not capped the property due to the approaching winter.

#### **6.0 EDUCATION AND OUTREACH**

In order to assist with the EMS educational and outreach obligations, PCMC distributed two products titled "[Park City Environmental Information Handbook](#)" and "[Soils Ordinance Home Owners BMP Brochure](#)". This year the Environmental Information Handbook and Home

Owners BMP Brochure were revised to reflect the current compliance map along with the following:

- Soils Ordinance FAQ's.
- Residential Best Management Practices
- Ordinance Boundary Compliance Map
- Top Soils Assistance Program (TSAP)
- Soils Ordinance Boundary Map
- Streets within Boundary
- Addresses within Boundary
- Gardening and Plant Bed Recommendations
- Storm Water Quality
- Conservation Reserve Program
- Open Space Information
- Recycling Program
- Household Waste Oil Acceptors
- Drinking Water Information
- Water Treatment Information
- Blue Sky Program
- Contacts and Reference (This section included the county contact for blood lead testing.)

The handbook has been well received by the public since it clarified some misunderstandings the community has had with the ordinance. The handbook was sent to the following entities as a reference:

- All owners of property within the original and expanded boundary.
- Real Estate Agents
- Land Management
- Local Pediatricians
- HOA's
- Homebuyers
- PCMC employees
- Contractors
- Building Permit recipients

The second outreach product distributed, was the [Home Owners Best Management Practice Brochure](#). The BMP brochure was sent out to all residents within the Soils Ordinance Boundary on April 19<sup>th</sup> 2006 and October 18<sup>th</sup> 2006. This product is also made available in the Building and Planning Department and was sent to the EMS other outreach contacts that were agreed to by the Soils Stakeholder Group.

### **6.1 Soil Ordinance Resident Notices**

On January 6<sup>th</sup> 2006, residents that have an issued "Certificate of Compliance" were sent a [lead awareness letter](#). The purpose of the letter is to increase awareness to the underlying lead levels that are contained under the clean topsoil cap. For those that received this correspondence, the City had historical data on the initial sampling that occurred for the lot before it was capped. This data was queried from the Environmental Database and all lots with an underlying lead level that exceeded the USEPA Health Based Risk Standard (400 ppm lead) for residential

property receive this correspondence. Also the [Soils Ordinance Home Owners BMP brochure](#) was sent to all ordinance addresses on April 19<sup>th</sup> and October 18<sup>th</sup> 2006. The BMP brochure is also included in all newly issued “Certificate of Compliance” documents that are sent to the owners. Lastly, in addition to these outreach efforts, the brochure and handbook are made available at the Marsac Building and Park City Public Library.

### **6.2 *Summit County Lead Screening Services***

The Summit County Blood Lead Screening Service has been mentioned in both the Homeowner BMP Brochure and the Environmental Information Handbook under contacts and FAQs. The address and phone number for the county testing program is documented in these two outreach products for residents that wish to be tested. In addition, the City receives phone inquiries for testing children and they are referred to the Summit County Health Department.

### **6.3 *New Residents and Renters Orientation***

PCMC has supplied the Environmental Information Handbook and BMP brochure to land management and real estate agencies. [Addendum 13](#) represents the letter that was sent along with the BMP brochures, which were sent to those companies on February 7<sup>th</sup> 2006. The Building Department receives numerous calls from prospective buyers and real estate agents requesting the information handbooks and BMP brochures.

### **6.4 *Real Estate Agent Orientation***

Real Estate agencies were provided with the [Environmental Information Handbook](#) and [BMP brochure](#) for distribution and to make them aware of the ordinance standards. Nineteen agencies were sent this information on February 7<sup>th</sup> 2006. Furthermore, the Real Estate Community has been educated by PCMC presenting at the Board of Realtor meetings. During the meetings the handbook is distributed along with ordinance boundary maps, so there is no confusion regarding the boundaries.

### **6.5 *Lead Awareness Campaign to Local Physicians***

On February 7<sup>th</sup> 2006, five clinics were sent an [awareness correspondence](#) along with numerous BMP brochures for distribution. The correspondence also contained the Environmental Information Handbook that identifies the addresses that reside within the ordinance for reference purposes. Within the letter PCMC encourages physicians to test for blood lead for those clients residing within the boundary.

## **7.0 PROSPECTOR SAMPLING RECORDS AND DATA**

PCMC continues to populate a comprehensive database to track lot compliance and analytical results. The database has been populated with analytical results dating back to 1985. This data includes initial sampling projects as well as verification sampling results that are conducted after the cap is installed. The system is integrated into a GIS ArcMap project that plots all capped lots and spatial evaluations can be conducted in regards to lead levels. Lastly, the GIS ArcMap continues to expand upon the discovery of new historic mining impacts and was recognized by the National League of Cities this year.

## **8.0 PROSPECTOR DRAIN OUTFALL**

This year PCMC with oversight from Dr. Fitch with the University of Missouri Rolla Civil

Environmental Engineering Department and David Reisman who is the Director of USEPA's ORD Engineering Technical Support Center and National Risk Management Research Laboratory re-constructed the pilot anaerobic wetland cell. The intent of reconstructing the unit was to build the cell in a manner consistent with Mr. Reisman's recommendations and the Silver Creek Stakeholder Group. Furthermore, Bill Duncan and Al Mattes with Nature Works (<http://www.nature-works.net>) provided valuable input to increase the functionality of the biocell. After consulting with these experts, the unit was rebuilt using manure as a substrate inoculate and introducing limestone rock as well as installing three sampling ports within the three substrate sections. Also, the one storm water inflow grate that influenced the drain was covered, thereby isolating the flow to convey only shallow ground water to the treatment system.



Picture 15: Reconstructed Bio-cell June 06.

In conjunction with the rebuilding of the pilot, PCMC also designed a [vault](#) that will be installed upstream to the full-scale wetland. The purpose of the vault is to act as a bypass, in the event the flow exceeds the treatment capacity. Within this unit, PCMC also proposes to have flow meters installed in this unit in order to monitor the flow entering the biocell as well as the flow bypassing the treatment unit.

The new pilot has been sampled for three months, revealing the process reduces zinc by 85% and cadmium 80%. It is anticipated that the full-scale unit will be built in 2007 with Dr. Fitch providing technical oversight as well as UDEQ, USEPA, and the Upper Silver Creek Watershed Stakeholder Group, being involved in the construction. [Addendum 15](#) contains the results for the pilot cell to September 22<sup>nd</sup> 2006 and [Addendum 14](#) contains a summary of the sampling results for the Prospector Drain.

Funding for this project was approved by the City Council and a budget of \$150,000.00 was allocated for the construction of an anaerobic treatment system for treating the Prospector drain.

## **9.0 WORKER HEALTH AND SAFETY**

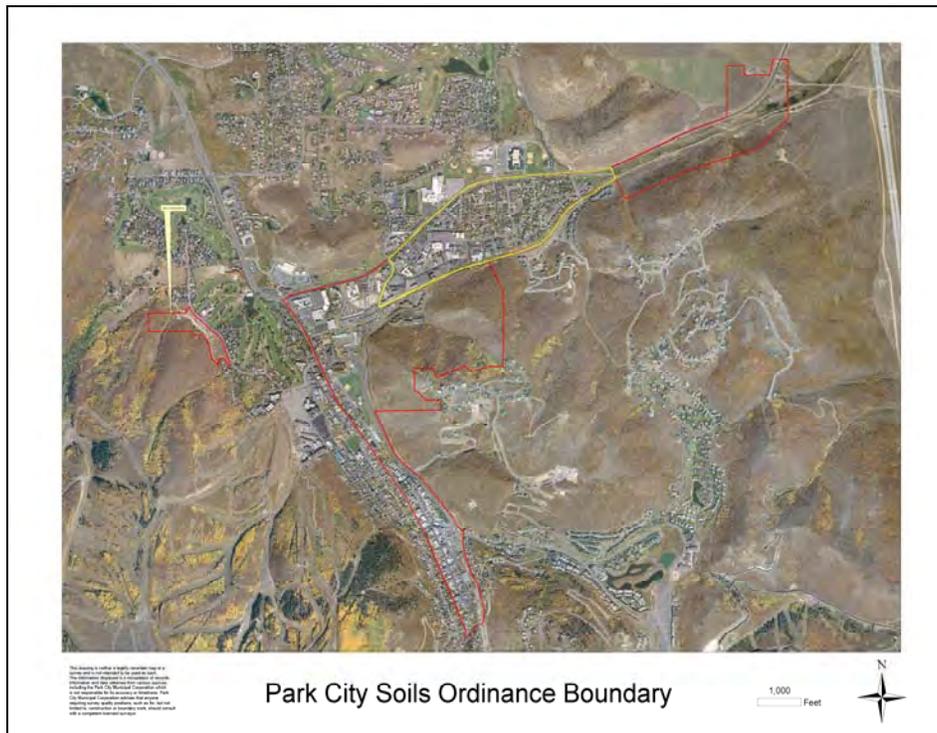
All external and internal utility or contract workers involved in generating soils and earthwork have been provided with a Worker Health and Safety Notice and recommended protective equipment. It is PCMC intent to increase worker awareness of practices that they can employ to minimize exposure to them and their families. This year the Park City High School reconstruction project commenced after the contractor submitted a Soils Management Protocol, Storm Water Management Plan, and Work Health and Safety. Also the contractor was required to provide employees with the Worker Health and Safety Notice and make them aware of the necessary personal protection required for the project.

Other companies that were required to fulfill the above worker health and safety requirements and soil management protocol were Comcast, Park City Municipal Corporation, and Silver Star Development. The City requires larger projects submit a more extensive soils management plan that specifies the worker health and safety requirements (PPE), disposal companies, and best management practices as it relates to storm water controls.

## **10.0 TOP SOIL ASSISTANCE PROGRAM (TSAP)**

Consistent with Council policy direction and to encourage accelerated compliance with the Soils Ordinance, the City has budgeted \$32,000 in fiscal year 2005 and \$15,000 Fiscal Year 2006. The implementation of the proposed [TSAP](#) is to provide property owners with assistance and incentive to procure compliant topsoil to adequately cap properties with known elevated lead levels. The TSAP has been divided into two funding phases; Phase I is specific to lots within the Original Ordinance Boundary (Prospector) and a Phase II is for the properties within the entire Soils Ordinance Boundary (Original and Expanded). The program was approved and funded by the City Council on August 11<sup>th</sup> 2004 and is administered by the Building Department. Upon issuance of a Certificate of Compliance the owner is provided with a TSAP summary fact sheet and instructions for reimbursement.

To date fifty-two property owners have participated in the TSAP, resulting \$ 23,467.44 being reimbursed for the purchase of acceptable cover. The City believes that the Phase II component of this program is a long-term incentive for property owners that will need to cap property due to elevated lead levels exceeding the ordinance threshold.



**PARK CITY MUNICIPAL CORPORATION**  
**SOILS ORDINANCE AREA ENVIRONMENTAL MANAGEMENT SYSTEM**  
**2007 ANNUAL REPORT**

**December 10, 2007**

**Prepared by: Park City Municipal Corporation (PCMC)**  
**445 Marsac Avenue**  
**P.O. Box 1480**  
**Park City, Utah 84060-1480**  
**Jeff Schoenbacher, Environmental Coordinator**  
**(435) 615-5058**  
**jschoenbacher@parkcity.org**

**Submitted to: Utah Department Environmental Quality**  
**168 North 1950 West**  
**Salt Lake City, UT 84114**  
**Mo Slam, Project Manager**  
**(801) 536-4282**

**United States Environmental Protection Agency**  
**Region 8**  
**999 18<sup>th</sup> Street**  
**Suite 500**  
**Denver, CO 80202**  
**Kathy Hernandez, Project Manager**  
**(303) 312-6101**

## TABLE OF CONTENTS

<b>1.0</b>	<b>INTRODUCTION:</b> .....	<b>2</b>
<b>2.0</b>	<b>Soil Mitigation Compliance Program</b> .....	<b>2</b>
	Table 1.0 CAPPED LOTS.....	3
<b>3.0</b>	<b>Revised Soils Ordinance - adopted 06-27-2006</b> .....	<b>4</b>
<b>4.0</b>	<b>Annual Lot Risk Assessment</b> .....	<b>5</b>
4.1	<i>Non-Characterized Lots</i> .....	5
<b>5.0</b>	<b>Non-compliant lots</b> .....	<b>5</b>
<b>6.0</b>	<b>Education and outreach</b> .....	<b>6</b>
6.1	<i>Soil Ordinance Resident Notices</i> .....	7
6.2	<i>Summit County Lead Screening Services</i> .....	7
6.3	<i>New Residents and Renters Orientation</i> .....	7
6.4	<i>Real Estate Agent Orientation</i> .....	7
6.5	<i>Lead Awareness Campaign to Local Physicians</i> .....	7
6.6	<i>Deployment of the Environmental WebGIS Module <a href="http://www.mapserv.utah.gov/ParkCityGIS/">http://www.mapserv.utah.gov/ParkCityGIS/</a></i> .....	8
<b>7.0</b>	<b>Prospector Sampling Records and Data</b> .....	<b>9</b>
<b>8.0</b>	<b>Prospector Drain Outfall</b> .....	<b>9</b>
<b>9.0</b>	<b>Worker Health and Safety</b> .....	<b>10</b>
<b>10.0</b>	<b>Top Soil Assistance program (TSAP)</b> .....	<b>10</b>

### Addendum

- [Park City's Landscaping and Maintenance of Soil Cover Ordinance](#)
- [Certificate of Compliance](#)
- [Park City Environmental Information Handbook](#)
- [Soils Ordinance Home Owners BMP Brochure](#)
- [Lead Awareness Letter](#)
- [Environmental Information Handbook](#)
- [Full-Scale Anaerobic Treatment Unit](#)
- [Compliance Map](#)
- [Awareness Letter](#)
- [Physician Notice Letter](#)
- [BMP Brochure](#)
- [Land Management Company](#)
- [Prospector Treatment Cell Design](#)
- [Wetland Vault](#)
- [Pilot Cell Results Summary – Dr. Fitch](#)

## 1.0 INTRODUCTION:

In a cooperative effort with the Utah Department of Environmental Quality (UDEQ) and the United States Environmental Protection Agency (USEPA), Park City Municipal Corporation (PCMC) has agreed to the implementation of an Environmental Management System (EMS) that further protects human health and the environment within the Soils Ordinance Area. The established goals of the EMS were to define the environmental procedures, monitoring, education, and controls for containing soils impacted with mine tailings. The EMS program was adopted by resolution and funded by the City Council on April 15<sup>th</sup> 2004<sup>1</sup>. Furthermore, due to the requirements within the EMS, the City Council approved revisions to the "[Park City's Landscaping and Maintenance of Soil Cover Ordinance](#)"<sup>2</sup> in order to support the EMS.

This annual report represents PCMC 2007 Annual Report, which the City agreed to submit to USEPA and UDEQ in order to summarize the annual EMS benchmarks.

## 2.0 SOIL MITIGATION COMPLIANCE PROGRAM

[Addendum 1](#) is the current compliance map for all properties within the original soils ordinance boundary. The lots identified in red are properties that have been capped and are considered compliant with the ordinance. The lots identified in black, are properties that have either not been sampled or have been sampled and are under enforcement. Finally, the properties identified in yellow are units that were capped during the Improvement District time frame. The original ordinance boundary has 293 residential lots and to date there remain 16 properties that have yet to be sampled or capped with 6" of acceptable cover. As a result, there are 277 lots that have been capped and sampled to validate compliance and subsequently a Certificate of Compliance has been issued.

The EMS proposal has an established goal of capping 15 lots per year. Similar to last year, that goal was exceeded this year, resulting **in 31 properties** being issued "Certificate of Compliance" documents that verify the installation of a cap and acceptable cover that has tested <200 ppm lead. Out of 31 lots, the majority were capped in accordance with the conventional landscaping standard of 6" of clean topsoil substrate and vegetation layer. Typically, there continues to be many property owners that prefer the combination of the xeriscape and conventional landscaping standard. The xeriscape standard was a 2004 revision to the ordinance and provided owners with the flexibility of complying with the ordinance while also employing water conservation practices. There were some owners that went even further with the xeriscape standard by installing a 6" clean top soil substrate along with a weed barrier fabric, and 6" of bark or rock. It should also be noted that the repository at Richardson Flats continues to be a beneficial resource for property owners that were concerned with the financial impacts of disposing of soils within a permitted landfill. Because of the existence of the repository, many owners have removed berms containing mine tailings as well as choosing to excavate an additional 12" to 16" of impacted soil and reincorporate clean topsoil in order to re-certify the lot. These owners utilized the repository for disposing of generated soils in order to achieve compliance with the ordinance standards.

The sampling protocol for a property seeking compliance remains the same; composite samples are procured from the front, back, and both sides of the dwelling. The samples are then

---

<sup>1</sup> Tab 1 – Council Resolution - 4/15/04

<sup>2</sup> Tab 2 - Chapter 15 – 11-15-1 Building Code

submitted under a Chain of Custody to Chem Tech-Ford Laboratory (State Certified) and analyzed for total lead. After receiving the final lab report supporting the lead levels being <200 ppm, the property is considered to be compliant and a [Certificate of Compliance](#) is sent along with a sampling narrative, results report, site map, and Homeowner BMP Brochure. Table 1.0 represents the properties that were capped this year<sup>3</sup> and subsequent lead concentrations:

**Table 1.0 CAPPED LOTS**

<b>Date Sampled</b>	<b>Address</b>	<b>Landscaping Type</b>	<b>Lead Average ppm</b>
2/7/2007	2256 SIDEWINDER DRIVE	<b>Xeriscape</b>	<b>No Sample</b>
4/6/2007	2291 COMSTOCK DRIVE	<b>Xeriscape</b>	<b>No Sample</b>
4/17/2007	1790 BONANZA DR	Conventional	<b>20.75</b>
4/30/2007	2485 SIDEWINDER DRIVE	Conventional	<b>28</b>
5/21/2007	2319 COMSTOCK DRIVE	Conventional	<b>134.25</b>
5/29/2007	108 PARK AVENUE	Conventional	<b>301</b>
5/29/2007	2664 ANNIE OAKLEY DRIVE	Conventional	<b>253.5</b>
5/31/2007	2425 DOC HOLLIDAY DRIVE	Conventional	<b>324.75</b>
6/4/2007	1900 PARK AVE	Conventional	<b>79.25</b>
6/6/2007	1220B SULLIVAN RD	Conventional	<b>36</b>
6/12/2007	2238 SIDEWINDER DRIVE	Conventional	<b>27.60</b>
6/15/2007	2226 SIDEWINDER DRIVE	Conventional	<b>33</b>
6/15/2007	2212 SIDEWINDER DRIVE	Conventional	<b>19</b>
6/27/2007	2175 COMSTOCK DRIVE	Conventional	<b>16.60</b>
6/27/2007	2286 SIDEWINDER DRIVE	Conventional	<b>11.83</b>
7/2/2007	2665 SIDEWINDER DRIVE	Conventional	<b>91.20</b>
7/20/2007	2320 COMSTOCK DRIVE	Conventional	<b>14</b>
7/23/2007	57 DALY AVENUE	Conventional	<b>35</b>
7/23/2007	59 DALY AVENUE	Conventional	<b>89</b>
7/23/2007	329 DALY AVENUE	Conventional	<b>24.5</b>
7/30/2007	2178 SUNRISE CIRCLE	Conventional	<b>20.66</b>
08/07/07	1940 PROSPECTOR AVENUE	<b>Xeriscape</b>	<b>No Sample</b>
9/12/2007	2011 HIGH STREET	Conventional	<b>67</b>
9/27/2007	2169 MONARCH DRIVE	Conventional	<b>16.4</b>
10/16/2007	633 WOODSIDE AVENUE	Conventional	<b>100</b>
10/10/07	104 PARK AVENUE	<b>Xeriscape</b>	<b>No Sample</b>
10/16/07	633 WOODSIDE AVENUE	Conventional	<b>100</b>
10/22/2007	2301 MONARCH DRIVE	Conventional	<b>13</b>
11/12/07	230 SWEDE ALY	<b>Xeriscape</b>	<b>No Sample</b>
11/12/2007	1889 PROSPECTOR AVE	Conventional	<b>10.65</b>
11/12/2007	240 SWEDE ALY	<b>Xeriscape</b>	<b>No Sample</b>
11/26/07	2265 MONARCH DR	<b>Xeriscape</b>	<b>No Sample</b>

<sup>3</sup> List includes lots within the original and expanded ordinance area.

### 3.0 REVISED SOILS ORDINANCE - ADOPTED 06-27-2006

There were no revisions to the “[Landscaping and Maintenance of Soil Cover Ordinance](#)” found within Park City Building Code Chapter 11-15 was revised last year and approved by City Council June 27<sup>th</sup> 2006. As stated in last year’s annual report, the ordinance was expanded to include the Park City High School (PCHS) complex. During 2007 Park City High School submitted to the Building Department a formal work plan for this site. The plan was mutually agreed upon by the City and PCHS, and Amec Earth and Environmental, Inc (AMEC) is overseeing the remediation for Park City School District. The purpose of revising the ordinance was to reinforce Park City and the School Districts commitment to protect human health and the environment by remediating the school complex and applying the applicable institutional controls. The following is the current compliance status of the PCHS complex, sections depicted in red have been capped and tested under 200 ppm lead.



Also mentioned in last year’s EMS Annual Report PCMC and King Development Group, LLC have entered into the Voluntary Clean-up Program (VCP) with the Utah Department of Environmental Quality for the Alice Lode Mining site situated off of King Road. The Alice Lode Mining Claim comprises of 10.17 acres with 8.63 acres being owned by King Development Group and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated from 1920 to 1935. PCMC successfully obtained Brownfield grant funding in 2003 resulting in a United States Environmental Protection Agency (USEPA) Targeted Brownfield Phase II Assessment being completed for this property. This year a formal work plan was submitted to UDEQ and approved, therefore the City anticipates that work will commence in 2008. It should be mentioned that this project has other issues related to the Planning Department as a result; it is unknown whether these will be resolved to allow the remediation. After the site is remediated it is anticipated that the ordinance will be revised to include the VCP boundary and protect the site with the institutional controls and a site management plan.

Finally, it is important to reiterate the following ordinance standards that were adopted in 2004 that are currently applicable for all lots within the boundary:

- Acceptable cover was expanded from just grass and vegetation cover to include xeriscape-landscaping practices. Specifically the standard requires a weed barrier fabric and 6” of rock or bark.
- Soils are strictly prohibited from being transported or reused outside the Soils Ordinance Boundary.

- Soils being disposed of are to be characterized for arsenic and lead and disposed of within a permitted facility depending on the TCLP characteristics.
- The reuse of soils within the Soils Ordinance Boundary is allowed providing the area is capped and the Building Department pre-approves the site.
- The boundary was redrawn to exclude Chatham Crossing due to PCMC, USEPA, and UDEQ concurring that the area does not pose a threat to human health or the environment. This was based on evaluating several years of soils data that further substantiated this claim.
- The boundary has been expanded to include the Transit Center and the CERCLIS Marsac Mill Site. The purpose of including the Transit Center was to protect the facility and the Marsac Mill site, which is known to contain elevated levels of heavy metals.
- Non-compliant lots were required to conform by December 31, 2004.
- Non-sampled and uncharacterized lots are to be sampled by 2006.
- Non-compliance has been upgraded to a nuisance and enforced as a Class B Misdemeanor.
- The lot-testing fee for compliance has been waived and is now done without a \$100.00 charge to the owner. In addition, the City conducts sampling on generated soils destined for disposal and there is no charge for TCLP analysis.
- No parking of vehicles on capped lots.

#### **4.0 ANNUAL LOT RISK ASSESSMENT**

The risk assessment was completed this year resulting in two properties being issued Administrative Civil Enforcement (ACE) penalties for non-compliance with the ordinance. The ACE program is a new program that administers a daily fine (\$25) for non-compliance with the ordinance. All of the lots that were cited are related to properties that have not been sampled or the property is known to have elevated levels of lead but have not been capped.

Only one owner cited remains outstanding with the other coming into compliance. As a result, the property has been referred to the City Attorney for further enforcement. The following lot remains non-compliant:

- 2775 Annie Oakley Drive

#### **4.1 *Non-Characterized Lots***

Within the original ordinance area all lots have been sampled, therefore there were no notices sent for non-characterized lots. The only exception to that statement is that there still remain non-characterized lots within the Expanded Soils Ordinance Boundary; however those properties will be addressed once the original ordinance boundary reaches 100% compliance.

#### **5.0 NON-COMPLIANT LOTS**

Within the original ordinance area all non-compliant properties have been issued Final Notices or Administrative Civil Enforcement citations. These lots are planned to be remediated this year or next year (2008) and attain compliance with the ordinance. The City anticipates 100% compliance during the year of 2008.

## 6.0 EDUCATION AND OUTREACH

In order to assist with the EMS educational and outreach obligations, PCMC distributed two products titled “[Park City Environmental Information Handbook](#)” and “[Soils Ordinance Home Owners BMP Brochure](#)”. This year the Environmental Information Handbook and Home Owners BMP Brochure were revised to reflect the current compliance map along with the following:

- Soils Ordinance FAQ’s.
- Residential Best Management Practices
- Ordinance Boundary Compliance Map
- Top Soils Assistance Program (TSAP)
- Soils Ordinance Boundary Map
- Streets within Boundary
- Addresses within Boundary
- Gardening and Plant Bed Recommendations
- Storm Water Quality
- Conservation Reserve Program
- Open Space Information
- Recycling Program
- Household Waste Oil Acceptors
- Drinking Water Information
- Water Treatment Information
- Blue Sky Program
- Contacts and Reference (This section included the county contact for blood lead testing.)

The handbook has been well received by the public since it clarified some misunderstandings the community has had with the ordinance. The handbook was sent to the following entities as a reference:

- All owners of property within the original and expanded boundary.
- Real Estate Agents
- Land Management
- Local Pediatricians
- HOA’s
- Homebuyers
- PCMC employees
- Contractors
- Building Permit recipients

The second outreach product distributed, was the [Home Owners Best Management Practice Brochure](#). The BMP brochure was sent out to all residents within the Soils Ordinance Boundary on March 23<sup>rd</sup> 2007. This product is also made available in the Building and Planning Department and was sent to the EMS other outreach contacts that were agreed to by the Soils Stakeholder Group. Regarding the Environmental Information Handbook, it was sent to all Ordinance Property owners on January 31<sup>st</sup> 2007.

### **6.1 Soil Ordinance Resident Notices**

On January 3rd 2007, residents that have an issued “Certificate of Compliance” were sent a [lead awareness letter](#). The purpose of the letter is to increase awareness to the underlying lead levels that are contained under the clean topsoil cap. For those that received this correspondence, the City had historical data on the initial sampling that occurred for the lot before it was capped. This data was queried from the Environmental Database and all lots with an underlying lead level that exceeded the USEPA Health Based Risk Standard (400 ppm lead) for residential property receive this correspondence. Also the [Soils Ordinance Home Owners BMP brochure](#) was sent to all ordinance addresses on March 23<sup>rd</sup> 2007. The BMP brochure is also included in all newly issued “Certificate of Compliance” documents that are sent to the owners. Lastly, in addition to these outreach efforts, the brochure and handbook are made available at the Marsac Building and Park City Public Library.

### **6.2 Summit County Lead Screening Services**

The Summit County Blood Lead Screening Service has been mentioned in both the Homeowner BMP Brochure and the Environmental Information Handbook under contacts and FAQs. The address and phone number for the county testing program is documented in these two outreach products for residents that wish to be tested. In addition, the City receives phone inquiries for testing children and they are referred to the Summit County Health Department.

### **6.3 New Residents and Renters Orientation**

PCMC has supplied the Environmental Information Handbook and BMP brochure to land management and real estate agencies. [Addendum 13](#) represents the letter that was sent along with the BMP brochures, which were sent to those companies on February 2<sup>nd</sup> 2007. The Building Department receives numerous calls from prospective buyers and real estate agents requesting the information handbooks and BMP brochures.

### **6.4 Real Estate Agent Orientation**

Real Estate agencies were provided with the [Environmental Information Handbook](#) and [BMP brochure](#) for distribution and to make them aware of the ordinance standards. Nineteen agencies were sent this information on February 2<sup>nd</sup> 2007. Furthermore, the Real Estate Community has been educated by PCMC presenting at the Board of Realtor meetings. During the meetings the handbook is distributed along with ordinance boundary maps, so there is no confusion regarding the boundaries. Lastly, on October 4<sup>th</sup> 2007 the Park City Board of Realtors representatives were trained on the use of the Environmental WebGIS Module, which is located at the following URL - <http://www.mapserv.utah.gov/ParkCityGIS/>. The City believes this will be an instrumental tool for due diligence purposes – allowing interested parties to research a specific address for compliance and underlying lead concentrations.

### **6.5 Lead Awareness Campaign to Local Physicians**

On February 2<sup>nd</sup> 2007, five clinics were sent an [awareness correspondence](#) along with numerous BMP brochures for distribution. The correspondence also contained the Environmental Information Handbook that identifies the addresses that reside within the ordinance for reference purposes. Within the letter PCMC encourages physicians to test for blood lead for those clients residing within the boundary.

**6.6 Deployment of the Environmental WebGIS Module**  
*<http://www.mapserv.utah.gov/ParkCityGIS/>*

On October 3rd 2007, PCMC released the first WebGIS application and this module will be a resource to identify the environmental impacts related to the historical mining district. The purpose of this module is to convey the City's environmental issues to the public via the Web. This work was a cooperative effort between Utah Automated Geographic Reference Center (AGRC), East Canyon Creek Watershed Committee and the Park City Building Department. The City is especially appreciative to the East Canyon Creek Watershed Committee for their 60% cost share contribution to the development of the application through the Clean Water Act – Section 319 Grant funds.

The following is the data you will find at this site:

- **Environmental Management System Annual Reports**  
Reports that are sent to regulatory agency that provides an update on current remediation.
- **Storm water Management Plan Annual Reports**  
Reports that are sent to the regulatory agencies defining the city's storm water efforts to improve water quality in the watersheds.
- **Working Soils Ordinance Regulations**  
The actual ordinance approved by USEPA and UDEQ.
- **Soils Ordinance Boundary Search**  
The boundary that defines all regulated properties within the ordinance boundary and the search conveys whether it is within the boundary.
- **Soils Ordinance Capping Compliance**  
Information provides you with compliance status and associated lead concentrations for sampled lots. Red represents compliance, black non-compliant, yellow compliant during the improvement district.
- **Known Mine Tailings Area**  
Areas known to be impacted with mine tailings.
- **Mine Hazards**  
Known mine hazards in the area.
- **FEMA Flood Zone Delegations**  
Regulated flood zone areas within the city limits.
- **City Zoning**  
Different zoning areas with the city limits.
- **Regulated Streams**  
Navigable waters within the city limits.
- **Jurisdictional Wetlands**  
Wetlands protected within the city limits with a 50' defined buffer.
- **Watershed Boundaries**  
These layers represent East Canyon and Silver Creek Watershed.
- **Drinking Water Source Protection Zones**  
Drinking water recharges source protection zones protected under ordinance.
- **10' Elevation Contours**
- **Bike Trails**
- **Conservation Reserve Program**  
Layer represents the permanent riparian buffer zone for McLeod Creek Stream corridor.

## 7.0 PROSPECTOR SAMPLING RECORDS AND DATA

PCMC continues to populate a comprehensive database to track lot compliance and analytical results. The database has been populated with analytical results dating back to 1985. This data includes initial sampling projects as well as verification sampling results that are conducted after the cap is installed. The system is integrated into a GIS ArcMap project that plots all capped lots and spatial evaluations can be conducted in regards to lead levels. Lastly, the GIS ArcMap continues to expand upon the discovery of new historic mining impacts.

## 8.0 PROSPECTOR DRAIN OUTFALL

This year PCMC with oversight from Dr. Fitch with the University of Missouri Rolla Civil Environmental Engineering Department and David Reisman who is the Director of USEPA's ORD Engineering Technical Support Center and National Risk Management Research Laboratory finalized the design of a [full-scale anaerobic treatment unit](#). However the design was not completed early enough in the year for competent contractors to bid on the project, therefore it will go out to bid early 2008.

What was completed this year in relation to the to the Prospector drain is Nelson Brother's designed and installed the vault upstream from the proposed site for the full-scale wetland treatment area. The purpose of the [vault](#) is to act as a bypass, in the event the flow exceeds the treatment capacity. Within this unit, PCMC also proposes to have flow meters installed in this unit in order to monitor the flow entering the biocell as well as the flow bypassing the treatment unit. The vault design has changed to accommodate the placement of the entry point and exit point of the drain water.

Included with this document is [Dr. Fitch's summary](#) of water quality monitoring data for the Prospector Drain outfall and the biocells pilot. The outfall data covers almost four years of monitoring (since June 2003). The first biocell operated from late June 2004 to April of 2006. This biocell was dug up and the basin was used for the second biocell, which began operation in July of 2006.

In summary:

- Zinc removal varies from 17 – 90%, averaging about 50%.
- Cadmium removal is 36 – 99+%, averaging about 70%.
- Performance does not seem to correlate to season.
- Iron is not a concern due to low concentrations.
- Sulfate removal is not as high as desired.

This last point is important: the biocell can be expected to operate with modest (~50% average) removal, as have the small-scale biocells. To increase removal, more biocell total volume is required or supplemental organic must be fed to the system.

Funding for this project was approved by the City Council and a budget of \$200,000.00 was allocated for the construction of the treatment system for treating the Prospector drain. However, it is anticipated that the cost will be much higher (~\$500,000.00); therefore the budget will have to be revisited in 2008.

## **9.0 WORKER HEALTH AND SAFETY**

All external and internal utility or contract workers involved in generating soils and earthwork have been provided with a Worker Health and Safety Notice and recommended protective equipment. It is PCMC intent to increase worker awareness of practices that they can employ to minimize exposure to them and their families. This year the Park City High School reconstruction project commenced after the contractor submitted a Soils Management Protocol, Storm Water Management Plan, and Work Health and Safety. Also the contractor was required to provide employees with the Worker Health and Safety Notice and make them aware of the necessary personal protection required for the project.

Other companies that were required to fulfill the above worker health and safety requirements and soil management protocol were Comcast, Park City Municipal Corporation, and Silver Star Development. The City requires larger projects submit a more extensive soils management plan that specifies the worker health and safety requirements (PPE), disposal companies, and best management practices as it relates to storm water controls.

## **10.0 TOP SOIL ASSISTANCE PROGRAM (TSAP)**

Consistent with Council policy direction and to encourage accelerated compliance with the Soils Ordinance, to date \$75,098.73 has been allotted to property owners for installing acceptable cover. The implementation of the proposed TSAP is to provide property owners with assistance and incentive to procure compliant topsoil to adequately cap properties with known elevated lead levels. The TSAP has been divided into two funding phases; Phase I is specific to lots within the Original Ordinance Boundary (Prospector) and a Phase II is for the properties within the entire Soils Ordinance Boundary (Original and Expanded). The program was approved and funded by the City Council on August 11<sup>th</sup> 2004 and is administered by the Building Department. Upon issuance of a Certificate of Compliance the owner is provided with a TSAP summary fact sheet and instructions for reimbursement.

**Exhibit 21 to  
Alice Lode Factual Background**



## Memorandum

**To** Liz Yeomans

**From** Kathy M. Harris

**Date** July 10, 2008

**Subject** Alice Lode VCP  
Park City, Utah

Liz –

Enclosed are the following documents for Alice Lode:

- Revised drawings for Mitigation Work Plan showing proposed building sites
- Site Health and Safety Plan – AMEC
- Safety Plan – Geary Construction
- Fugitive Dust Control Plan with approval by DAQ
- Traffic Control Plan – Geary Construction
- NOI for Storm Water Discharges UPDES, SWPPP, Grading Plan, Erosion Control Plan
- Stream Alteration Permit

When Geary Construction provides the schedule I will forward it to you. If you have any questions, please contact me at 999-2023 or [kathy.harris@amec.com](mailto:kathy.harris@amec.com)

Thank you.

**Exhibit 22 to  
Alice Lode Factual Background**

## **ALICE CLAIM HISTORY**

### **10-31-2011 UPDATE:**

On July 1, 2002, an application was made by Mr. Frank Dotson for “The Alice Subdivision”, which was shown as a 6 lot proposed single-family development on 8.97 acres in the area historically known as “Woodside Gultch.” The subdivision, renamed “Alice Load” and then ultimately “Alice Claim” is located primarily within the HR-1 and Estate zoned land south of the King Road and Ridge Avenue intersection. The property is a metes and bounds parcel. In addition, several contiguous HRL lots are under the same ownership. The original proposal was for a two-phase subdivision, with the applicant requesting preliminary and final approvals for Lots 1-4, and Phase 2 consisting of the Lots 5 and 6 located within the Estate (E) and HRL portions. The phasing was proposed due to access issues related to the last two-lots. The original application was ultimately deemed “incomplete” and although various discussions took place with the applicant regarding the proposal, it was not brought to the Planning Commission for their review until July, 2005.

On May 23, 2005, the property is purchased by King Development Group LLC, represented by Jerry Fiat. The City received a completed subdivision application for the revised development, which had now grown to 10 lots on the same acreage. Ultimately the applicant revised the plans to show only 9 lots due to the fact that 10 lots would have required a Master Planned Development (MPD), and it was decided that .

#### **Brief Timeline of the Project’s History:**

##### **Official Applications:**

July 1, 2002 - Application received for “The Alice Subdivision” – application is deemed incomplete and no further action is taken to move the project forward.

May 23, 2005 - Completed Application Received by the City.

July 7, 2005 – Original VCP Application (King Development Group).

##### **Planning Commission Meetings, Planning Commission Site Visits, Communications from Staff to Planning Commission:**

July 27, 2005 - Planning Commission work session and introduction.

January 11, 2006 - Planning Commission work session on revised site plan reflecting comments from July Planning Commission work session. Planning Commission expressed concern with the legal access issues, visibility of the project from the center of town, location of proposed home site off of King Road, and the need to preserve existing large pine trees.

October 25, 2006 - Planning Commission public hearing on further revised site plans. Applicant requested the hearing to be continued to a date uncertain.

August 25, 2008 - Planning Commission site visit and work session discussion regarding the voluntary remediation of the regulated soils on the site.

November 12, 2008 - Planning Commission work session discussion. Applicant requested the discussion be continued prior to the meeting.

January 7, 2009 - Staff provides staff reports and minutes of previous meetings.

January 28, 2009. Work session and public hearing on amended proposal. Minutes are attached as Exhibit B. Planning Commission gave direction to the applicant to revise the plans so the pattern of development was more in keeping with the historic district. The applicant has prepared three conceptual layouts for the Commission's discussion and direction.

#### **Meetings and Communications between Applicant and Staff:**

September 23, 2003 – Memo from Jeff Schoenbacher to Patrick Putt, Ray Millner, Ron Ivey, and Eric Dehaan conveying the results of the Brownsfield Assessment Phase II Report.

October 30, 2005 – Applicant meeting with Staff, in attendance are Jerry Fiat (applicant), Ron Ivey (Building Official), Pat Putt (Planning Director), and Ray Milliner (Planner and case manager). Road access options discussed.

November 30, 2005 - Applicant meeting with Staff, those in attendance same as above. Issues discussed include relocating proposed home-sites further to the west, staff support for a 14% road gradient, the need of the applicant to show grading and proposed areas of disturbance, an effort to minimize soil removal from the site, and the need to explain the proposed tailing cleanup to the Planning Commission

December 9, 2005 – Applicant meeting with Planner Milliner to go over work session submittals.

February 2, 2006 – e-mail from Brooks Robinson (Principal Planner) regarding “boundary creep” explaining that the Estate Zoned area should be larger and the HR-1 area should be smaller than what is shown on the plans.

March 3, 2006 – Letter from Mark Harrington (City Attorney) to applicant clarifies the City's position regarding the zoning district boundary, that the 2005 zoning map takes precedent over older maps, thus the applicant's delineation of the zoning districts on the map is correct and accurate.

May 18, 2006 – Applicant meeting with Staff, those in attendance included Planner Milliner, Building Official Ivey, Planner Robinson, and Eric DeHaan (City Engineer). Issues discussed included zoning map “line creep” issue, and review of Plat Amendments, condo platting discussed along with sensitive lands overlay for Estate Zoned lot, the Woodside Gulch easement, earthwork, re-vegetation, visual impacts and the need for a LOD plan.

June 12, 2006 – Applicant meeting with City Staff (unknown). Primary topic of discussion is requirements for Condo Plat.

August 22, 2006 – Post Planning Commission work session meeting with Applicant. In attendance were Planners Robinson and Milliner. The discussion focused on Fire Department concerns, infrastructure and costs estimates, and the “look” of the proposed homes for the development.

October 26, 2006 – Applicant meeting with Staff, those in attendance included Planner Milliner and Planning Director Putt. Topics of discussion included the moving of the home-sites down to the bottom of the valley from the hill and into the open mitigation areas as suggested by the Planning Commission. Other issues related to the moving of the homes into these areas also discussed.

November 2, 2006 – Applicant meeting with Staff, those in attendance include Planners Milliner and Robinson, and Planning Director Putt. Topics of discussion include option of a MPD in order to place more homes within the Estate zone, and a discussion about the possibility of trading land with the City.

February 13, 2007 – Applicant meeting with Staff. Those in attendance unknown. Staff discusses process for potential land exchange, roadway access over neighbor’s property, and the City’s easement, which must be resolved prior to the next Planning Commission meeting.

May 3, 2007 – Applicant meeting with Staff. Planners Robinson and Milliner are in attendance. Discussed is the idea of duplexes rather than single-family detached homes. Staff points out such would also require a Conditional Use Permit.

May 20, 2007 – Phone Call with Planner Milliner and Applicant’s consultant, G. Brown. Subject is the land-exchange idea and what steps are involved in such a process. Also discussed are easement issues, water and gas pressure issues, and access over neighbor’s property due to the fact that the roadway is simply an easement, not road dedication.

April 28, 2008 – Letter to DEQ from King Development authorizing PCMC to be included in VCP.

May 15, 2008 – Applicant meeting with Staff. Those in attendance include Gary Hill, Interim Planning Director and Planner Robinson. Topics of discussion included the

applicants failed attempt to negotiate the purchase of property for the road into the project, driveways for units 2, 3, and 4, a discussion about the “key’s to gaining approval” including the illustration that the proposed development is compatible with surrounding neighborhood etc.

January 12, 2009 – Applicant meeting with Staff (individuals unknown). The purpose of the meeting is to discuss upcoming work session. The lot total set at 9 is agreed upon based on design and zone designation constraints. Staff suggests that the applicant focus on saving the existing large pine trees and moving the homes into the valley down from the hillside.

February 12, 2009 – Applicant meeting with Staff. In attendance is Thomas Eddington, Planning Director, Planner Robinson and Matt Cassel, City Engineer. Staff reviews revised site plans, suggests the applicant reduce lot width in order to have more of an Old Town feel as is typical in the HR-1 zone designation.

August 30, 2010 – Gregg Brown of DHM Design sends Planning Director Eddington an e-mail requesting direction on showing building pads or footprints on the drawings. Planning Director Eddington responds that footprints is the best option.

January 28, 2011 – Applicants representative, Joseph Tesch of Tesch Law, sends Planning Director Eddington a letter requesting that the City form a subcommittee to review the project and to help move it forward. The idea is rejected by the City due to the fact that there is no mechanism to put together such a committee.

July 19, 2011 – Planner Cattan sends Applicant repetitive G. Brown an e-mail informing him that Planner Evans will now be handling the project. G. Brown responds with acknowledgement of the e-mail, welcomes Planner Evans.

August 17, 2011 – Applicant’s representative, Tesch, sends e-mail to Katie Cattan requesting that any recent Staff Reports for the project to submitted to him for review.

September 23, 2011 – Applicant meeting with Staff, in attendance is Jerry Fiat, Applicant, and Kate Riggs who accompanied the applicant, Mathew Evans, Senior Planner, Kayla Sintz, Architect/Planner, and Planning Director Eddington. The meeting was held to familiarize Planners Evans and Sintz with the project, as well as to discuss the progress of the proposal. The applicant commented that they did not wish to make significant changes to the design of the proposed subdivision; however, Staff noted that the Planning Commission made specific requests that needed to be addressed before the application was to move forward. All agreed to meet again in October.

October 18, 2011 – Applicant meeting with Staff, in attendance is Planner Evans and Planning Director Eddington. Discussed in the meeting was the clean-up of the property and how it is dictating the building design.

October 28, 2011 – Applicant meeting with Staff, in attendance is Planner Evans, Planner Sintz, and Planning Director Eddington. Also in attendance is Kate Riggs. The focus of the meeting was to discuss re-design options for the proposed development. Applicant agrees to come back on November 4<sup>th</sup> with some conceptual design options based on conversation with Staff.

**Application Resubmittals, Plans Received, Documents, etc:**

August 2, 2005 - Revised plans submitted by SDI.

August 3, 2006 – Mitigation work plan for voluntary clean up submitted.

September 29, 2005 – Original VCP Agreement (King Development Group)

March 31, 2006 – Sampling and Analysis Report (by King Development Group)

August 3, 2006 – Mitigation Work Plan Accepted by DEQ

September 1, 2003 – Grant Submittal for Brownsfield Clean-up Grant (by PCMC)

September 9, 2005 – Sampling Analytical Plan and Quality Assurance Project Plan for Additional Site Characterization (by King Development Group)

January 25, 2007 – Applicant submits revised development plan for Staff Review based on November 2, 2006 discussion.

July 9, 2008 – Application presented to the City by the applicant for the remediation work based on proposed development plan. City Manager Tom Bakaly executes co-application.

July 25, 2008 – Alternative access plans are prepared by the Applicant's representative (DHM Design) and submitted to the City for Staff's review.

June 8, 2009 – Staff prepares 3 options for Applicants review, including smaller lots along King Road.

December 14, 2010 – Applicant submits draft preliminary submittal to Planning Director Eddington for completeness review.

**Other Significant Milestones:**

April 1, 2003 – Field Sampling Plan for Targeted Brownsfields Assessment (conducted by EPA at the request of Park City)

February 10 2004 – final Phase II Environmental Site Assessment (by URS operating Services/EPA).

July 13, 2005 – Initial Environmental Site Assessment completed by King Development (submitted with the VCP Application).

July 14, 2005 – King Development request to be included in Soils Ordinance Boundary.

July 18, 2008 – Acceptance of Park City as co-applicant into VCP

Summer, 2008 – Remediation efforts to remove land of contaminated soil is completed. Stream bed is rehabilitated and erosion controls are put in place on the property.

**Exhibit 23 to  
Alice Lode Factual Background**

**AMENDMENT TO UTAH DEPARTMENT OF  
ENVIRONMENTAL QUALITY  
VOLUNTARY CLEANUP PROGRAM APPLICATION  
AND VOLUNTARY CLEANUP PROGRAM  
AGREEMENT**

---

Name of Voluntary Cleanup Program Property/Site: Alice Lode, VCP C043  
Date of Original Voluntary Cleanup Program Application: July 7, 2005  
Date of Original Voluntary Cleanup Program Agreement: September 29, 2005  
**Original Voluntary Cleanup Program Applicant Information:**  
Applicant: King Development Group LLC  
Contact Person: Mr. Jerry Fiat Title: Member  
Organization: King Development Group LLC Phone: (435) 513-1273  
Address: Post Office Box 4581  
City: Park City State: Utah Zip Code: 84060

**Purpose of Amendment:** The purpose of this Amendment to the Utah Department of Environmental Quality Voluntary Cleanup Program Application and Voluntary Cleanup Program Agreement (Amendment) is to add an applicant to the Original Voluntary Cleanup Program Application ("Application") and Original Voluntary Cleanup Program Agreement ("Agreement") referenced above and to modify the legal description in the Agreement.

**A. APPLICATION AMENDMENT**

King Development Group LLC, (King) the original applicant, and Park City Municipal Corporation (PCMC), the additional applicant, request the Executive Director of the Utah Department of Environmental Quality (UDEQ) (King, PCMC and UDEQ collectively "parties") to accept PCMC as an additional applicant to the Voluntary Cleanup Program for the above referenced site. In furtherance of that objective, King and PCMC incorporate by reference the Application modified as follows.

**1. ADDITIONAL APPLICANT FORM**

The Application is amended to add the Program - Additional Applicant Form below.

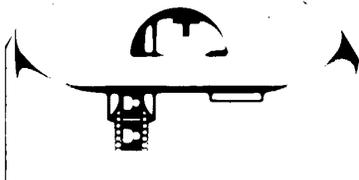
**Program Application - Additional Applicant Form**

~~RECEIVED~~  
PARK CITY MUNICIPAL CORP

Applicant: Park City Municipal Corporation (PCMC)  
Contact Person: Jeff Schoenbacher Title Environmental Coordinator  
Organization: Park City Municipal Corporation Phone: (435) 615-5058  
Mailing Address: 445 Marsac Avenue  
City: Park City State: Utah Zip Code 84060  
Interest in Property: PCMC owns a portion of the property as described in the original application.

JUL 25 2008

**BUILDING DEPT.**



## **2. JOINT AND SEVERAL LIABILITY**

King and PCMC acknowledge that the Application identifies the person to whom billing should be directed is Jerry Fiat. King and PCMC acknowledge that the Application imposes joint and several liability on all applicants for payment of the UDEQ costs of review and oversight. King and PCMC hereby reiterate their agreement to be held jointly and severally liable. In its sole discretion, the UDEQ may accept payments from either or both King and PCMC to apply toward the balance due.

## **3. CORRECTNESS OF INFORMATION**

King and PCMC acknowledge and agree that information contained in the Application and in the UDEQ's Voluntary Cleanup Program file for Alice Lode, VCP C043, is true and correct to the best of their knowledge and belief except as specifically modified through this Amendment.

## **4. COORDINATION**

King and PCMC appoint Mr. Jerry Fiat of King to take the lead in dealing with administrative, technical and financial issues under the program and to serve as the primary contact between the King and PCMC and the UDEQ. Mr. Jerry Fiat shall coordinate between the applicants as necessary. King and PCMC are jointly responsible for the work conducted, the representations made and the costs incurred under the program.

## **5. EFFECTIVE DATE**

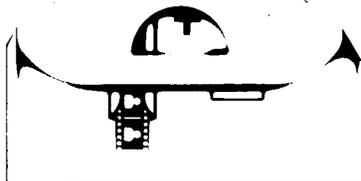
UDEQ'S acceptance of this Application Amendment is effective upon the date the Amendment is signed by the UDEQ.

## **B. AGREEMENT AMENDMENT**

Except as expressly modified by this Amendment, the Original Voluntary Cleanup Program Agreement referenced above (Agreement) shall remain in full force and effect.

### **1. ADDITIONAL APPLICANT**

The first sentence of section I. (A) of the Agreement is amended and restated as follows: "This Agreement is entered into voluntarily by King Development Group LLC and by Park City Municipal Corporation collectively referred to as Applicant hereafter, and by the Executive Director of the Utah Department of Environmental Quality (UDEQ)."



## 2. ADDRESSES FOR ALL CORRESPONDENCE

Section V. (B) of the Agreement is amended and restated as follows:

“Documents to be submitted to the UDEQ should be sent to:

Elizabeth Yeomans, Project Manager  
UDEQ-Division of Environmental Response and Remediation  
168 North 1950 West  
Salt Lake City, Utah 84116  
Phone: 801-536-4092  
Facsimile: 801-536-4242  
eyeomans@utah.gov

Section V. (C) of the Agreement is amended and restated as follows:

Documents to be submitted to the Applicant should be sent to

Mr. Jerry Fiat, Member  
King Development Group, LLC  
P.O. Box 244  
Park City, Utah 84060  
Phone: (435)-513-1273  
Facsimile: (435) 645 0744

And to

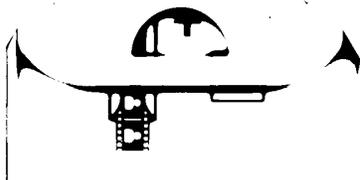
Jeff Schoenbacher  
Environmental Coordinator  
Park City Municipal Corporation  
445 Marsac Avenue  
Park City, Utah 84060  
Phone: 435-615-5058  
Facsimile: 435-615-4906  
jschoenbacher@parkcity.org

## 3. EXHIBIT A LEGAL DESCRIPTION

Exhibit A attached to the Agreement is hereby amended, restated, and replaced by Exhibit A attached hereto.

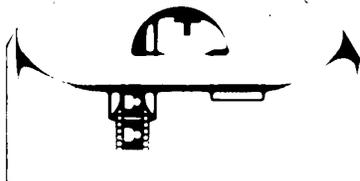
## 4. EFFECTIVE DATE

The effective date shall be the date on which this Amendment is signed by the Executive Director or his authorized representative.



**Legal Description of the Alice Lode-MS 3331  
together with the Park City Water Company Tract**

Commencing at the Quarter Corner common to Sections 16 & 21, T.2S., R.4E., S.L.B.&M., Thence S 20°05'44" E, 1,661.56 feet to Corner No.1 of the Alice Lode MS-3331; Thence N 01°48'00" W along line 7-1 of said Alice Lode MS-3331, 357.59 feet to Corner 7 of said Alice Lode MS-3331; Thence N 36°04'27" E along line 6-7 of said Alice Lode MS-3331, 279.00 feet to the Point of Beginning; Thence continuing along said line 6-7 N 36°04'27" E, 380.92 feet to a point on Line 2-3 of the Newell Lode, USL-653; Thence N 56°36'34" E along said line 2-3, 378.21 feet to a point on the Westerly Boundary of the 'Subdivision No.1 of Millsite Reservation' (dated 06/25/1887) as said line is currently occupied and evidenced by extant survey monuments and documents of record; Thence S 00°26'00" W along said Westerly Line, 748.61 feet to a point on line 3-4 of said Alice Lode MS-3331; Thence S 30°58'27" W along said line 3-4, 349.20 feet to Corner 3 of said Alice Lode MS-3331; Thence S 07°38'27" W along line 2-3 of said Alice Lode MS-3331, 197.78 feet to a point on line 1-2 of the Park View Lode USL-655; Thence N 88°09'06" W along said line 1-2 of the Park View Lode USL-655, 273.26 feet to a point on line 1-2 of said Alice Lode MS-3331; Thence N 59°26'30" W along said line 1-2 of the Alice Lode MS-3331, 173.91 feet to a point on line 1-2 of the Huron Mine Lode USL-256; Thence N 66°41'14" E along said line 1-2 of the Huron Mine Lode USL-256, 108.84 feet to Post 1 of said Huron Mine Lode USL-256; Thence N 29°43'52" E, 198.26 feet to a point; Thence N 33°28'21" E, 96.51 feet to a point; Thence N 25°06'47" W, 370.00 feet to the Point of Beginning; Containing 10.19 acres, more or less.



RECEIVED

JUN 26 2008

DEQ  
Environmental Response & Remediation

IT IS SO AGREED

IN WITNESS WHEREOF, the parties sign and cause this Amendment to be executed:

Applicant:

King Development Group LLC

By: [Signature]  
(signature of authorized representative)

Name: Yoram Jerry Fiat  
(print or type)

Date: June 25, 2008

Title: Member

Company: King Development Group LLC Phone: (435) 513 1273

STATE OF UTAH \_\_\_\_\_)

:ss.

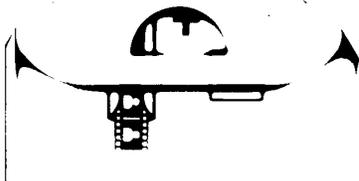
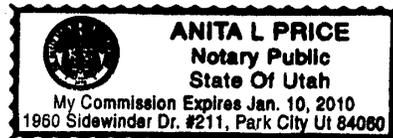
COUNTY OF Summit \_\_\_\_\_)

On this 25<sup>th</sup> day of June, 2008, personally appeared before me, Yoram Jerry Fiat who duly acknowledged that s/he signed the above Amendment as an authorized representative of the Applicant, King Development Group LLC.

[Signature]  
NOTARY PUBLIC

Residing At: 1960 Sidewinder Ln  
Park City, UT 84060

My Commission Expires: 2010



Applicant:

Park City Municipal Corporation

RECEIVED

JUL 15 2008

By: [Signature]  
(signature of authorized representative)

Name: Thomas Bakaly  
DERR ENVIRONMENTAL RESPONSE & REMEDIATION ENTERPRISE  
(print or type)

Date: 7/9/08

Title: City Manager

Company: Park City

Phone: (435) 615-5180

STATE OF UTAH UT)

:ss.

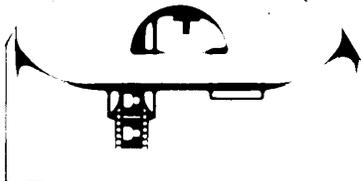
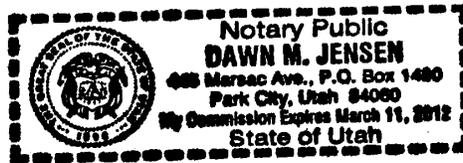
COUNTY OF Summit)

On this 9th day of July, 2008, personally appeared before me, Thomas Bakaly who duly acknowledged that ~~s~~he signed the above Amendment as an authorized representative of the Applicant, Park City Municipal Corporation..

[Signature]  
NOTARY PUBLIC

Residing At: Salt Lake County

My Commission Expires: 3-11-12



UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

By Brad T Johnson  
(signature of authorized representative)

Name: Brad T Johnson  
(print or type)

Date: 7/16/2008

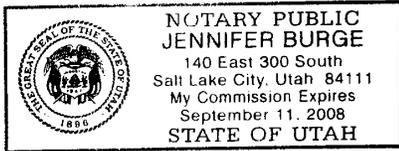
Title: Director, Division of Environmental Response and Remediation

STATE OF UTAH \_\_\_\_\_ )

:ss.

COUNTY OF Salt Lake )

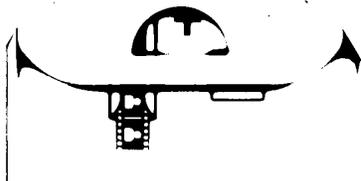
On this 16 day of July, 2008, personally appeared before me, Brad T Johnson, who duly acknowledged that he signed the above Amendment as an authorized representative of the UDEQ.



Jennifer Burge  
NOTARY PUBLIC

Residing At: SLC

My Commission Expires: 9-11-08



**Exhibit 24 to  
Alice Lode Factual Background**

# **PARK CITY PRESS RELEASE**

## **Remediation of the Alice Lode Site**

Park City Municipal Corporation and King Development Group, LLC have entered into the Voluntary Clean-up Program (VCP) with the Utah Department of Environmental Quality for the Alice Lode Mining site situated off of King Road. The Alice Lode Mining Claim comprises of 10.17 acres with 8.63 acres being owned by King Development Group and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated from 1920 to 1935. Park City Municipal Corporation successfully obtained Brownfield grant funding in 2003 resulting in a United States Environmental Protection Agency (USEPA) Targeted Brownfield Phase II Assessment being completed for this property.

The assessment revealed heavy metal contamination consistent with mine tailings impacts exceeding USEPA's Risk-Based Concentrations for residential and industrial property. The Risk-Based Concentrations are thresholds that USEPA has determined to be protective of human health and the environment for given pathways and naturally occurring background metal concentrations in the Park City area. It is Park City Municipal Corporation and King Road Development Group intent to remediate the Alice Lode impacts to protect human health and the environment consistent with UDEQ oversight. Furthermore, this project directly coincides with the City's commitment to improve water quality within the East Canyon Creek Watershed by eliminating a contaminate source that impacts surface water quality.

The Utah Department of Environmental Quality has approved the Work Plan for this project that is scheduled to commence in 2007. Interested Park City residents can review the plan which is available in the Planning Department as well as additional information on the Alice Lode Claim.

**Exhibit 25 to  
Alice Lode Factual Background**

**PARK CITY PLANNING COMMISSION  
WORK SESSION NOTES  
August 27, 2008**

PRESENT: Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Evan Russack, Charlie Wintzer, Brooks Robinson, Katie Cattan, Jeff Davis, Polly Samuels McLean

**WORK SESSION ITEMS**

**Alice Claim - Update**

The Planning Commission visited the Alice Claim site prior to the work session.

Planner Robinson announced that the Planning Commission, the Staff and others who went up to the Alice Claim saw a substantial amount of remediation work going on at the intersection of King Road and Ridge Avenue. Regulated materials are being removed under the Utah Department of Environmental Quality permit. He noted that the City is also keeping an eye on the process.

Planner Robinson stated that the intent this evening was to update the Planning Commission on the subdivision application for the Alice Claim. The applicant is still working out access issues and when those are resolved this application will come before the Planning Commission.

Gregg Brown with HM Design, provided a brief overview of the project. He reviewed a power point presentation showing an aerial photo of the site and pictures of the existing house and the stream running through the site. Another slide from further up on the site showed what the tailing piles used to look like. Mr. Brown pointed out that a lot of the pollution area went up on to the site and on to the slope, and that relates to the remediation they saw today. Mr. Brown commented on the watering that has been going on to keep the dust down. He presented another slide working up the stream channel heading south. Top soil was brought in and will be spread once the contaminants are removed. Mr. Brown reviewed a color coded map showing the contamination levels. Purple and red were the higher contamination levels, followed by orange and blue. The blue areas were high enough contamination levels to require some remediation. Mr. Brown outlined the public benefits from this project which include the removal of mine tailings, closure of the mine shaft, significant improvement of air and water quality. It also avoids having the site listed on the surplus data base.

Mr. Brown remarked that trails will be improved and those improvements would benefit the public. Tomorrow they are meeting with a designer for the stream channel to discuss the possibility of putting a trail along the stream once the stream is reconstructed.

Mr. Brown reviewed the proposed site plan, which he called Alternate A. They are proposing nine units total; eight units in the HR-1 zone and one in the Estate zone. He indicated the proposed open space, which is approximately 27% of the site. Mr. Brown commented on the primary design goals for this project. The home sites have been positioned to save the large evergreen trees. The homes were moved down into the valley in response to a request from earlier Planning Commission meetings. Mr. Brown stated that the placement of the homes not only improves the visual impacts, it also locates the home sites closer to the remediation areas. The site has been design to allow some of the homes to step up the slope so there would be less impact on the land.

Mr. Brown stated that the access point is from the existing right-of-way for King Road. They plan to

extend the access from that right-of-way and curve into the existing King Road. That road will be privately-maintained and is designed to City standards. Two bike trails and access to the water tank will be maintained. Mr. Brown indicated the roadway section that would be built to City standards. It is 20 feet of pavement with 5 foot shoulders. Retaining walls will be put in where needed to minimize site disturbance. Mr. Brown reviewed the house sections and noted that the intent is to stagger the house so it steps back into the hillside. They also plan to step the foundation of the house. Rather than large multi-story cuts into the hillside, the foundation will be staggered to minimize the cut requirements on the steeper slopes.

Mr. Brown presented Alternate Plan B. This alternative would reduce the road gradient. Existing King Road has a gradient of approximately 14% and they looked at options with 10% road gradients. Mr. Brown requested input from the Planning Commission on Option B. He noted that the applicants prefer Option A because it creates less disturbance and provides a turnaround at the top.

Commissioner Murphy asked for the Code maximum. Planner Robinson stated that a private road is 14% but they usually prefer keeping it at a 10% range.

Mr. Brown recalled from the last meeting that the applicant was asked to look at photo simulations. He looked at three different areas within the City and found that the site cannot be seen from the Main Street area. Moving towards some of the town parking lots and up on the hillside, there is some view of the project.

Assistant City Attorney, Polly Samuels McLean, noted that the intent of this work session discussion was to update the Planning Commission on specific site issues and soils remediation. She suggested that they concentrate on those issues this evening. Chair Thomas agreed that until the Planning Commission has a full packet with all the issues, they are not in a position to provide feedback on the two options presented.

Mr. Brown stated that he would discontinue his presentation and answer questions from the Planning Commission regarding the remediation project.

Commissioner Wintzer asked Mr. Brown to go back to the slide that showed the remediation and the overlay of the site. Chair Thomas wanted to know what the cut was for and which areas above the road are being cleaned up.

Kathy, with AMEC, indicated the road cut and stated that they would be working with a construction contractor on what areas would be accessible. Commissioner Wintzer clarified that the areas they are talking about cleaning up are the areas they plan for construction. Kathy explained that the State has designated the clean up levels and anything above 2100 have to be mitigated in some way. These concentrations are below 2100 and there are different ways to mitigate. The best way is to remove it and that is why they are cleaning up the areas they can rebuild.

Commissioner Wintzer referred to the color coded map and asked if everything in blue needs to be removed. Kathy replied that it would depend on the land use. Chair Thomas clarified that if a piece of land is proposed to be developed, the contaminates would need to be removed. Commissioner Wintzer clarified that they cut the road in and will clean up the areas on the road. He

noted that the road was made on the assumption that the road could be cut, yet the Planning Commission has never seen that road, discussed it, or approved it. He pointed out that if the plan is not approved, there is no point in scarring the mountain.

Commissioner Russack felt the applicant was a bit presumptuous because there was no road there before. In talking about accessibility, they are looking for an easy access for remediation as the number one criteria and the level. Therefore, they put the road in to create easy access.

Kathy replied that the road was not just for easy access. They had to balance not taking out too much of the hillside with the areas that need to be cleaned up. In order to clean up those areas, they had to create an access.

Commissioner Wintzer felt the applicant assumed the road was going to be cut in that location, yet they pointed to a couple of other areas they could get to without putting in the road. He was unsure why the road was put in at this time. Commissioner Wintzer indicated areas that were accessible without cutting in a road.

Kathy remarked that they worked with the State and determined the land use. For the State to give a certificate of completion to this area, it must be determined to be safe and meet human health and environment safety. Commissioner Wintzer pointed out that the applicant does not know what the land use is on the areas where they cut the road or on any of the site. They just assumed the land use is where the road is and that is not necessarily accurate. Chair Thomas clarified that the Planning Commission does not like to see road cuts or assumptions that a road cut would be allowed. Commissioner Russack felt this was especially true given the contamination levels. He noted that the applicant was asked during the site visit if they intended to go to the outer reaches. The response was no because the contamination level was so low and homes would not be built there.

Chair Thomas clarified that the Planning Commission did not want the applicant to move forward based on the assumption that a road could be cut before a long term plan is approved.

Mr. Brown explained that the intention was not to cut a road. The intention was to gain access to an effectively clean site. With the exception of one area that they were specifically asked not to disturb, the intention was to get to every possible location in the most efficient manner. He commented on a number of cases where they had to cut to get in equipment and trucks to haul massive quantities of soil. Mr. Brown noted that everything on site was staked because they have to be concerned about disturbance, movement of materials, compaction, road grade and other issues. He clarified that the intention is not to cut any roads at this time. The sole intention is to clean up every site.

He stated that as long as it was under 2100, they had the option to leave it or remove it.

Kathy further clarified that if it was over 2100 they either had to cap it, restrict access, or remove it. Those were the three mitigation plans that were proposed. In conversations with the State they had proposed fencing off a specific area to restrict access believing it better served the water supply to mitigate the disturbance by capping rather than removing. Chair Thomas agreed with that decision.

Kathy stated that the clean up and mitigation plan has been worked through with Ron Ivie and Jeff Schoenbacher, as well as through the State. The assumption was made that if you plan to clean up the area, you have to have a way to get there.

Commissioner Russack felt they also made the assumption that they would be able to build there, even though the land use has not yet been defined. He did not want to discredit their generosity to remove more contaminated soil than required, but that does not change the fact that they are going in a direction that has not been approved. Commissioner Russack did not believe that was appropriate.

Chair Thomas summarized that the Planning Commission preferred that no more grading or grubbing occur until they know if it would have a purpose in an approved plan. Chair Thomas agreed with Commission Russack that the applicants have benefitted the community in their efforts to clean up the site.

Kathy stated that she would discuss their direction with Jeff Schoenbacher and Ron Ivie, since the City is a joint applicant on the remediation project.

**Silver Lake Drive, Lot 2B of North Silver Lake Subdivision, North Silver Lake Lodges - Conditions Use Permit**

Due to a conflict of interest, Chair Thomas recused himself from this item.

Vice-Chair Russack assumed the Chair.

Doug Clyde, representing the applicant, reported that a field trip to the site is scheduled for September 10<sup>th</sup>. The intent is to have the Planning Commission visit the site to better understand the planning parameters on the ground. After that site visit, they will discuss how the plan may evolve going forward. Mr. Clyde requested 30 or 40 minutes on site to accomplish there intent.

Planner Cattan noted that the site visit was scheduled at 5:00 p.m. on September 10<sup>th</sup>. However, a request was made to start at 4:45 p.m. to give ample time on the site and return for the work session at 5:30 p.m.

Commissioner Russack stated that he would not be able to attend the September 10<sup>th</sup> meeting. Commissioner Wintzer was unsure at that point if he would be able to attend. Commissioner Pettit stated that she would be able to meet at 4:30 or 4:45.

Mr. Clyde stated that the applicants would prepare a presentation for the September 24<sup>th</sup> meeting. He felt it was better to schedule their time during the work session on September 24<sup>th</sup>.

**Training**

Due to time constraints, Assistant Attorney McLean recommended that they reschedule the training for this evening to a work session in September. She will work with Staff on scheduling.

**Exhibit 26 to  
Alice Lode Factual Background**

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
SEPTEMBER 10, 2008

COMMISSIONERS IN ATTENDANCE:

Chair Jack Thomas, Rory Murphy, Dick Peek, Julia Pettit, Adam Strachan, Charlie Wintzer

EX OFFICIO:

Planning Director, Thomas Eddington; Brooks Robinson; Principle Planner; Kirsten Whetstone, Planner; Polly Samuels McLean, Assistant City Attorney; Matt Cassel, City Engineer

=====

REGULAR MEETING - 6:30 p.m.

**I. ROLL CALL**

Chair Thomas called the meeting to order at 6:40 p.m. and noted that all Commissioners were present except Commissioner Russack who was excused.

**II. ADOPTION OF MINUTES**

MOTION: Commissioner Murphy moved to APPROVE the minutes of August 27, 2008 as written. Commissioner Peed seconded the motion.

VOTE: The motion passed unanimously. Commissioner Strachan abstained as he had not attended that meeting.

**III. PUBLIC COMMUNICATIONS**

There was no comment.

**IV. STAFF & COMMISSIONERS' COMMUNICATIONS/DISCLOSURES**

Planner Director, Thomas Eddington, reported that the Staff has had past discussions with the Planning Commission regarding the Historic District Guidelines and associated LMC amendments. He noted that the HPB had recommended the guidelines to the City Council pursuant to the LMC amendments at their last meeting. The Planning Commission will have the opportunity to review those guidelines at the work session on September 24<sup>th</sup>.

Director Eddington announced that the Utah Chapter of the American Planning Association is holding their annual conference on November 6<sup>th</sup> and 7<sup>th</sup>. The topic is making great communities happen. Director Eddington invited any of the Planning Commissioner's who were interested in attending. He would email the agenda to the Commissioner's. Some Staff members would also be in attendance.

Director Eddington provided an update on the Alice Claim site. Pursuant to the last meeting

## Planning Commission Meeting

September 10, 2008

Page 2

when the Planning Commission visited the site and heard from King Development LLC, Director Eddington clarified that this project is part of a voluntary clean up plan with the Utah Department of Environmental Quality. He recalled discussion at the last meeting regarding areas of grubbing and clearance related to the clean up on site and he wanted the Planning Commission to understand that King Development has entered into this voluntary cleanup plan at the City's request with the UDEQ and all the areas being grubbed in an effort to further the cleanup. He recalled a question at the last meeting regarding one particular location of the site that appeared to be unnecessarily cleared. Director Eddington understood that particular clearance was necessary to reach the back side of the mine shaft for cleanup and abatement on the back side.

Director Eddington stated that the plan submitted and agreed upon with UDEQ is not unlike the plan that was done at Empire Pass for Pods A and B. It is important for the City to get the land remediated and cleaned to residential standards given that the area is zoned for residential development. Director Eddington clarified that the intent does not suggest that this environmental mitigation would justify any site plan. He remarked that pursuant to discussions with Ron Ivie and Jeff Schoenbacher, the current plan is in accordance with the voluntary cleanup plan. Director Eddington distributed copies of an email from Jeff Schoenbacher that outlined the history and the process of how they reached this point.

Chair Thomas asked if the cleared area that had stakes on each side as you come down the canyon is actually the access to one of the cleanup sites. Director Eddington replied that this was correct. He understood that the access follows the best line of the slope to get to the back side of the mine to clean areas around the mine that were greater than the 2100 parts per million. He stated that the entire area is zoned HR-1 and Estate Zoning and needs to be clean to approximately 400 parts per million before residential development could occur.

Chair Thomas summarized that at the last meeting the Planning Commission made the assumption that there was no necessary cleanup at the end of that grubbed out areas. He understood from Director Eddington that this was an incorrect assumption and there are specific areas that need to be cleaned. Director Eddington replied that Ron Ivie and Jeff Schoenbacher have analyzed that plan and it is a necessary area for cleanup in coordination with the voluntary cleanup plan that has been negotiated. If they did not follow the current negotiated voluntary clean up plan that King Development LLC has with UDEQ, the City would be subject to negotiating a new cleanup plan on their own and they would prefer not to do that.

Chair Thomas clarified that there would be no grading and no engineering as part of the cleanup. Director Eddington replied that this was correct. However, he recommended that King Development, LLC bring their conceptual plans to the Planning Commission as information on what might be proposed.

Joe Tesch, representing King Development, LLC felt the questions and concerns raised that the last meeting indicated an apparent mis-communication. King Development is trying to clean up the area and the Planning Commission is trying to take care of the mountainside. Ms. Tesch thought it would be helpful in the future to have a representative from the Planning Commission when these types of decisions are made. This would help address the issues and concerns of the Planning Commission at the beginning of the process.

Commissioner Wintzer thought the process was backwards. If the Staff had presented the cleanup plan to the Planning Commission, they could have asked their questions before the work began. The Planning Commission raised these concerns when they visited the site and saw the amount of disturbance.

Commissioner Pettit had concerns with the suggestion for a Planning Commission liaison. She understood that there has been a distinct separation between the cleanup plan that was negotiated with the State and a development plan that still needs to come before the Planning Commission. She felt it was important for the public to understand that there are not promises attached to this cleanup process. Commissioner Pettit worried that the City would be sending a mixed message by sending a liaison to provide input. Mr. Tesch understood her concern. The Commissioners concurred with Commissioner Pettit that a liaison from the Planning Commission was not appropriate.

Commissioner Wintzer requested updates from the Staff to keep the Planning Commission aware of the amount of disturbance they can expect and to give them an opportunity at that point to make comments.

Chair Thomas expressed appreciation for the clean up King Development, LLC was doing because it is a major contribution to the community.

Commissioner Murphy disclosed that he is the applicant of record for 1825 Three Kings Drive, Silver Star conditional use permit and he would be recusing himself from that discussion. Commissioner Murphy stated that he disclosed his involvement on this CUP project during the candidate interviews with the City Council last fall.

Commissioner Strachan disclosed that he would be recusing himself from the 426 Woodside Avenue matter.

Commissioner Peek disclosed that he would be recusing himself from the 429 Woodside Avenue steep slope CUP item.

Commissioner Wintzer recommended that 1825 Three Kings Drive be moved to the last item on the agenda so Commissioner Murphy would not have to come back after being recused. The Planning Commission concurred.

#### V. CONSENT AGENDA

1. Empire Pass - Amended Construction Mitigation Plan
2. 426 Woodside Avenue - Steep Slope Conditional Use Permit

MOTION: Commissioner Wintzer made a motion to move 426 Woodside Avenue from the Consent Agenda to the Regular Agenda for discussion. Commissioner Pettit seconded the motion.

**Exhibit 27 to  
Alice Lode Factual Background**



Park City Soils Ordinance Boundary

## **PARK CITY MUNICIPAL CORPORATION**

### **SOILS ORDINANCE AREA ENVIRONMENTAL MANAGEMENT SYSTEM**

#### **2008 ANNUAL REPORT**

**January 5, 2009**

**Prepared by: Park City Municipal Corporation (PCMC)  
445 Marsac Avenue  
P.O. Box 1480  
Park City, Utah 84060-1480  
Jeff Schoenbacher, Environmental Coordinator  
(435) 615-5058  
jschoenbacher@parkcity.org**

**Submitted to: Utah Department Environmental Quality  
168 North 1950 West  
Salt Lake City, UT 84114  
Mo Slam, Project Manager  
(801) 536-4282**

**United States Environmental Protection Agency  
Region 8  
999 18<sup>th</sup> Street  
Suite 500  
Denver, CO 80202  
Kathy Hernandez, Project Manager  
(303) 312-6101**

**TABLE OF CONTENTS**

**1.0 INTRODUCTION:** .....3

**2.0 Soil Mitigation Compliance Program**.....3

    Table 1.0    CAPPED LOTS .....4

**3.0 Revised Soils Ordinance - adopted 06-27-2006**.....4

    Picture 1: Alice Lode Site .....5

**4.0 Annual Lot Risk Assessment** .....6

**4.1 Non-Characterized Lots**.....6

**5.0 Non-compliant lots**.....6

**6.0 Education and outreach** .....6

**6.1 Soil Ordinance Resident Notices** .....7

**6.2 Summit County Lead Screening Services**.....8

**6.3 New Residents and Renters Orientation**.....8

**6.4 Real Estate Agent Orientation**.....8

**6.5 Lead Awareness Campaign to Local Physicians**.....8

**6.6 Deployment of the Environmental WebGIS Module <http://www.mapserv.utah.gov/ParkCityGIS/>** .....8

**7.0 Prospector Sampling Records and Data**.....9

**8.0 Prospector Drain Outfall** .....9

    Picture 2: Biocell pictured to the west. ....10

**9.0 Worker Health and Safety** .....11

**10.0 Top Soil Assistance program (TSAP)**.....11

*Addendums*

- [Park City’s Landscaping and Maintenance of Soil Cover Ordinance](#)
- [Certificate of Compliance](#)
- [Park City Environmental Information Handbook](#)
- [Soils Ordinance Home Owners BMP Brochure](#)
- [Lead Awareness Letter](#)
- [Full-Scale Anaerobic Treatment Unit](#)
- [Compliance Map](#)
- [Awareness Letter](#)
- [Physician Notice Letter](#)
- [BMP Brochure](#)
- [Land Management Company](#)
- [Wetland Vault](#)
- [Pilot Cell Results Summary – Dr. Fitch](#)

## 1.0 INTRODUCTION:

In a cooperative effort with the Utah Department of Environmental Quality (UDEQ) and the United States Environmental Protection Agency (USEPA), Park City Municipal Corporation (PCMC) has agreed to the implementation of an Environmental Management System (EMS) that further protects human health and the environment within the Soils Ordinance Area. The established goals of the EMS were to define the environmental procedures, monitoring, education, and controls for containing soils impacted with mine tailings. The EMS program was adopted by [resolution](#) on April 15<sup>th</sup> 2004 and funded by the City Council<sup>1</sup>. Furthermore, due to the requirements within the EMS, the City Council approved revisions to the “[Park City’s Landscaping and Maintenance of Soil Cover Ordinance](#)”<sup>2</sup> in order to support the EMS.

This annual report represents PCMC 2008 Annual Report that documents the obligations which the City agreed to submit to USEPA and UDEQ in order to summarize the annual EMS benchmarks.

## 2.0 SOIL MITIGATION COMPLIANCE PROGRAM

[Addendum 1](#) is the current compliance map for all properties within the original soils ordinance boundary. The lots identified in red are properties that have been capped and are considered compliant with the ordinance. The lots identified in black, are properties that have either not been sampled or have been sampled and are under enforcement. Finally, the properties identified in yellow are units that were capped during the Improvement District time frame and for the most part are unoccupied lots. The original ordinance boundary has 294 residential lots and to date there remain 11 properties that have yet to be sampled or capped with 6” of acceptable cover. As a result, there are 283 lots that have been capped and sampled to validate compliance with the ordinance and subsequently a Certificate of Compliance has been issued.

The EMS proposal has an established goal of capping 15 lots per year. Similar to last year, that goal was exceeded this year, resulting in 21 properties issued “Certificate of Compliance” documents that verify the installation of a clean topsoil cap and cover that has tested <200 ppm lead. The majority were remediated in accordance with the conventional landscaping standard of 6” of clean topsoil substrate and acceptable cover to protect the substrate. Typically, there continues to be many property owners that prefer the combination of the xeriscape and conventional landscaping standard. The xeriscape standard within the soils ordinance was a 2004 revision to encourage water conservation practices. There were some owners that went even further with the xeriscape standard by installing a 6” clean top soil substrate along with a weed barrier fabric, and 6” of bark or rock. It should also be noted, that the repository at Richardson Flats continues to be an invaluable resource for property owners that are concerned with the financial impacts of disposing of soils within a permitted landfill (\$157/ton – trucking \$650/load). Since having access to the repository, many owners have removed berms containing mine tailings as well as choosing to excavate an additional 12” to 16” of impacted soil in order to accommodate clean topsoil to re-certify the lot. All of these owners utilized the repository for disposing of generated soils to achieve compliance with the soils ordinance standards.

The sampling protocol for a property seeking compliance remains the same; composite samples are procured from the front, back, and both sides of the dwelling. The samples are then submitted under a Chain of Custody to Chem Tech-Ford Laboratory (State Certified) and

---

<sup>1</sup> Tab 1 – Council Resolution - 4/15/04

<sup>2</sup> Tab 2 - Chapter 15 – 11-15-1 Building Code

analyzed for total lead. Upon receiving the final lab report revealing that the lead levels are <200 ppm lead, the property is considered compliant and a [Certificate of Compliance](#) is sent along with a sampling narrative, results report, site map, and Homeowner BMP Brochure. Table 1.0 represents the lots that were capped this year<sup>3</sup> and subsequent lead concentrations:

**Table 1.0 CAPPED LOTS**

<b>Date</b>	<b>Address</b>	<b>Landscaping Type</b>	<b>Average lead Concentration</b>
3/4/2008	780 MAIN ST #4101	Conventional	29.68
5/14/2008	333 MAIN ST	Conventional	13.83
07/25/08	1053 IRONHORSE DRIVE	Xeriscape	No Sample
07/25/08	1160 PARK AVENUE	Xeriscape	No Sample
6/23/2008	1630 SHORT LINE RD	Conventional	30
6/23/2008	2300 COMSTOCK DR	Conventional	92
6/23/2008	2557 GERONIMO CT	Conventional	108
7/11/2008	Wood Side Avenue	Conventional	40.80
7/14/2008	201 HEBER AVE #506/606	Conventional	32.03
7/25/2008	1064 PARK AVE	Conventional	41
7/25/2008	2180 MONARCH DR	Conventional	128.5
8/19/2008	2274 DOC HOLIDAY DR	Conventional	35.75
8/19/2008	2252 SAMUEL COLT CT	Conventional	31.33
8/19/2008	2775 ANNIE OAKLEY DR	Conventional	111.33
9/2/2008	2730 SIDEWINDER DR	Conventional	98
9/2/2008	148 MAIN ST	Conventional	36
9/15/2008	175 WEST SNOW'S LANE	Conventional	78.61
9/15/2008	2273 SAMUEL COLT CT	Conventional	65
9/25/2008	1750 KEARNS BLVD	Conventional	45.57
10/8/2008	1150 DEER VALLEY DR #1001	Conventional	20.93

### 3.0 REVISED SOILS ORDINANCE - ADOPTED 06-27-2006

There were no revisions to the “[Landscaping and Maintenance of Soil Cover Ordinance](#)” found within Park City Building Code Chapter 11-15 this year. As mentioned in last year’s annual report, the ordinance was expanded to include the Park City High School (PCHS) complex. This year, this property completed remediation and the following is the current compliance map for PCHS complex. Sections depicted in red have been capped and tested under 200 ppm lead as stipulated within the [AMEC report](#) that was submitted to the Building Department.

<sup>3</sup> List includes lots within the original and expanded ordinance area.



As mentioned in the 2007 Annual Report PCMC and King Development Group, LLC entered into the Voluntary Clean-up Program (VCP) with the Utah Department of Environmental Quality for the Alice Lode Mining site located off of King Road. The Alice Lode Mining Claim comprises of 10.17 acres with 8.63 acres being owned by King Development Group and 1.54 acres owned by Park City Municipal Corporation (PCMC). The site was previously a silver mining claim that was operated from 1920 to 1935. PCMC successfully obtained Brownfield grant funding in 2003 resulting in a United States Environmental Protection Agency (USEPA) Targeted Brownfield Phase II Assessment being completed for this property.

The assessment revealed heavy metal contamination consistent with mine tailings exceeding USEPA’s Risk-Based Concentrations for residential and industrial property. The Risk-Based Concentrations are thresholds that USEPA has determined to be protective to human health and the environment for given pathways and naturally occurring background concentrations in the Park City area. This year the Alice Lode was remediated in accordance with the work plan and it is anticipated that a No Further Action Certificate will be issued in 2009. PCMC anticipates that the removal of heavy metal contamination from the Woodside Gulch will have a positive influence on the Silver Creek Watershed. Picture 5 depicts the remediated site with appropriate storm water controls installed.



**Picture 1: Alice Lode Site.**

Finally, it is also important to reiterate, the following ordinance standards that were adopted in 2004 that are currently applicable for all lots within the boundary:

- Acceptable cover was expanded from just grass and vegetation cover to include xeriscape-landscaping practices. Specifically the standard requires a weed barrier fabric and 6” of rock or bark.
- Soils are strictly prohibited from being transported or reused outside the Soils Ordinance Boundary.

- Soils being disposed of are to be characterized for arsenic and lead and disposed of within a permitted facility depending on the TCLP characteristics.
- The reuse of soils within the Soils Ordinance Boundary is allowed providing the area is capped and the Building Department pre-approves the site.
- The boundary was redrawn to exclude Chatham Crossing due to PCMC, USEPA, and UDEQ concurring that the area does not pose a threat to human health or the environment. This was based on evaluating several years of soils data that further substantiated this claim.
- The boundary has been expanded to include the Transit Center and the CERCLIS Marsac Mill Site. The purpose of including the Transit Center was to protect the facility and the Marsac Mill site, which is known to contain elevated levels of heavy metals.
- Non-compliant lots were required to conform by December 31, 2004.
- Non-sampled and uncharacterized lots are to be sampled by 2006.
- Non-compliance has been upgraded to a nuisance and enforced as a Class B Misdemeanor.
- The lot-testing fee for compliance has been waived and is now done without a \$100.00 charge to the owner. In addition, the City conducts sampling on generated soils destined for disposal and there is no charge for TCLP analysis.
- No parking of vehicles on capped lots.

#### **4.0 ANNUAL LOT RISK ASSESSMENT**

The risk assessment was completed this year resulting in two properties being issued Administrative Civil Enforcement (ACE) penalties for non-compliance with the ordinance. The ACE program is a new program that administers a daily fine (\$25) for non-compliance with the ordinance.

The owner of 2273 Samuel Colt Drive was cited this year for not maintaining the clean top-soil cap and acceptable cover. As a result, a [letter](#) was sent to the owner on August 20<sup>th</sup> 2008 informing them of the non-compliance and exposure to civil penalty. The property was re-landscaped and capped, therefore confirmation samples were procured on September 15<sup>th</sup> 2008 and reflected compliant lead levels (65 ppm). Therefore the Certificate of Compliance was reinstated and the property is considered compliant with the ordinance.

##### **4.1 *Non-Characterized Lots***

Within the original ordinance area all lots have been sampled, therefore there were no notices sent for non-characterized lots. The only exception to that statement is that there still remain non-characterized lots within the Expanded Soils Ordinance Boundary; however those properties will be addressed once the original ordinance boundary reaches 100% compliance.

#### **5.0 NON-COMPLIANT LOTS**

Within the original ordinance area non-compliant owners have been issued Final Notices or Administrative Civil Enforcement citations. The remaining lots are planned to be remediated in 2009 and attain compliance with the ordinance. The City anticipates 100% compliance during the year of 2009 for the original ordinance boundary.

#### **6.0 EDUCATION AND OUTREACH**

In order to assist with the EMS educational and outreach obligations, PCMC distributed two products titled “[Park City Environmental Information Handbook](#)” and “[Soils Ordinance Home Owners BMP Brochure](#)”. The Environmental Information Handbook and Home Owners BMP Brochure contain the following information:

- Soils Ordinance FAQ’s.
- Residential Best Management Practices
- Ordinance Boundary Compliance Map
- Top Soils Assistance Program (TSAP)
- Soils Ordinance Boundary Map
- Streets within Boundary
- Addresses within Boundary
- Gardening and Plant Bed Recommendations
- Storm Water Quality
- Conservation Reserve Program
- Open Space Information
- Recycling Program
- Household Waste Oil Acceptors
- Drinking Water Information
- Water Treatment Information
- Blue Sky Program
- Contacts and Reference (This section included the county contact for blood lead testing.)

This year the handbook was sent to the following entities as a reference:

- All owners of property within the original and expanded boundary.
- Real Estate Agents
- Land Management
- Local Pediatricians
- HOA’s
- Homebuyers
- PCMC employees
- Contractors
- Building Permit recipients

The second outreach product distributed, was the [Home Owners Best Management Practice Brochure](#). The BMP brochure was sent out to all residents within the Soils Ordinance Boundary on February 20<sup>th</sup> 2008. This product is also made available in the Building and Planning Department and was sent to the EMS other outreach contacts that were agreed to by the Soils Stakeholder Group. Regarding the Environmental Information Handbook, it will be revised and updated this year. Current plans are to print 1,500 handbooks that will be sent out to all owners within the Soils Ordinance District (\$12,000.00).

### **6.1 Soil Ordinance Resident Notices**

On January 7<sup>th</sup> 2008, residents that have an issued “Certificate of Compliance” were sent a [lead awareness letter](#). The purpose of the letter is to increase property owner awareness of the underlying lead levels that are contained on a per lot basis. For those that received this correspondence, the City had historical data on the initial sampling that occurred for the lot before it was capped. This data was queried from the Environmental Database and all lots with

an underlying lead level that exceeded the USEPA Health Based Risk Standard (400 ppm lead) for residential property receive this correspondence. Also the [Soils Ordinance Home Owners BMP brochure](#) was sent to all ordinance addresses on February 20<sup>th</sup> 2008. The BMP brochure is also included in all newly issued “Certificate of Compliance” documents that are sent to the owners. Lastly, in addition to these outreach efforts, the brochure and handbook are made available at the Marsac Building and Park City Public Library.

## **6.2 *Summit County Lead Screening Services***

The Summit County Blood Lead Screening Service has been mentioned in both the Homeowner BMP Brochure and the Environmental Information Handbook under contacts and FAQs. The address and phone number for the county testing program is documented in these two outreach products for residents that wish to be tested. In addition, the City receives phone inquiries for testing children and they are referred to the Summit County Health Department.

## **6.3 *New Residents and Renters Orientation***

PCMC has supplied the Environmental Information Handbook and BMP brochure to land management and real estate agencies. [Addendum 13](#) represents the letter that was sent along with the BMP brochures, which were sent to those companies on February 2<sup>nd</sup> 2007. The Building Department receives numerous calls from prospective buyers and real estate agents requesting the information handbooks and BMP brochures.

## **6.4 *Real Estate Agent Orientation***

Real Estate agencies were provided with the [Environmental Information Handbook](#) and [BMP brochure](#) for distribution and to make them aware of the ordinance standards. Nineteen agencies were sent this information on May 27<sup>th</sup> 2008. During all of the educational meetings the Park City Environmental Information Handbook and storm water brochures were distributed as an educational resource. In addition, on May 8<sup>th</sup> 2008, Jeff Schoenbacher spoke at the Yarrow Inn during the Annual Park City Board of Realtors Environmental Meeting and provided an update on the soils ordinance compliance. This meeting is held annually and is intended to keep the realtors up to date on the City’s environmental programs and institutional controls. Park City Board of Realtors representatives are also trained on the use of the Environmental WebGIS Module, which is located at the following URL - <http://www.mapserv.utah.gov/ParkCityGIS/>. To date this has been an instrumental tool in educating stakeholders regarding the environmental issues and it receives an average of 200 service requests per day.

## **6.5 *Lead Awareness Campaign to Local Physicians***

On May 27<sup>th</sup> 2008, five clinics were sent an [awareness correspondence](#) along with numerous BMP brochures for distribution. The correspondence also contained the Environmental Information Handbook that identifies the addresses that reside within the ordinance boundary. Within the letter PCMC encourages physicians to test for blood lead for those clients residing within the boundary.

## **6.6 *Deployment of the Environmental WebGIS Module*** <http://www.mapserv.utah.gov/ParkCityGIS/>

On October 3<sup>rd</sup> 2007, PCMC released the first WebGIS application which is used as a resource

to identify the environmental impacts within historical mining district. The purpose of this application is to convey the City's environmental impacts to the public via the Web.

The following is the data you will find at this site:

- **Environmental Management System Annual Reports**  
Reports that are sent to regulatory agency that provides an update on current remediation.
- **Storm water Management Plan Annual Reports**  
Reports that are sent to the regulatory agencies defining the city's storm water efforts to improve water quality in the watersheds.
- **Working Soils Ordinance Regulations**  
The actual ordinance approved by USEPA and UDEQ.
- **Soils Ordinance Boundary Search**  
The boundary that defines all regulated properties within the ordinance boundary and the search conveys whether it is within the boundary.
- **Soils Ordinance Capping Compliance**  
Information provides you with compliance status and associated lead concentrations for sampled lots. Red represents compliance, black non-compliant, yellow compliant during the improvement district.
- **Known Mine Tailings Area**  
Areas known to be impacted with mine tailings.
- **Mine Hazards**  
Known mine hazards in the area.
- **FEMA Flood Zone Delegations**  
Regulated flood zone areas within the city limits.
- **City Zoning**  
Different zoning areas with the city limits.
- **Regulated Streams**  
Navigable waters within the city limits.
- **Jurisdictional Wetlands**  
Wetlands protected within the city limits with a 50' defined buffer.
- **Watershed Boundaries**  
These layers represent East Canyon and Silver Creek Watershed.
- **Drinking Water Source Protection Zones**  
Drinking water recharges source protection zones protected under ordinance.
- **10' Elevation Contours**
- **Bike Trails**
- **Conservation Reserve Program**  
Layer represents the permanent riparian buffer zone for McLeod Creek Stream corridor.

## **7.0 PROSPECTOR SAMPLING RECORDS AND DATA**

PCMC continues to populate a comprehensive database to track lot compliance and analytical results. The database has been populated with analytical results dating back to 1985. This data includes initial sampling projects as well as verification sampling results that are conducted after the cap is installed. The system is connected to a GIS ArcMap project that plots all capped lots and spatial evaluations can be conducted in regards to lead levels. Lastly, the GIS ArcMap continues to expand upon the discovery of new historic mining impacts.

## **8.0 PROSPECTOR DRAIN OUTFALL**

This year PCMC with oversight from Dr. Fitch from the University of Missouri Rolla Civil Environmental Engineering Department and David Reisman who is the Director of USEPA's ORD Engineering Technical Support Center and National Risk Management Research Laboratory built the full-scale biocell for treating the Prospector Drain. As stated in previous annual reports, this system is intended to treat the Prospector Drain outfall, thereby reducing the zinc and cadmium load to the Silver Creek Watershed. Picture 19 represents the unit during construction on October 7<sup>th</sup> 2008.



**Picture 2: Biocell pictured to the west.**

Last year the [vault](#) upstream from the full-scale wetland was constructed and will act as a bypass, in the event the flow exceeds the treatment capacity. This unit also has flow meter installed in order to monitor the flow entering the biocell as well as the flow bypassing the treatment unit.

The biocell project has been a four effort with three of those years operating a pilot project to research if this unit would work. [Attachment 19](#) contains the results for the pilot cell to June 5<sup>th</sup> 2007 and [Attachment 20](#) contains a summary of the sampling results for the Prospector Drain. Furthermore, Dr. Fitch has written a complete analytical summary of the results from the pilot and it is represented as [Attachment 21](#). Park City employed several experts that need to be recognized for the final design. Dr. Fitch designed the unit, Al Mattes and Bill Duncan from Nature Works Remediation as well and David Reisman with USEPA provided technical oversight. Counterpoint Construction was awarded the bid to construct the unit that was completed on October 18<sup>th</sup> 2008.

Currently, the redox potential (ORP) in the influent is about 240 mV, and the in-situ sample points are 40 mV. Therefore, the influent is aerobic (~4 mg/L D.O.) and the biocell is fully anaerobic. Although values are not precise, the following reference chart depicts ORP and expected metabolism.

- [http://www.frwa.net/TRAINING/WASTEWATER/methods\\_of\\_controlling\\_nitrogen%20C.htm](http://www.frwa.net/TRAINING/WASTEWATER/methods_of_controlling_nitrogen%20C.htm)

As a reference point, the oxidizing potential for disinfection is in the +600 to +700 mV range. The field measurements for the wetland in situ value are below -200 mV, which is indicative of sulfate reduction.

On December 3<sup>rd</sup> 2008 and the results are favorable and compliant with TMDL end point goals.

- **TMDL Limits**

Cadmium	.00076 mg/l
Zinc	.39 mg/l

- **Inflow**

Cadmium (Dissolved)	.053 mg/l
Zinc (Dissolved)	6.83 mg/l

- **Outflow - Endpoint**

<b>Cadmium (Dissolved)</b>	<b>N/D mg/l - Non Detect</b>
<b>Zinc (Dissolved)</b>	<b>.19 mg/l</b>

## 9.0 WORKER HEALTH AND SAFETY

All external and internal utility or contract workers involved in generating soils and earthwork have been provided with a Worker Health and Safety Notice and recommended protective equipment. It is PCMC intent to increase worker awareness of practices that they can employ to minimize exposure to them and their families. This year the Alice Lode project and Park City High School reconstruction project commenced after the contractor submitted a Soils Management Protocol, Storm Water Management Plan, and Work Health and Safety. Also the contractor was required to provide employees with the Worker Health and Safety Notice and make them aware of the necessary personal protection required for the project.

Other companies that were required to fulfill the above worker health and safety requirements and soil management protocol were Oakland, Park City Municipal Corporation, and Counter Point Construction. The City requires larger projects submit a more extensive soils management plan that specifies the worker health and safety requirements (PPE), disposal companies, and best management practices as it relates to storm water controls.

## 10.0 TOP SOIL ASSISTANCE PROGRAM (TSAP)

Consistent with Council policy direction and to encourage accelerated compliance with the Soils Ordinance, to date \$32,246.00 has been allotted to property owners for installing acceptable cover. This program provides property owners with assistance and incentive to procure compliant topsoil to adequately cap properties with known elevated lead levels. The TSAP has been divided into two funding phases; Phase I is specific to lots within the Original Ordinance Boundary (Prospector) and a Phase II is for the properties within the entire Soils Ordinance Boundary (Original and Expanded). The program was approved and funded by the City Council on August 11<sup>th</sup> 2004 and is administered by the Building Department. Upon issuance of a Certificate of Compliance the owner is provided with a TSAP summary fact sheet and instructions for reimbursement.

**Exhibit 28 to  
Alice Lode Factual Background**



PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION AGENDA  
**1800 PARK AVENUE, THE YARROW  
IVERS ROOM**  
WEDNESDAY, FEBRUARY 11, 2009 – 5:00 P.M.

**WORK SESSION – 5:00 P.M.**

Items scheduled for Work Session are for discussion purposes between the Planning Staff, the Project applicants and the Planning Commission. NO ACTION WILL BE TAKEN. The public is encouraged to attend and limited public input will be taken.

**PAGE #**

5 Treasure Hill – Conditional Use Permit (Discussion pertaining to traffic issues)

**REGULAR MEETING – 7:00 P.M.**

**ROLL CALL**

**ADOPTION OF MINUTES OF JANUARY 28, 2009**

**PUBLIC COMMUNICATIONS**

**STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES**

**OPEN PUBLIC HEARING AND CONTINUE TO DATE CERTAIN**

- Treasure Hill – Conditional Use Permit (Public hearing and continue to March 25, 2009)
- Silver Lake Drive, Lot 2B of North Silver Lake Subdivision – Conditional Use Permit (Public hearing and continue to February 25, 2009)
- 80 King Road – Steep Slope Conditional Use Permit (Continue to February 25, 2009)

**OPEN PUBLIC HEARING AND CONTINUE TO DATE UNCERTAIN**

- 71 Daly Avenue – Plat Amendment (Public hearing and continue to date uncertain)
- 650 Woodside Avenue – Conditional Use Permit (Public hearing and continue to date uncertain)

**CONSENT AGENDA**

- 217 2060 Park Avenue – Ratification of Development Agreement (Possible action)
- 229 308 Ontario Avenue – Steep Slope Conditional Use Permit (Possible action)
- 269 1195 Empire Avenue – Steep Slope Conditional Use Permit (Possible action)

**REGULAR AGENDA/PUBLIC HEARINGS**

- 277 Land Management Code - Amendments for; Chapter 2- Zoning Districts regarding applicable criteria for Steep Slope Conditional Use permits in the HR-1, HR-2, and HRL zoning districts (Public hearing and possible recommendation to City Council)
- 321 Land Management Code - Amendments for; Chapter 1- General Provisions and Procedures regarding appeals and reconsideration process by the Planning Commission; review procedures by the Board of Adjustment; and review procedures for conditional use permits, administrative conditional use permits, and administrative permits. Chapter 2- Modifications to 15-2.5-10 Heber Avenue Subzone in the HRC district; ROS and CT district revisions regarding temporary uses and setback exceptions and anemometer and wind turbine towers; and revisions in various districts regarding outdoor dining, outdoor grills, outdoor events, temporary structures, and setback and building height exceptions. Chapter 3- Off-street Parking. Chapter 4- Supplemental Regulations regarding temporary structures, tents, and vendors. Chapter 6- Master Planned Developments regarding appeals of Planning Commission action. Chapter 10- Board of Adjustment procedures for appeals. Chapter 11- Historic Preservation Board regarding process and procedures. Chapter 12- Planning Commission regarding review of Steep Slope CUP and procedures. Chapter 15- Definitions regarding various terms (Public hearing and possible recommendation to City Council)
- 333 1502 Seasons Drive – Plat Amendment (Public hearing)
- 349 8680 Empire Club Drive, Tower Residence – Extension of Conditional Use Permit (Public hearing and possible action)

**ADJOURN**

The Work Session will be held at 5:00 PM in **the Yarrow (Ivers Room) located at 1800 Park Avenue**. The Regular Meeting will follow at 7:00 PM. The public is welcomed to attend. Items listed on the Regular Meeting may have been continued from a previous meeting and would not have been published on the Legal Notice for this meeting. A majority of Planning Commission members may meet socially after the meeting. If so, the location will be announced by the Chair. City business will not be conducted. For further information, please call the Planning Department at 615-5060. (Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Park City Planning Department, 615-5060 24 hours prior to the meeting.)

Robert Long, representing the applicant, stated that they tried to figure out how many square feet were needed from an economic standpoint. When they submitted a proposal in July they already had these structures in mind, based on the mass and scale, and that was how they came up with the footprint that was proposed. Mr. Long stated that when they were given permission to build on that footprint he thought they were all on the same page.

Commissioner Wintzer remarked that the Planning Commission gave permission to build up to a certain size; but in order to build to that size, they have to mitigate all the concerns and impacts. He clarified that the Planning Commission did not think they had mitigated all the excavation and site constraints and the mass is too large.

Vice-Chair Russack stated that the onus is on the applicant to present their plans for mitigating the impacts and for the Planning Commission to evaluate whether or not it is acceptable. He believed the applicant had enough direction from the applicant to move forward.

Assistant City Attorney McLean, explained that the plat amendment process is different from this process. Even though the plat amendment gave them a maximum footprint, development is subject to different scrutiny and analysis under a Steep Slope CUP.

### **King Development - Alice Claim**

Planner Robinson reported that on May 2005 the City received a subdivision application, at which time public hearings were held and direction was given by the Planning Commission. Since then, the applicants have been working on a re-design and last summer went through a voluntary remediation project of the Alice Claim. A significant amount of hazardous material was removed, stream beds were constructed and new top soil was brought in. The City and the EPA were pleased with the work that was done.

Planner Robinson reported that the property is a metes and bounds parcel in both the HR1 and the Estate zones. At this time, the proposal is to access the property from the Sampson right-of-way. Previous iterations looked at the possibility of continuing up the existing dirt road on Woodside Gulch that went past the two contemporary houses; however that was over an easement and not direct access to a public right-of-way. The current proposal goes directly from public right-of-way into their property.

Planner Robinson stated that certain elements of the subdivision need to move forward. The Estate lot would be in the sensitive lands overlay and must meet criteria for steep slopes and wetlands. The applicant would need to provide that analysis for Staff review and report back to the Planning Commission.

Planner Robinson stated that the other lot within the HR-1 is not within the sensitive lands, but some of the criteria is applicable within the subdivision application, particularly the restrictions due to the character of the land. The Planning Commission may find some land unsuitable for a subdivision or development unless the impacts could be mitigated and the applicant can demonstrate that the listed hazards would not carry forward into the future for residents or

neighbors of this development.

Planner Robinson remarked that within the general subdivision requirements there is an element on clustering and open space. The language states that units must be clustered in the most developable and least visually sensitive portions of the site. This applies to multi-family and single family projects.

Planner Robinson noted that a public hearing was scheduled for the regular meeting this evening.

Jerry Fiat, representing the applicant, provided a brief background on the project to date. In early 2005 they came to the Planning Commission for discussion and input. Based on that input they submitted a formal application in May 2005, with two options for the road.

At that time, the Planning Commission favored the option that goes up the existing Gulch. In January 2006, they presented their plan in work session and the Planning Commission thought the house in the far right corner was too visual. They wanted the lots pushed further down hill and further south. Mr. Fiat also recalled a concern over the existing conifers. Based on that direction, they worked with the former Planning Director, Patrick Putt, and came up with the current design.

Mr. Fiat stated that in October 2006 they were trying to go up the easement, which is across two lots on Ridge, and the Planning Commission directed them to resolve the easement issue. At that time they had already submitted and applied for a voluntary clean up program with the State, based on the layout shown this evening. State approval was received in 2007. Mr. Fiat stated that the clean up was possible because of an agreement the City entered into with United Park City Mines to actually dispose of the contaminated material at Richardson Flats. That agreement expired in 2008 and it became apparent that unless they moved forward in 2008 they would lose their permits with the State and with the Department of Environmental Quality for the stream restoration, and they would not be able to use Richardson Flats. Mr. Fiat noted that they made the decision and worked with the City to move ahead with the clean up in the summer of 2008.

Mr. Fiat stated that the site was surveyed and the roads were marked and they always used the current plan as markers because the entire cleanup was overlayed on to this plan. They always understood that the plan could change but they needed something at the time for the clean up. Mr. Fiat remarked that the plan was a combination of trying to place the homes in a location that would be disturbed by the environmental clean up, as well as a location that did not remove any of the conifers. The plan clustered the units and met Ron Ivie's requirements for access. Mr. Fiat noted that the plan had changed slightly because of unforeseen issues they encountered with the clean up.

Gregg Brown, representing DHM Design, presented photos of the existing house, the clean up and changes that were made due to the clean up. The area had been completely remediated, revegetated and covered with an erosion blanket. Mr. Brown stated that the creek was re-established and Ron Ivie has commended them many times for an excellent job on the creek restoration. Mr. Brown presented a photo showing the areas on the west side of the road that was questioned during the site visit. He explained that the cut at the top was a necessary access to reach a mitigation area for clean up. That has since been smoothed over, vegetated and an erosion blanket was put on.

Mr. Fiat stated that the clean up plan provided the ability to contain any kind of release that would happen on the stream. After a lot of back and forth discussion with the Mining Company, the entire stream bed was cleared all the way up. Mr. Fiat reported that when they first started negotiating with the State over the clean up, the State was only concerned about tailings and not water quality. Restoring the stream was a voluntary decision and not a requirement.

Mr. Brown pointed out that the site is now cleaned up and ready for development. He reiterated that the Alice Claim site is located within two zoning districts. The southern portion is the Estate district and the north portion is the HR-1 District. The development group also owns two contiguous parcels in the HRL zone. Mr. Brown noted that King Road and the intersection of Sampson currently run through the parcel furthest to the north. They have talked with the Staff about dedicating that property to the City to establish right-of-ways. Mr. Brown remarked that historically King Road continued south up what is now Woodside Gulch. Sampson and Ridge were the intersections at King Road. The bypass road was eventually added.

Mr. Brown reviewed the site plan and identified the changes that were made based on previous Planning Commission comments and direction. The design goal was to move the structures down the slope as much as possible and to preserve the evergreen trees. Mr. Brown explained why it would be necessary to remove three of the large evergreen trees. The remaining trees would be saved. Mr. Brown stated that they hand cleared around those trees during the remediation work to make sure they stayed in place.

Mr. Brown noted that 27% of the Estate zone is designated as open space. The remaining land would be the three acre estate lot. In the HR-1 zone, 22% of that site would be designated as open space. Mr. Brown had overlayed the site plan on the aerial photo to show the context in relation to the surrounding areas.

Mr. Brown presented a section drawing showing how the houses would step up the slope. They will always remain under the 27 foot height requirement. Mr. Brown noted that stepping increases the building footprint but it limits the apparent height and mass. They have also talked about stepping the foundation to minimize the amount of excavation. Mr. Brown stated that because the Alice Claim is a large site, most of the excavated material can be left on site.

Mr. Brown reviewed the grading plan and noted that the actual building footprint was 6% of the total site. He noted that half of the building sites are within the remediation areas. He believed that approximately 3-5% of the site would be disturbed beyond what was disturbed during remediation. Mr. Brown presented three view simulations. The first was from McHenry, the second was from the Upper Marsac lot, and the third was from the lower Marsac lot. Mr. Brown noted that a brief study was done on the entry and indicated that a cut is required for the access into the project. He compared the existing situation to what was being proposed. A retaining wall would be required at a height over 20 feet tall. Heavy landscaping was proposed at the entrance to soften the look of the wall.

Mr. Brown showed the Alice Claim project merged with the Ridge Avenue project. The Alice Claim project has been designed to allow a possible loop between the two projects if the City finds this

desirable. He believed they had a thumbs up approval from Ron Ivie for tying the two sites together. Mr. Brown indicated how the units would be clustered to match other developments in the area. He believed this project was compatible with that section of town.

Mr. Brown commented on public benefits and felt the primary benefit was closure of the mine shaft and the remediation project. In addition, they are willing to donate the open space land and the land for King Road and Sampson. The bike trails will be rebuilt and easements provided for the bike trails. This project would also provide better access to the City water tank.

Commissioner Russack noted that this items was scheduled for public hearing this evening and the Planning Commission would provide their comments after hearing from the public. Due to time constraints and the importance of this project, Vice-Chair Russack requested that the Staff schedule another work session to allow for additional discussion with the applicant.

**Exhibit 29 to  
Alice Lode Factual Background**

## Thomas Eddington

---

**From:** Polly Samuels McLean  
**Sent:** Tuesday, January 20, 2009 2:57 PM  
**To:** Gregg Brown; Brooks Robinson; Thomas Eddington; 'jerry fiat'; joet@teschlaw.com  
**Cc:** paullevy2242@yahoo.com; DAVID KAGAN  
**Subject:** RE: Meeting notes from 12 Jan

Gregg – I have some changes to your summary. As for 10, Tom E might have further clarification.

*5. "Staff agrees that 9 lots are allowed per the LMC, but the location and potential development impacts need to be approved by the Planning Commission and City Council. "*

Staff agrees that the underlying density allows for the 9 lots, however any lots must meet the subdivision and all other criteria of the Land Management Code, and the location and potential development impacts need to be approved by the Planning Commission and City Council.

*6. Staff agrees that the legal access to the property is through the existing, but undeveloped King Road ROW.*

Staff agrees that access to the property through the existing, but undeveloped King Road ROW is legal.

*7. DHM should explain to the PC why changes were made to the site plan that resulted in the current design. Also, how the remediation project affected the layout.*

Staff suggested that it might be helpful for PC if DHM explained why changes were made to the site plan that resulted in the current design. Also, how the remediation project affected the layout.

*10. The effect of the current LMC amendment on Alice Claim is uncertain. Tom believes, "this site has special and unique circumstances from the typical old town lots".*

The pending Steep Slope CUP LMC amendment would apply to the Alice Claim sight. Tom stated that these lots are unique from the typical old town lots due to their large lot size.

Polly Samuels McLean  
Assistant City Attorney  
Park City Municipal Corporation  
445 Marsac, P.O. Box 1480  
Park City, UT 84060-1480  
(435) 615-5031

---

**From:** Gregg Brown [mailto:gbrown@dhmdesign.com]  
**Sent:** Saturday, January 17, 2009 3:45 PM  
**To:** Brooks Robinson; Thomas Eddington; Polly Samuels McLean; 'jerry fiat'; joet@teschlaw.com  
**Cc:** paullevy2242@yahoo.com; DAVID KAGAN  
**Subject:** Meeting notes from 12 Jan

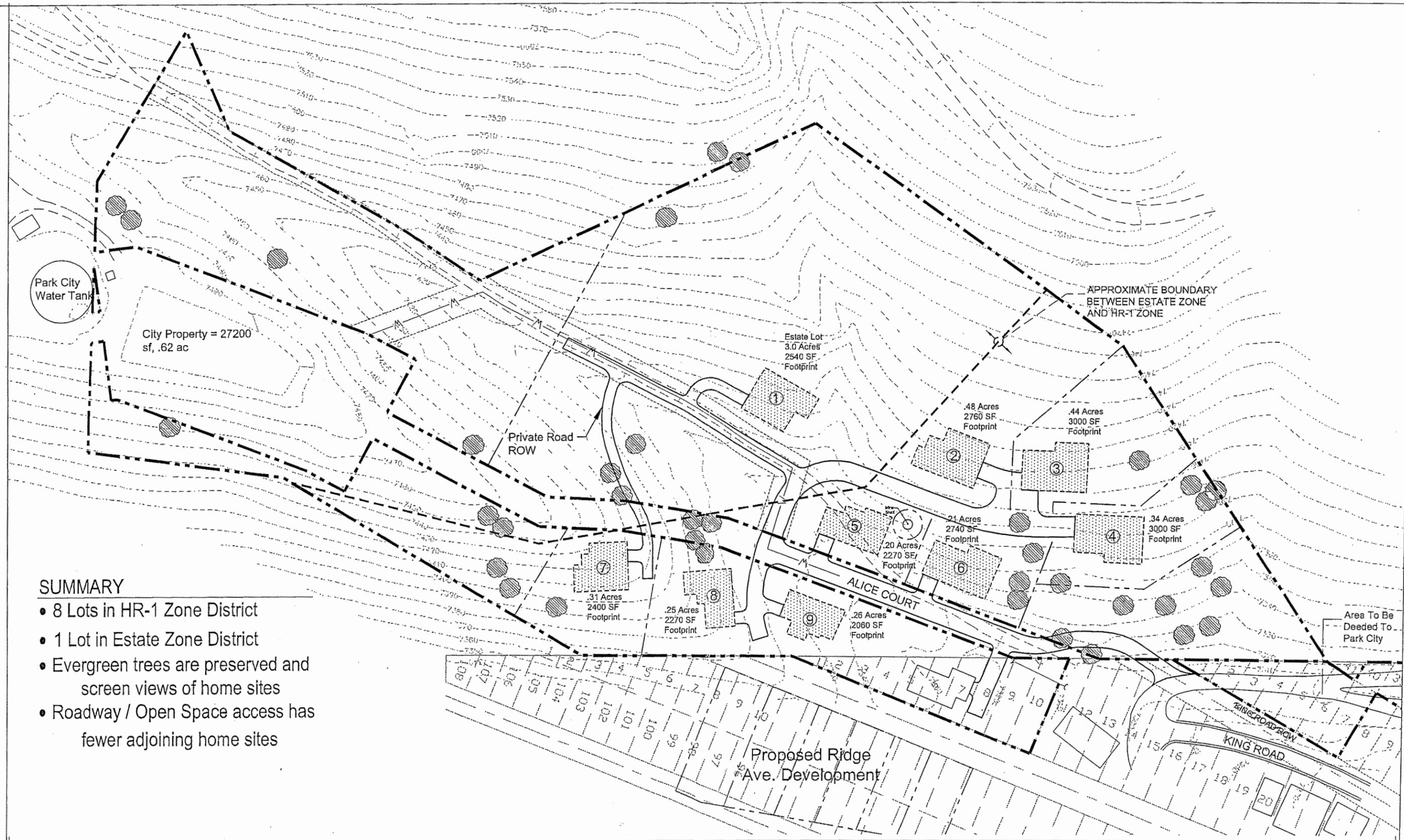
Please let me know if you have any additions or corrections. Thank you for taking the time to review the

1/20/2009

project.

**Gregg Brown**  
Principal | DHM Design  
1390 Lawrence Street, Suite 100 | Denver, CO 80204  
Tel: 303.892.5566 | Fax: 303.892.4984  
Denver | Carbondale | Durango  
[gbrown@dhmdesign.com](mailto:gbrown@dhmdesign.com)  
<http://www.dhmdesign.com>

**Exhibit 30 to  
Alice Lode Factual Background**



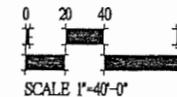
**SUMMARY**

- 8 Lots in HR-1 Zone District
- 1 Lot in Estate Zone District
- Evergreen trees are preserved and screen views of home sites
- Roadway / Open Space access has fewer adjoining home sites

# ALICE CLAIM

SITE PLAN JAN 28, 2009

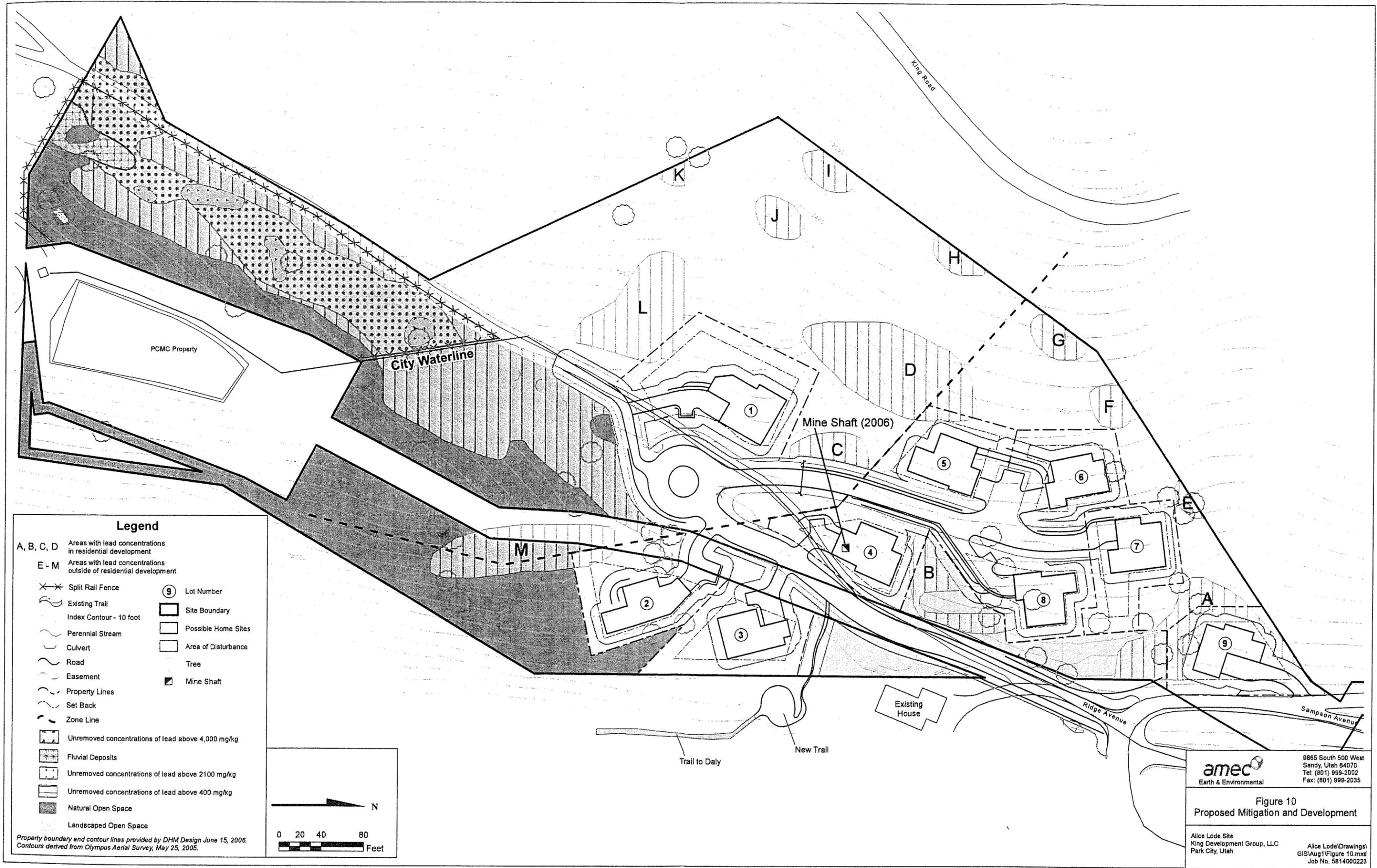
KING DEVELOPMENT GROUP LLC.  
P.O. BOX 244  
PARK CITY, UTAH 84060



DATE: MARCH 11, 2009



LANDSCAPE ARCHITECTURE  
LAND PLANNING  
URBAN DESIGN



**Legend**

A, B, C, D Areas with lead concentrations in residential development

E - M Areas with lead concentrations outside of residential development

✕✕✕ Split Rail Fence

Existing Trail

Index Contour - 10 foot

Perennial Stream

Culvert

Road

Easement

Property Lines

Set Back

Zone Line

Unremoved concentrations of lead above 4,000 mg/kg

Fluvial Deposits

Unremoved concentrations of lead above 2100 mg/kg

Unremoved concentrations of lead above 400 mg/kg

Natural Open Space

Landscaped Open Space

⑨ Lot Number

Site Boundary

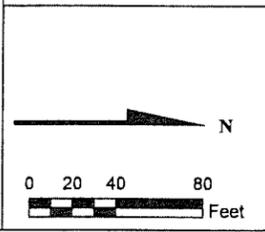
Possible Home Sites

Area of Disturbance

Tree

Mine Shaft

Property boundary and contour lines provided by DHM Design June 15, 2006.  
Contours derived from Olympus Aerial Survey, May 25, 2005.



**amec**  
Earth & Environmental

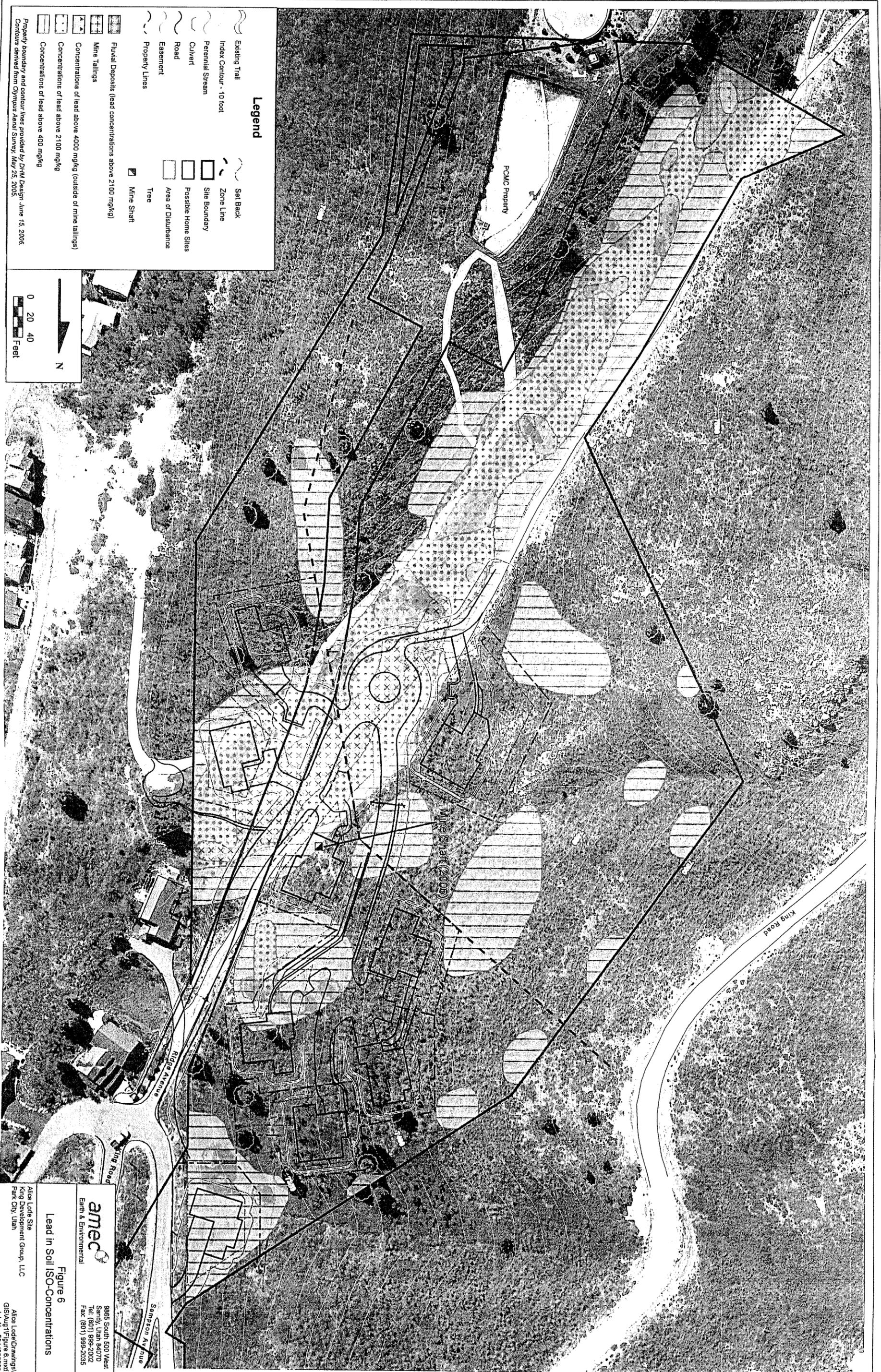
9865 South 500 West  
Sandy, Utah 84070  
Tel: (801) 999-2002  
Fax: (801) 999-2035

**Figure 10**  
Proposed Mitigation and Development

Alice Lode Site  
King Development Group, LLC  
Park City, Utah

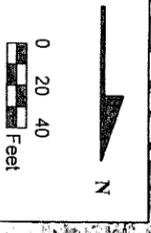
Alice Lode\Drawing1  
GIS\Aug1\Figure 10.mxd  
Job No. 581400223





**Legend**

- Existing Trail
- Index Contour - 10 foot
- Perennial Stream
- Culvert
- Road
- Easement
- Property Lines
- Fluvial Deposits (lead concentrations above 2100 mg/kg)
- Mine Tailings
- Concentrations of lead above 4000 mg/kg (outside of mine tailings)
- Concentrations of lead above 2100 mg/kg
- Concentrations of lead above 400 mg/kg
- Set Back
- Zone Line
- Site Boundary
- Possible Home Sites
- Area of Disturbance
- Tree
- Mine Shaft



**amec**  
Earth & Environmental

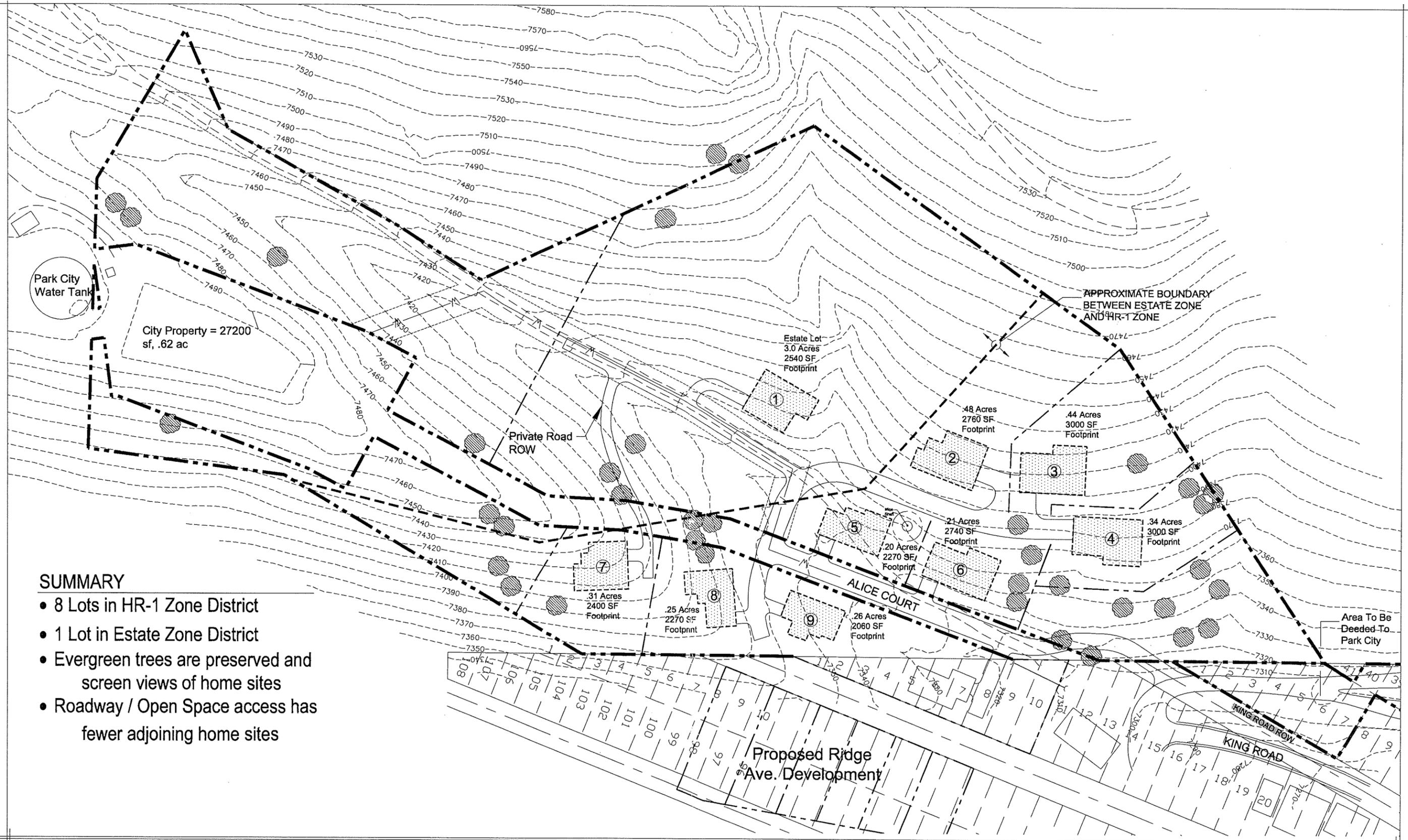
9855 South 500 West  
Sandy, Utah 84070  
Tel: (801) 999-2002  
Fax: (801) 999-2035

Alice Lake Site  
King Development Group, LLC  
Park City, Utah

Figure 6  
Lead in Soil ISO-Concentrations

Alice Lake\Drawings\GIS\Map1\Figure 6.mxd  
Job No. 581400023

Property boundary and contour lines provided by DHM Design, June 15, 2006.  
Contours derived from Olympus Aerial Survey, May 25, 2005.

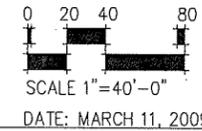


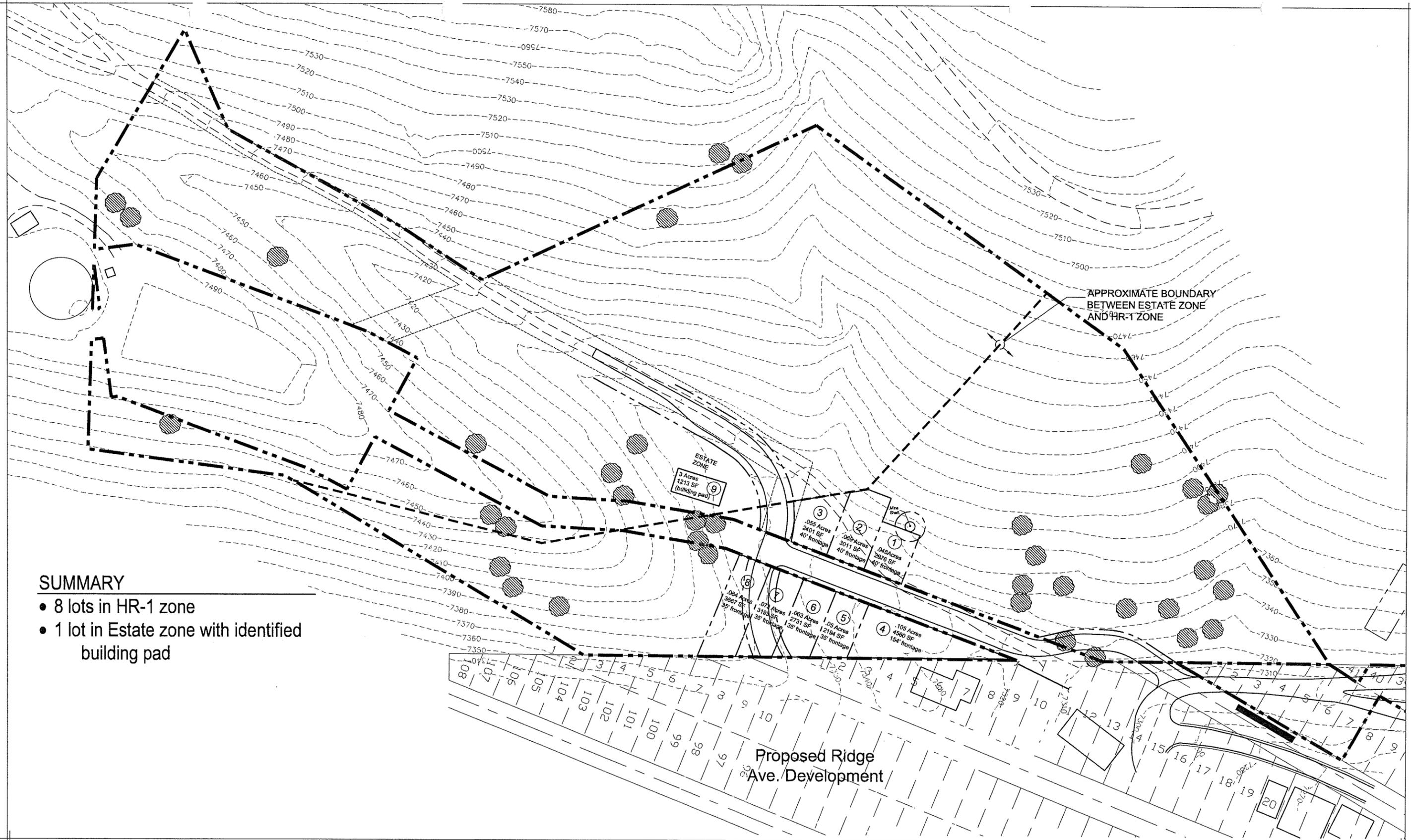
**SUMMARY**

- 8 Lots in HR-1 Zone District
- 1 Lot in Estate Zone District
- Evergreen trees are preserved and screen views of home sites
- Roadway / Open Space access has fewer adjoining home sites

**ALICE CLAIM**

SITE PLAN JAN 28, 2009  
 KING DEVELOPMENT GROUP L.L.C.  
 P.O. BOX 244  
 PARK CITY, UTAH 84060





APPROXIMATE BOUNDARY BETWEEN ESTATE ZONE AND HR-1 ZONE

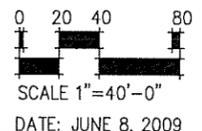
**SUMMARY**

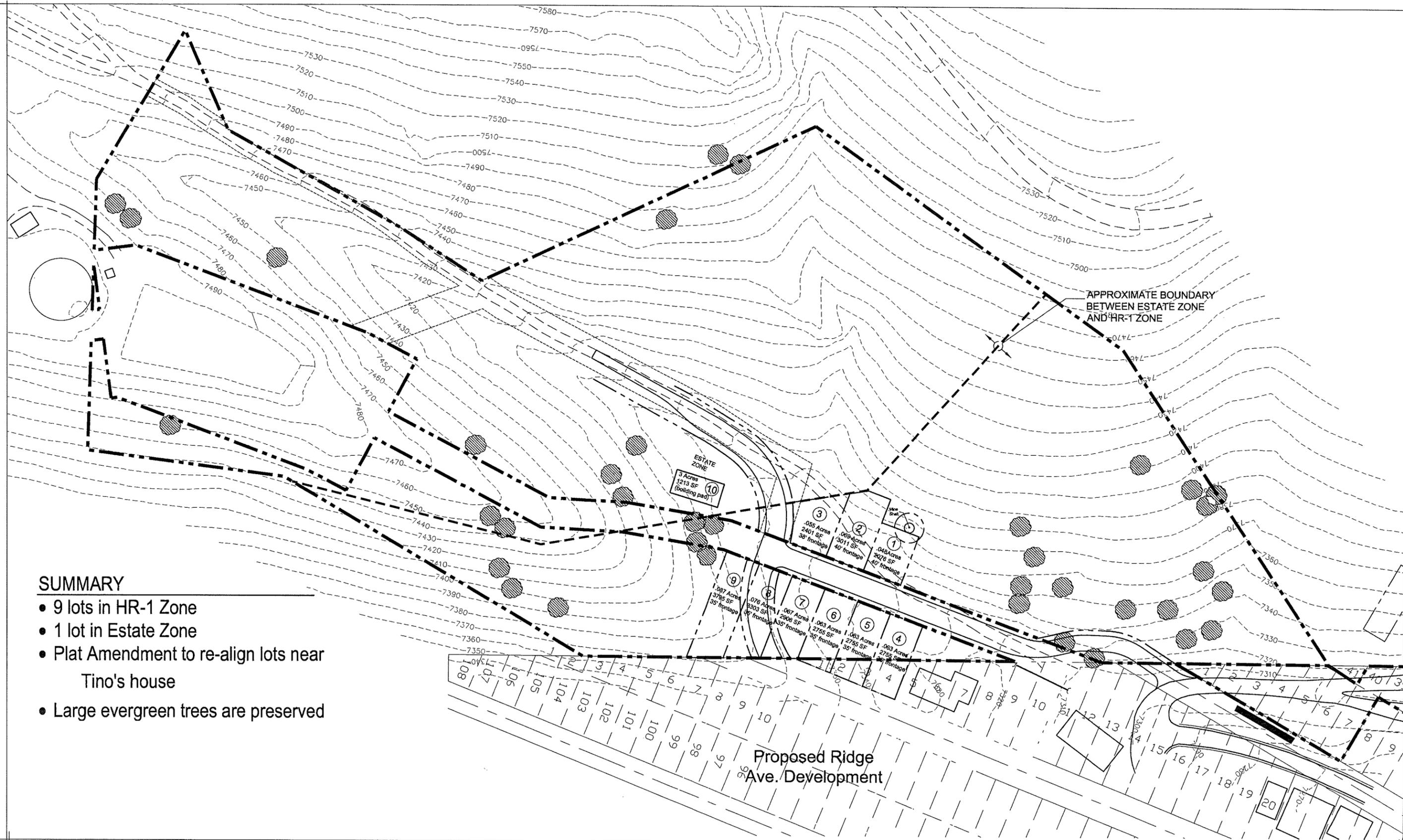
- 8 lots in HR-1 zone
- 1 lot in Estate zone with identified building pad

Proposed Ridge Ave. Development

# ALICE CLAIM

PCMC option 1



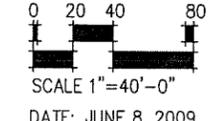


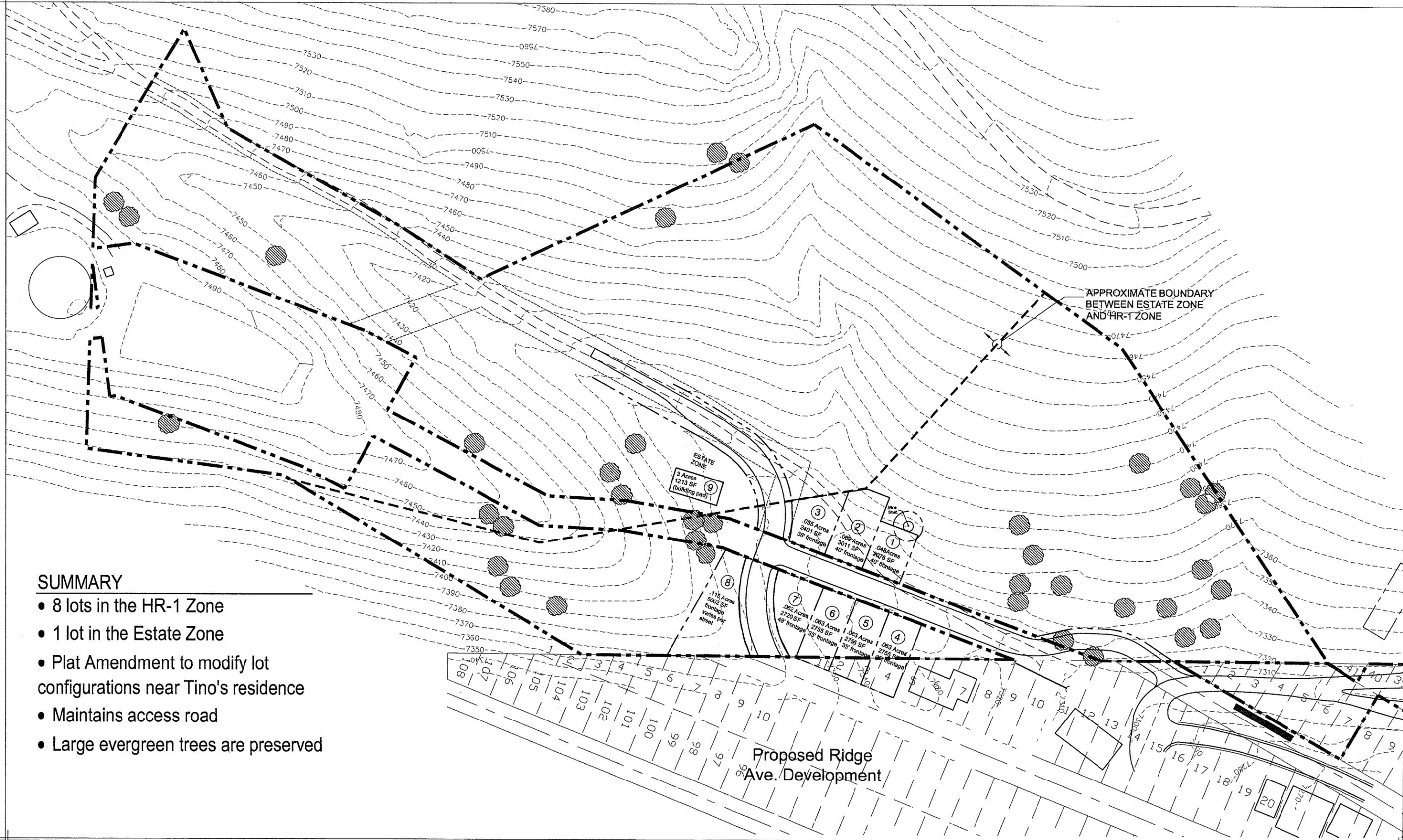
**SUMMARY**

- 9 lots in HR-1 Zone
- 1 lot in Estate Zone
- Plat Amendment to re-align lots near Tino's house
- Large evergreen trees are preserved

# ALICE CLAIM

PCMC OPTION 2





**SUMMARY**

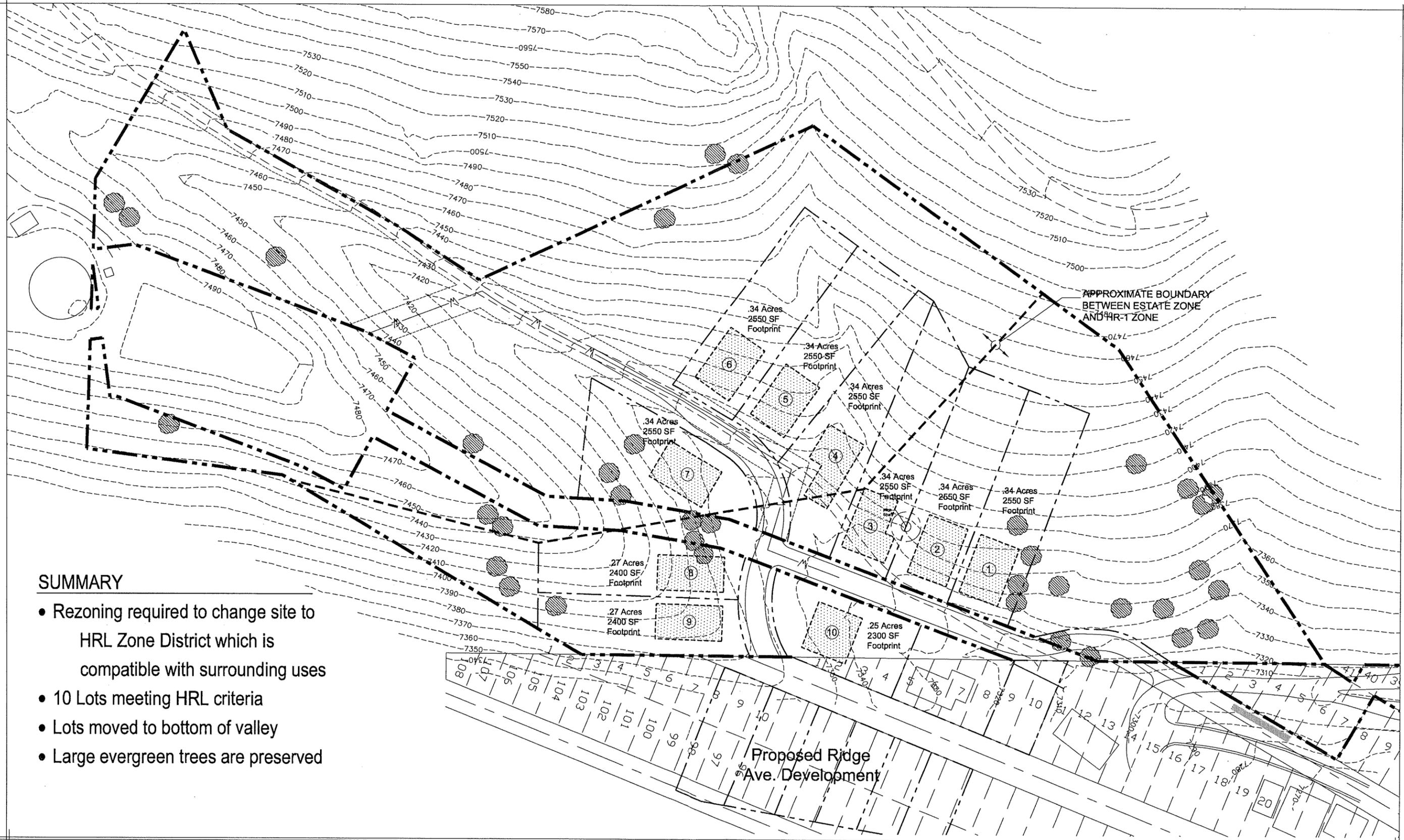
- 8 lots in the HR-1 Zone
- 1 lot in the Estate Zone
- Plat Amendment to modify lot configurations near Tino's residence
- Maintains access road
- Large evergreen trees are preserved

**Alice Claim**

PCMC OPTION 3



  
 SCALE 1" = 40'-0"  
 DATE: JUNE 8, 2009



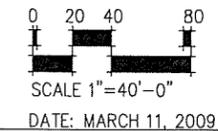
**SUMMARY**

- Rezoning required to change site to HRL Zone District which is compatible with surrounding uses
- 10 Lots meeting HRL criteria
- Lots moved to bottom of valley
- Large evergreen trees are preserved

**ALICE CLAIM**

SITE PLAN C

KING DEVELOPMENT GROUP L.L.C.  
 P.O. BOX 244  
 PARK CITY, UTAH 84060



**Exhibit 31 to  
Alice Lode Factual Background**



corporation  
 Landscape Architecture  
 Land Planning – Site Design  
 Environmental Planning

## Letter of Transmittal

To : Mr. Thomas Eddington  
 Park City Planning Department  
 445 Marsac Ave.  
 Park City, UT 84060-1480

Date : 14 December 2010

Job No. 05295.00

Job Title : Alice Claim

We are sending you the following items: (X) attached ( ) under separate cover via:

( ) shop drawings (X) reproductions ( ) originals ( ) specifications  
 ( ) copy of letter ( ) change order ( ) samples ( )

no. copies	description	date
1	Draft Preliminary Plat Submittal	December 2010

### These are transmitted

( ) for approval ( ) as requested ( ) reviewed ( ) after loan to us  
 ( ) for your use (X) for review & comment ( ) for your record ( )

### Remarks

Mr. Eddington,  
 I've enclosed a draft of our updated Preliminary Plat submittal for the Alice Claim (Lode) project. We request that the Planning Department review this submittal and make a recommendation regarding the completeness of this submittal prior to formal review. We appreciate your guidance on this matter.

Gregg Brown  
 DHM Design Corporation

Copy: Jerry Fiat, King Development Group LLC

Copy to **File**  
 By **Gregg Brown**

**Exhibit 32 to  
Alice Lode Factual Background**

PARK CITY MUNICIPAL CORPORATION  
PLANNING COMMISSION MEETING MINUTES  
COUNCIL CHAMBERS  
MARSAC MUNICIPAL BUILDING  
FEBRUARY 9, 2011

COMMISSIONERS IN ATTENDANCE:

Chair Charlie Wintzer, Brooke Hontz, Richard Luskin, Dick Peek, Julia Pettit, Mick Savage, Adam Strachan

EX OFFICIO:

Planning Director, Thomas Eddington; Kirsten Whetstone, Planner; Kayla Sintz, Planner; Katie Cattan, Planner; Polly Samuels McLean, Assistant City Attorney

=====

REGULAR MEETING

**I. ROLL CALL**

Chair Wintzer called the meeting to order at 6:30 p.m. and noted that all Commissioners were present.

**II. ADOPTION OF MINUTES OF NOVEMBER 10, 2010**

December 7, 2010

MOTION: Commissioner Pettit moved to APPROVE the minutes from the joint session with the Snyderville Basin Planning Commission on December 7, 2010. Commissioner Savage seconded the motion.

VOTE: The motion passed unanimously.

January 12, 2011

MOTION: Commissioner Savage moved to APPROVE the minutes of January 12, 2011. Commissioner Hontz seconded the motion.

VOTE: The motion passed unanimously by those who attended the meeting. Commissioner Pettit abstained since she was absent from that meeting.

**III. PUBLIC COMMENT**

Joe Tesch, representing the applicant for Alice Lode, stated that he had submitted a letter regarding Alice Lode, which was included in the Staff report. He also had several conversations with City Attorney Mark Harrington on this matter to address legal and other issues.

Mr. Tesch noted in his letter that the change in Staff personnel over the years has been problematic for the planning process, particularly in trying to provide historical and accurate information to the

Planning Commission. Mr. Tesch requested that the City consider forming a subcommittee to review the issues in depth and report back to the Planning Commission in a more efficient and timely manner.

Chair Wintzer stated that when he was on the subcommittee for Park City Heights, he felt it tied the hands of the other Commissioners. Once the subcommittee presented their recommendations to the Planning Commission, the Commissioners were put in the position of speaking against something that had been moving forward for a year and a half with the subcommittee. Chair Wintzer did not favor subcommittees and preferred to address the issues in a regular meeting with all the Commissioners present.

Commissioner Pettit concurred with Chair Wintzer. It is a difficult process to manage from the expectation perspective of the applicant. The applicant vests in the process of what they believe is an understanding, but another group of people still need to come to an understanding. Commissioner Pettit stated that she and Chair Wintzer have history with the Alice Lode project and she believed they could be helpful to the applicant and the other Commissioners.

Chair Wintzer suggested that the Staff could set up a work session on Alice Lode to address specific issues. That would help everyone get informed and updated before it comes before the Planning Commission at a regular meeting.

Mr. Tesch understood the concerns and how it may work as a disadvantage to the applicant, however, they were willing to take that risk. He stated that one of the issues that came up between he and Mr. Harrington, was how to represent Ron Ivie and the discussions he was involved in regarding support issues. Mr. Tesch understood that they could obtain a statement from Ron Ivie or ask him to attend a meeting, and that would be a more favorable approach than having someone else try to represent what Mr. Ivie had said. Mr. Tesch did not intend for any member on the subcommittee to take a position, but they may be able to take factual information from an interview. He stated that it has become a due process issue for the applicant, due to the multiple layers of people who were involved and left. Mr. Tesch believed a subcommittee could present information more credibly than the applicant. He stated that a subcommittee would provide the applicant with a vehicle to flush out their case in a comfortable and informal format.

Commissioner Pettit wanted to make sure that the City legal counsel could help guide the process in terms of what information was relevant or irrelevant to the application. She stated that some extraneous evidence is not necessarily relevant for what the Planning Commission needs to do as a body. In addition, a member of the Planning Commission participating on the subcommittee would be able to review and evaluate extraneous information, but other Commissioners would not have that benefit. Commissioner Pettit was concerned about trying to create the subcommittee process and sharing information so they are all on the same page.

Mr. Tesch clarified that he contacted City Attorney Harrington to inform him that he was stating in his letter that Mr. Harrington concurred with the subcommittee process for Alice Lode and believed it would be helpful. Mr. Harrington gave him the authorization to include that statement in his letter. Mr. Tesch stated that Mr. Harrington was trying to give the applicant the due process they were

looking for in light of a number of things, particularly the unavailability of Staff who dealt with Alice Lode earlier in the process.

Commissioner Savage asked if Assistant City Attorney McLean could speak on behalf of the Legal Department in Mark Harrington's absence.

Assistant City Attorney McLean stated that the Planning Commission has the ability to make the decision on whether or not to form a subcommittee, and the Legal Department does not have a strong recommendation either way. Mr. Tesch was correct in saying that City Attorney Harrington had given authorization for Mr. Tesch to include his concurrence in his letter. Ms. McLean remarked that there is no legal reason not to form a subcommittee, however, the concerns expressed by Commissioners Pettit and Wintzer were valid. Ms. McLean clarified that the applicant wants to make sure that the factual history is reflected correctly before the Planning Commission. She believed the same result could be achieved either through a subcommittee or before the entire Planning Commission.

Commissioner Strachan stated that his experience with subcommittees has always been negative. It typically means that the parent body does not want to tackle the issues itself and prefers to have a subcommittee make the decisions. Commissioner Strachan was willing to support a subcommittee if it was favored by the other Commissioners.

Commissioner Peek did not believe the Alice Lode issues were complicated enough to need a subcommittee. His last experience was with the Town Lift Design Review Task Force, which was a larger, complicated issue. The Task Force was formed by the City Council because the project rose to that level of review. If the City Council ever feels that the Alice Lode project rises to the level of requiring a task force or subcommittee, he would support that decision. However, at this point he believed the Planning Commission could adequately address the issues through work sessions.

Commissioner Hontz concurred with the concerns expressed by Commissioner Pettit. She did not believe a subcommittee was necessary in this instance.

Commissioner Luskin stated that his only experience with a subcommittee was the Quinn Junction MPD and he came away feeling like the Planning Commission was stuck with a pre-supposed decision. Commissioner Luskin was not familiar with the Alice Lode project, however, coming on to the Planning Commission during a time of projects with a long history, the Planning Commission was always able to work through them without a subcommittee. Commissioner Luskin did not advocate for a subcommittee and he would not volunteer to participate if one was formed.

Commissioner Savage remarked that they had a body of experience relative to the subject at hand, and a request from the applicant that was supported by the legal department, for a process that they believe would make things happen more efficiently. Commissioner Savage thought the Planning Commission as a group, should highly prioritize opportunities to make the process more efficient and more effective. He supported the applicant's request.

Chair Wintzer summarized that only one Commissioner favored forming a subcommittee.

Mr. Tesch stated that the applicant had a separate concern with the TDR process, understanding that Alice Lode is identified as a sending station for the purpose of maintaining open space. Mr. Tesch suggested that the applicant be allowed to have a discussion off the record with the City to clarify the intent of the TDR and how it relates to processing their application.

Chair Wintzer stated that if the Alice Lode site was designated as a sending zone, it would not affect the application and the Planning Commission would not be obligated to consider the TDR process in reviewing an application. He explained that the TDR is an opportunity available to the applicant if they did not want to go through the process of finding another location for density.

Assistant City Attorney McLean replied that Chair Wintzer was correct. Director Eddington clarified that TDRs are not mandatory.

Mr. Tesch understood the clarification, but he still thought it raised concern.

Commissioner Peek asked if a subcommittee meeting would be publicly noticed. Ms. McLean replied that the meetings would probably be noticed, but it would not be a quorum of the Planning Commission. Chair Wintzer pointed out that formal votes are never taken by the subcommittee. The subcommittee agrees on recommendations that are presented to the Planning Commission.

Commissioner Strachan pointed out that a subcommittee could be formed at any time if the Planning Commission finds it would be beneficial. Commissioner Pettit questioned why a subcommittee could not be formed without Planning Commission representation.

#### **IV. STAFF/COMMISSIONER'S COMMUNICATIONS & DISCLOSURES**

Planning Director Thomas Eddington reported that the Park City and Snyderville Planning Commissions held a joint meeting a few months ago and another meeting was being scheduled for March 15<sup>th</sup> or 16<sup>th</sup>. He would be contacting the Commissioners to see which date was best.

Director Eddington noted that the Planning Commission had requested an update on the City's development review process. The Staff would provide that update at either the next meeting or the first meeting in March.

Commissioner Savage felt the Planning Commission and the City were in a season where it was important to make progress on certain matters. As a member of the Planning Commission, he thought they were well below quota in spending quality time discussing the matters in enough depth to have a common understanding of the real issues and the solutions to those issues. Commissioner Savage supported meeting and collaborating with the Snyderville Basin Planning Commission, however, we was more supportive for making sure they were taking care of their own City and paying attention to matters that needed additional quality time. Commissioner Savage requested that the Planning Department consider his concern as it relates to forum and frequency for a more meaningful discussion.

Director Eddington asked if Commissioner Savage was referring to larger scale planning issues. Commissioner Savage clarified that he was talking about a large list of important issues related to

**Exhibit 33 to  
Alice Lode Factual Background**

---

From: Joe Tesch  
Sent: Friday, February 11, 2011 12:46 PM  
To: mark@parkcity.org; Polly Samuels McLean  
Cc: Paul A Levy (plevy@pmdchicago.com); Jerry Fiat  
Subject: Alice Lode

Sensitivity: Confidential

Mark and Polly,

On Wednesday evening (2/9) the Planning Commission had decided not to set up a subcommittee of members, but when the Chair suggested a subcommittee of staff could be useful (exclusive of Planning Commission members). We discussed the procedure for moving forward and I thought I would try to memorialize those discussions and make other suggestions as follows:

1. You suggested, and I agreed, that in light of the Planning Commissions approach, your department would attempt to work with Planning Department staff to create a full report including a thorough history of the proceedings, including the cleanup. My memory is that from that discussion and our earlier discussions about it, is that you would prepare a draft and then provide it to me so that I could review it for accuracy and make other requested additions, perhaps deletions, etc. I am happy to proceed in that manner. I also wanted to make it clear that by proceeding in this manner, my clients are not conceding the right to present witnesses that we deem appropriate since live testimony can have a different impact than simply a written report. As you know, that is why jury trials are not done by deposition, but by live witnesses. Hopefully we will be able to agree on all of the facts. However, it is perhaps difficult to bring across to the Planning Commission the full force of the recommendations and agreements to support Alice Lode's application by Ron Ivie who, as we all would have to take notice of, was perhaps one of the most influential and respected City officials during the early years of this Application. It also is not to be considered a waiver of my disagreement with your position that individuals such as Pat Putt and Ron Ivie are still represented by the City and that you have required of them, and of me, that City Attorney representation be present during any interview of them. It is also not a waiver of my objection to your denial of my request that I be allowed to take a sworn deposition type statement from those two individuals. I am not setting forth these issues in an effort to impede our hopeful successful resolution of the factual issues by stipulation through the agreed upon factual history, but I didn't want there to be any misunderstanding about what I believe my clients' rights are.
2. A subcommittee of City officials and staff is also a good idea in light of the fact that, subsequent to our conversation noted above, the Planning Commission determined to reinsert Alice Lode into the TDR process (albeit by reducing the number of potential EU's available to it). I have to agree with the comments of Planning Commissioner Mick Savage that this appears to us to be not well thought out and "shooting from the hip." It seems to me that this issue is intertwined with the issue of plat approval for the subdivision and frank and open discussions would be extremely helpful in reaching agreements.

Lastly, I wanted to clarify my statement that my clients were not in a hurry to bring this matter before the Planning Commission. Obviously, we don't want to bring it in front of the Planning Commission until we have had ample time to reach agreements. On the other hand, we want to keep those discussions/negotiations moving along since they could be time consuming and we don't want this to be delayed as a result of not addressing these issues in a prompt fashion.

Again, thank you for your courtesies and your ideas. Let's keep this moving.

Joe

TESCH

LAW OFFICES

*A Professional Law Corporation*

PO Box 3390

Park City, Utah 84060

Telephone: (435) 649-0077

Facsimile: (435) 649-2561

"Straight Talk. Sound Advice. Proven Results."

To learn more about Tesch Law Offices PC <<http://www.teschlaw.com>>

WARNING: The contents of this email may be subject to the attorney/client privilege, may be subject to the work product doctrine, may constitute trade secrets, or may otherwise be protected by law. Any dissemination, copying, reading, or use of this email by any person other than the intended recipient is strictly prohibited. If this email has been delivered to you by mistake, please call the sender at the above phone number as soon as possible.

**Exhibit 34 to  
Alice Lode Factual Background**

**T**ESCH  
LAW OFFICES  
*A Professional Law Corporation*

PARK CITY

314 Main Street, Suite 200  
P.O. Box 3390  
Park City, Utah 84060-3390  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2561

SALT LAKE CITY

Telephone: (801) 363-5111

HEBER CITY

2 South Main Street, Suite 2-D  
Heber City, Utah 84032  
Telephone: (435) 654-1550  
Facsimile: (435) 654-1554

August 17, 2011

Via E-Mail and U.S. Mail

Katie Cattan  
Planning Department  
Park City Municipal Corporation  
PO Box 1480  
Park City, Utah 84060

*Re: Alice Lode*

Dear Katie:

Pursuant to my understanding with Mark Harrington that Alice Lode could have input into the pending Staff Report and that we could review a draft of the Staff Report and comment before it is finalized, please see the outline of events by date of progression.

When it is convenient for you, please contact Gregg Brown and myself to discuss any issues and to review a draft of your proposed report.

Please incorporate all of these events into the Staff Report.

Sincerely,  
TESCH LAW OFFICES, P.C.



Joseph E. Tesch

JET/tw  
Enclosure

cc: Mark Harrington (via email only)  
Thomas Eddington (via email only)  
Paul Levy (via email only)  
Jerry Fiat (via email only)  
Gregg Brown (via email only)

**Exhibit 35 to  
Alice Lode Factual Background**

**T**ESCH  
LAW OFFICES  
*A Professional Law Corporation*

PARK CITY  
314 Main Street, Suite 200  
P.O. Box 3390  
Park City, Utah 84060-3390  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2561

SALT LAKE CITY  
Telephone: (801) 363-5111

HEBER CITY  
2 South Main Street, Suite 2-D  
Heber City, Utah 84032  
Telephone: (435) 654-1550  
Facsimile: (435) 654-1554

March 16, 2012

VIA EMAIL

Thomas Eddington  
Park City Planning Department

Re: Alice Lode

Dear Thomas:

Please see the attached correspondence between myself, Mark Harrington and Polly Samuels McLean dated February 11, 2011 and also my letter to Katie Cattan dated August 17, 2011 (without enclosures), with copies to Mark, Thomas and my clients.

We would like to continue to have our application processed consistent with that agreement. In case you have any question, we are asking that our original application be approved.

I assume that some member of your staff and/or the legal staff will provide the thorough history portion of a proposed staff report as you are able to get around to preparing it.

Thank you for your past courtesies in this matter.

Sincerely,  
Tesch Law Offices, P.C.

  
Joseph E. Tesch

JET/tw  
Enclosures

cc: Mark Harrington, Park City Attorney  
Paul Levy  
Jerry Fiat  
Gregg Brown

**Exhibit 36 to  
Alice Lode Factual Background**

## Tassie Williams

---

**From:** Polly Samuels McLean <pmclean@parkcity.org>  
**Sent:** Thursday, April 26, 2012 11:08 PM  
**To:** Joe Tesch  
**Cc:** Thomas Eddington; Mark Harrington  
**Subject:** summary of today's meeting re Alice Claim

Joe – As a follow up of our meeting today with Tom Eddington and Mat Evans concerning the Alice Claim Application, the following is my summary of our discussion and how things are proceeding:

This meeting was set up as a response to your letter of March 16, 2012 which requested staff move forward on your application. Planning Director Tom Eddington and yourself communicated back and forth since that time to clarify which plans you wished staff to bring before Planning Commission because there have been between 9 and 12 iterations of the plans since the original application. At today's meeting you indicated that you wished for staff to move forward on the "original application." You agreed to provide us with clarity as to which plans those are by next Wednesday, May 2. We agreed to schedule Alice Claim on June 27, 2012 and you requested that it be scheduled for a work session and not action. The last time planning commission reviewed the application and gave your clients feedback – and was on the same site plan-- was a work session and public hearing on January 28, 2009 meeting.

You mentioned the possibility of Alice Claim and Upper Ridge (which you also refer to as Ridgeline) coordinating their applications with an access agreement. Staff indicated to you that while staff can coordinate to have both applications before planning commission on June 27, 2012, neither staff nor planning commission can review an item just as a concept – if your clients wish to amend their application they can and staff will review and bring before planning commission at that point. You indicated that they didn't wish to combine their plat amendments but coordinate for an access easement. You indicated that you would need longer to speak with the applicants of Upper Ridge to determine how they would like to proceed. Staff confirmed that the Upper Ridge Subdivision was still an open application and it received a determination letter concerning the TDRs in March and that they should not wait for staff to bring forward any proposed amendments to the LMC concerning the TDRs. If they wish to push Planning Commission's review of a code amendment, they may make an application for a code change. However, a code change will not stop the requirement to move forward on their existing application.

We also discussed that we agreed to disagree concerning the city's position regarding the original application. You indicated that you felt that because Tom Bakaly had signed off on the joint application that the City had agreed to the site plan as presented to the DEQ. I disagreed and commented that neither he, Ron Ivie nor Pat Putt had the authority to approve the subdivision. You stated that Ron Ivie said to you that the planning department would back this site plan, but that the Planning Staff only did once and then when Planning Commission didn't support that site plan, Planning Staff changed their position of support. You recognized that Planning Commission was an independent body which makes its own decisions but felt that the Planning Department didn't uphold their part of the bargain by not supporting the site plan as presented in the original application after the initial meeting.

Thanks for taking the time to meet today and we look forward to your communication no later than May 2d regarding the version of the plans staff should bring forward at the June 27<sup>th</sup> meeting. We also look forward to hearing whether Upper Ridge should be heard on June 27<sup>th</sup> as well and if so which plans should be reviewed for that meeting.

Regards,

Polly Samuels McLean  
Assistant City Attorney  
Park City Municipal Corporation  
445 Marsac Avenue, P.O. Box 1480

Park City, UT 84060-1480  
(435) 615-5031



**\*\*Protected\*\*** \*\*This message is intended only for the use of the individual(s) to whom it is addressed, and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not an intended recipient, or the employer or agent responsible for delivering the message to an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.\*\*

## Tassie Williams

---

**From:** Joe Tesch  
**Sent:** Tuesday, May 01, 2012 2:41 PM  
**To:** 'Polly Samuels McLean'  
**Cc:** Paul A Levy (plevy@pmdchicago.com); Jerry Fiat; Gregg Brown; Kathy Harris  
**Subject:** Your Memo of April 26, 2012

Polly,

Thank you for your memo generally summarizing the meeting that we had with you, Thomas Eddington and Mathew Evans on Thursday April 26th. There are a few clarifications and changes which need to be addressed.

1. Due to the press of work, I will not be able to get to you the actual plan that we wanted processed by April 2nd. I am working on it, but it may take as long as May 9.
2. With your second to the last paragraph, I would delete that in its entirety. We had what I would consider a casual discussion about the equities. It was not intended to be a statement of a position of my clients, nor did I think you were taking it that way. You also left out a lot of information that was in that discussion.

For instance, I mentioned to you that our clients would never have taken on about \$1 million of cleanup (about \$500,000 of which was to cleanup City property), but for the City's agreement to that plan. I also made a strong point that my client would never have undertaken this cleanup if all they were going to receive were nine Old Town size lots since those lots wouldn't even begin to pay for the cleanup let alone for the land and further development. Whoever would have done that?

I also discussed with you the fact that there was pressure by UDEQ to close out our Voluntary Cleanup Plan without issuing a certificate of completion and that, according to the letters I delivered to you, the cleanup work was performed according to the plan that was approved by the City and that different levels of cleanup occurred according to the use. For instance, cleanup had to occur in a more rigorous fashion where the plans showed a residence than where there was open space or roadways. Based on that, it was my position that the only plan that could be approved consistent with the Voluntary Cleanup Plan is one in which incorporated the original building pads or close to it. Importantly, if the building pads are changed in a significant way from those approved locations, neither the City nor the owners of Alice Lode may ever receive a certificate of completion nor be relieved from the liability attached to that hazardous waste.

Thank you for your attention to this matter. Since Ron Ivie's support was unwavering and since he was the moving force convincing my client to undertake cleanup of the City's property, I doubt we'd be here but for his retirement.

Joe

**TESCH**  
**LAW OFFICES**  
*A Professional Law Corporation*  
311 Main Street, 2nd Floor  
PO Box 3390  
Park City, Utah 84060  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2564

“ Straight Talk. Sound Advice. Proven Results. ”

To learn more about Tesch Law Offices PC <<http://www.teschlaw.com>>

WARNING: The contents of this email may be subject to the attorney-client privilege, may be subject to the work product doctrine, may constitute trade secrets, or may otherwise be protected by law. Any dissemination, copying, reading, or use of this email by any person other than the intended recipient is strictly prohibited. If this email has been delivered to you by mistake, please call the sender at the above phone number as soon as possible.

**From:** Polly Samuels McLean [mailto:[pmclean@parkcity.org](mailto:pmclean@parkcity.org)]

**Sent:** Thursday, April 26, 2012 11:08 PM

**To:** Joe Tesch

**Cc:** Thomas Eddington; Mark Harrington

**Subject:** summary of today's meeting re Alice Claim

Joe – As a follow up of our meeting today with Tom Eddington and Mat Evans concerning the Alice Claim Application, the following is my summary of our discussion and how things are proceeding:

This meeting was set up as a response to your letter of March 16, 2012 which requested staff move forward on your application. Planning Director Tom Eddington and yourself communicated back and forth since that time to clarify application. Planning Director Tom Eddington and yourself communicated back and forth since that time to clarify which plans you wished staff to bring before Planning Commission because there have been between 9 and 12 iterations of the plans since the original application. At today's meeting you indicated that you wished for staff to move forward on the "original application." You agreed to provide us with clarity as to which plans those are by next Wednesday, May 2. We agreed to schedule Alice Claim on June 27, 2012 and you requested that it be scheduled for a work session and not action. The last time planning commission reviewed the application and gave your clients feedback – and was on the same site plan-- was a work session and public hearing on January 28, 2009 meeting.

You mentioned the possibility of Alice Claim and Upper Ridge (which you also refer to as Ridgeline) coordinating their applications with an access agreement. Staff indicated to you that while staff can coordinate to have both applications before planning commission on June 27, 2012, neither staff nor planning commission can review an item just as a concept – if your clients wish to amend their application they can and staff will review and bring before planning commission at that point. You indicated that they didn't wish to combine their plat amendments but coordinate for an access easement. You indicated that you would need longer to speak with the applicants of Upper Ridge to determine how they would like to proceed. Staff confirmed that the Upper Ridge Subdivision was still an open application and it received a determination letter concerning the TDRs in March and that they should not wait for staff to bring forward any proposed amendments to the LMC concerning the TDRs. If they wish to push Planning Commission's review of a code amendment, they may make an application for a code change. However, a code change will not stop the requirement to move forward on their existing application.

We also discussed that we agreed to disagree concerning the city's position regarding the original application. You indicated that you felt that because Tom Bakaly had signed off on the joint application that the City had agreed to the site plan as presented to the DEQ. I disagreed and commented that neither he, Ron Ivie nor Pat Putt had the authority to approve the subdivision. You stated that Ron Ivie said to you that the planning department would back this site plan, but that the Planning Staff only did once and then when Planning Commission didn't support that site plan, Planning Staff changed their position of support. You recognized that Planning Commission was an independent body which makes its own decisions but felt that the Planning Department didn't uphold their part of the bargain by not supporting the site plan as presented in the original application after the initial meeting.

Thanks for taking the time to meet today and we look forward to your communication no later than May 2d regarding the version of the plans staff should bring forward at the June 27<sup>th</sup> meeting. We also look forward to hearing whether Upper Ridge should be heard on June 27<sup>th</sup> as well and if so which plans should be reviewed for that meeting.

Regards,

Polly Samuels McLean  
Assistant City Attorney  
Park City Municipal Corporation

445 Marsac Avenue, P.O. Box 1480  
Park City UT 84060-1480  
(435) 615-5031



**\*\*Protected\*\*** \*\*This message is intended only for the use of the individual(s) to whom it is addressed, and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not an intended recipient, or the employer or agent responsible for delivering the message to an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately \*\*



October 24, 2012

King Development Group, LLC  
Attn: Jerry Fiat  
P.O. Box 4581  
Park City, Utah 84060-4581

NOTICE OF PLANNING DEPARTMENT ACTION

<u>Application #</u>	PL-08-01371
<u>Subject</u>	Alice Claim (aka Alice Load) Subdivision
<u>Description</u>	Subdivision Plat
<u>Notice of Pending Action</u>	Denial of project due to inaction
<u>Date of Action</u>	October 24, 2012

Dear Mr. Fiat:

The last time this application was reviewed by the Planning Commission was a work session on January 28, 2009. Since that time, despite several meetings and conversations in which you have indicated that amendments would be forthcoming, no amendments to the application have been formally submitted nor have you indicated which of the many iterations of the plans you wished to have reviewed by the Planning Commission for their recommendation to City Council.

On November 4, 2011, you meet with Staff and showed conceptual drawings. Your next communication wasn't until March 16, 2012, when you submitted a letter requesting the Planning Staff move forward on the application. However, Staff was unclear which of the many iterations of the plans you have brought in over the years that you wished to be reviewed by the Planning Commission.

On April 26, 2012, Staff met with you and Mr. Tesch, your attorney. At that meeting, Staff indicated that the application could not be brought forward until you provided a copy of the plans to be reviewed by the Planning Commission. We agreed that for you to be scheduled for a work session at the June 17, 2012 planning commission meeting, you would provide plans for review by May 2, 2012. On May 1, 2012, Mr. Tesch indicated in an email that the "Due to the press of work, I will not be able to get to you the actual plan that we wanted processed by April 2<sup>nd</sup> (sic). I am working on it, but it may take as long as May 9." No plan was submitted.

The next communication was after you bumped into the Planning Director on a mountain bike ride. The two of you subsequently had lunch on August 2, 2012 and discussed the history of the project and that you would like to move forward without your attorney. The last communication we have had with you concerning this project was on September 2, 2012 where Planning Director Thomas Eddington emailed you summarizing your August 2 lunch and indicated that due to the length of time that has already passed, the application needed to be heard by the Planning Commission or withdrawn. He specified that September 14, 2012 was the deadline to submit any amendments. He indicated wanting to proceed at the October 24, 2012 Planning Commission meeting.

Park City Municipal Corporation • 445 Marsac Avenue  
PO Box 1480 • Park City, UT 84060-1480 • (435) 615-5060

We have received no amended plans nor have we received any communication from you regarding the project in response to the September 2, 2012 email or moving forward at the October 24, 2012 Planning Commission meeting.

Therefore, because this application has not moved forward in a reasonably expeditious manner per Park City Land Management Code Section 15-1-14 (Termination of Projects Due to Inaction), the Planning Director intends to deny and close the Alice Claim Subdivision file. This letter is to inform you of the pending denial and closing of the file which will occur after the fourteen (14) day notice period. Your file is scheduled to be denied and closed on Monday, November 12, 2012. You may appeal this denial of the project for Inaction to the Planning Commission in the same manner as any other Appeal. Once denied, you may always reapply by submitting a new Application and paying the new submission fees. The new Application shall be subject to all ordinances then in effect.

Below is the applicable code section regarding the termination of projects due to inaction and the process for reinstatement:

**LMC 15-1-14**

Recognizing the length of the planning review process will vary with the size and complexity of each proposal, Applicants must move their Applications either to approval or to denial in a reasonably expeditious manner. The Planning Director may formally deny Applications, which remain inactive for a period of 180 days, or longer, due to acts or omissions of the Applicant.

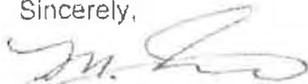
**(A) TERMINATION OF APPLICATIONS.** *When the Planning Director finds an Application to be inactive, the Planning Director may deny the Application and close the files with respect to that project. No Application shall be denied on the basis of inaction without giving fourteen (14) days written notice to the Applicant. Such notice must state the intent of the Planning Director to have the project denied because of inaction and the right to contest said denial to the Planning Commission.*

*Delays occasioned by the City shall not constitute cause for terminating an Application.*

**(B) REINSTATEMENT.** *An Applicant may appeal the Planning Director's denial of a project for inaction to the Planning Commission in the same manner as any other Appeal. The Planning Commission may reinstate subject to payment of full or partial submission fees, reinstate subject to specific ordinance changes, or deny reinstatement. If reinstatement is denied, the Application is considered formally denied. If the Applicant desires to proceed with the project, the Applicant must submit a new Application and pay new submission fees, and the new Application shall be subject to all ordinances then in effect.*

Please let me know if you have any questions regarding this letter. I can be reached at 435-615-5063 or via e-mail at [mathew.evans@parkcity.org](mailto:mathew.evans@parkcity.org).

Sincerely,

  
Mathew W. Evans  
Senior Planner

## Tassie Williams

---

**From:** Joe Tesch  
**Sent:** Wednesday, November 28, 2012 3:20 PM  
**To:** 'Polly Samuels McLean'  
**Cc:** 'Jerry Fiat'; 'Paul A Levy (plevy@pmdchicago.com)'; 'dkagan@metroplexinc.com'; 'sbaskin@metroplexinc.com'; 'Mark Harrington'; 'Thomas Eddington'; 'Mathew Evans'  
**Subject:** RE: PL-08-01371; Subject: Alice Claim (aka Alice Load) Subdivision  
**Attachments:** Ltr to Thomas Eddington.3-16-12.pdf

Polly,

I really have problems with what has happened here including your email of November 27, 2012.

It appears to obvious that the City has embarked upon a strategy to attempt to close this application and, among other things, avoid the City's responsibility for the commitments it made when it received the benefit of about \$500,000 for cleanup of City property on the Alice Claim. This whole thing has a repugnance about it. Just looking at the facts as we know them.

On about August 2nd, Thomas Eddington set up a meeting with Jerry Fiat without inviting me. Everyone knows that for several years that I represent the owners of Alice Lode.

One full month later, on September 2nd, Eddington, out of the blue, decides that it is time for him to send an email to Jerry Fiat stating that Jerry said that he wished to proceed without me. A month later? You know that the legal department was aware of Eddington's correspondence. The legal department was also aware of Matt Evans' correspondence on October 24. No one in legal had the professional courtesy to inquire of me as to whether or not Thomas Eddington interpretation of his conversation with Jerry Fiat and Matt Evans' restatement of that position was accurate. You had no correspondence from me that I did not represent Alice Lode. I suspect that direction may have been given that I not be copied and not be given the opportunity to correct that false impression. This was possibly a legal directive in my view.

In that email correspondence with Jerry, however, Thomas Eddington states that he will take the matter to the Planning Commission on our original Application on October 24. He didn't follow through with this commitment/promise/threat and indeed he couldn't follow through because the agreement with Harrington could not have been fulfilled. Nonetheless, without any correspondence from Eddington in dictating that he would not go through on the 24th, the City unilaterally shifts gears and now claims, in your email of November 27th, that it did not know which application we actually wanted to proceed on. Nice try, but even correspondence from Tom Eddington and my prior correspondence on more than one occasion with the Planning and Legal is contrary to your new assertion. See my letter to Thomas Eddington dated March 16, 2012 attached. As I have stated, unless we come to an understanding with the Planning Department which is agreeable to us and a plan more agreeable to the Planning Department, we have intended and we will continue to intend to process our original application, perhaps with some small modifications. Nothing has changed.

Joe

**T**ESCH  
LAW OFFICES  
*A Professional Law Corporation*  
314 Main Street, 2nd Floor

PO Box 3590  
Park City, Utah 84060  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2561

" Straight Talk. Sound Advice. Proven Results. "

To learn more about Tesch Law Offices PC <<http://www.teschlaw.com/>>

-DISCLAIMER-

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (435) 649-0077, and delete this original message. Thank you.

**From:** Polly Samuels McLean [mailto:pmclean@parkcity.org]  
**Sent:** Tuesday, November 27, 2012 10:12 AM  
**To:** Joe Tesch  
**Cc:** Mark Harrington; Thomas Eddington; Mathew Evans  
**Subject:** PL-08-01371; Subject: Alice Claim (aka Alice Load) Subdivision

Joe –

We disagree with your assessment of the meaning of the City Attorney's communications regarding this application in February 2011 as characterized in your November 8, 2012 e-mail. City Attorney Harrington agreed that the City would provide you with a draft of the staff report prior to it going to the Planning Commission so that you could give your input as to its accuracy and completeness regarding the history of the application. This agreement, from almost 2 years ago, is only applicable when the application is going before the Planning Commission. There has been no staff report drafted because you have not submitted the actual plan you want processed.

Sincerely,

Polly Samuels McLean  
Assistant City Attorney  
Park City Municipal Corporation  
445 Marsac Avenue, P. O. Box 1480  
Park City, UT 84060-1480  
(435) 615-5031



This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

I saw/opened this email this morning (Thursday 1/3/13 at 8:15 AM). The letter is dated 1/2/13 but was email at 6:12 PM

We need to get the response in by tomorrow 1/4/13.

I am not sure where every one is (is Paul back in the US, David are you back from NY?) I saw Joe in town.

I believe Matt is wrong in his statement that the only difference is the fee (between keeping the old application and new application) I believe the zoning changes made to our land in about 2005 would effect a new application.

Thanks

Jerry

-----Original Message-----

From: Mathew Evans <[mathew.evans@parkcity.org](mailto:mathew.evans@parkcity.org)>

To: 'jfiat727@aol.com' <[jfiat727@aol.com](mailto:jfiat727@aol.com)>

Cc: Joe Tesch ([joet@teschlaw.com](mailto:joet@teschlaw.com)) <[joet@teschlaw.com](mailto:joet@teschlaw.com)>; Thomas Eddington <[thomas.eddington@parkcity.org](mailto:thomas.eddington@parkcity.org)>; Polly Samuels McLean <[pmclean@parkcity.org](mailto:pmclean@parkcity.org)>

Sent: Wed, Jan 2, 2013 8:12 pm

Subject: Letter Re: Appeal of Alice Claim File Closing

Good evening Jerry

Attached hereto is a letter from the Planning Director regarding the appeal of the decision to close the Alice Claim file. If you have any questions regarding the letter please do not hesitate to contact me ASAP. Thomas will be out of the office for the remainder of this week, but will be back in the office next week if you believe further discussion with him is warranted.

Thanks and all the best

Mathew Evans, Senior Planner



PLANNING DEPARTMENT

January 2, 2013

King Development Group, LLC  
Attn: Jerry Fiat  
P.O. Box 4581  
Park City, Utah 84060-4581

**Re: Appeal of Staff's decision to close the Alice Claim Subdivision file and deny the Application due to inactivity – PL-12-01732**

Dear Mr. Fiat:

We received your appeal dated November 30, 2012 of my decision to close the Alice Claim Subdivision application due to inactivity. Although I disagree with your characterization of your interaction with both me and the department as a whole, as well as the City's role in conjunction with the soils issue, I am willing to rescind my decision to close the file due to the communication issues cited due to your travel, provided the project is presented to the Planning Commission no later than March 13, 2013. The City will re-instate your application if you submit a letter (1) withdrawing your appeal; (2) clearly indicating which plan in your application file the Planning Commission will review; and (3) agree to a date certain that we would take your item back before the Planning Commission (available dates are February 13, February 27, or March 13, 2013). This letter must be received no later than Friday, January 4, 2013. If the letter is not received by that date, or it lacks any of the above information, then the file will remain closed and the appeal on the application closure will take place prior to January 14, 2013.

As we have indicated in our past correspondences and discussions, we have numerous iterations of site plans for the subdivision. The plans we have on file include the site plan dated October 7, 2008 and prepared by DHM Design which was the same plan that was presented at the January 28, 2009 Planning Commission Work Session.

We also have three (3) concept plans in the file which you presented on March 11, 2009, at the subsequent Work Session with the Planning Commission (and the last time the Planning Commission heard the application). On that day, the Commissioners reviewed three (3) concepts: A, B, and C (all dated March 11, 2009 and prepared by DHM Design). If you wish the Planning Commission to review one of these plans, you will need to indicate that in the aforementioned letter by January 4, 2013. You may submit any supporting

material for that plan by January 25, 2013.

The triviality of the appeal of the closure of the application should not be lost upon you. If you were to submit a new application today, the sole difference between the inactive application and the new application is the application fee which is \$290 per lot applied for (the application fee for nine [9] lots is \$2610). Since there have been no changes to the subdivision regulations applicable to your zoning districts, a new application would be reviewed under the same criteria/LMC. If you chose to withdraw your appeal by Friday, January 4, 2013 and close the file, the City will refund your \$500 appeal fee. By doing this, you can take the time you need to refine a new application and may submit it when you are ready to move forward.

In summary, you have three options: (1) do nothing and the appeal of the closure of the application will occur prior to January 14, 2013; (2) submit a letter to the City by January 4, 2013 with the information outlined above and the Planning Commission will hear your application no later than March 13, 2013; or (3) withdraw your appeal by January 4, 2013, your appeal fee will be refunded, and resubmit at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Eddington Jr.", written in a cursive style.

Thomas E. Eddington Jr., AICP, LLA  
Planning Director

Cc: Joe Tesch, Tesch Law Firm  
Mathew Evans, Senior Planner

**T**ESCH  
LAW OFFICES  
*A Professional Law Corporation*

Joseph E. Tesch  
www.teschlaw.com

314 Main Street - Suite 200  
PO Box 3390  
Park City, Utah 84060-3390  
Tel: (435) 649-6677  
Fax: (435) 649-2561

January 4, 2013

VIA EMAIL AND U.S. MAIL

Thomas Eddington  
Planning Director  
Park City Municipal Corporation  
PO Box 1480  
Park City, Utah 84060

Re: Alice Lode

Dear Tom,

Thank you for your letter of January 2, 2013. As you know, we have always been desirous of moving this along in a practical manner. The knotty issue of closing the gap between our expectations and perceived rights and Park City's desired development scenario has been difficult. You always hope that over time through meetings and exchanges of ideas, solutions will emerge. Usually they do.

We accept your offer to rescind your letter of termination and withdraw our appeal. We have attached the plan dated January 28, 2009 (previously submitted) on which we wish to proceed. We agree to have this matter heard by the Planning Commission on March 13, 2013.

Of course, we will need to receive at least 30 days before March 13, a draft of the full Planning Commission report, including a thorough history of the proceedings including the cleanup, so that we can review it for accuracy and make other requested additions, perhaps deletions, etc. as agreed to by Mark Harrington.

We remain open to finding a win-win solution. Perhaps meaningful discussions can continue. We await your responses.

Sincerely,  
Tesch Law Offices, P.C.



Joseph E. Tesch  
Attorney for Applicant

JET/tw  
Enclosure

cc: Mark Harrington  
Polly Samuels McLean  
Mathew Evans

**T**ESCH  
LAW OFFICES  
*A Professional Law Corporation*  
www.teschlaw.com

314 Main Street - Suite 200 - PO Box 3390 - Park City, Utah 84060-3390 ♦ (435) 649-6677  
859 East 900 South - Suite 201 - Salt Lake City, Utah 84105-1395 ♦ (801) 438-6794

0040

**Exhibit 37 to  
Alice Lode Factual Background**

**Tassie Williams**

---

**From:** Mark Harrington <mark@parkcity.org>  
**Sent:** Tuesday, February 12, 2013 8:47 AM  
**To:** Joe Tesch  
**Cc:** Polly Samuels McLean  
**Subject:** meeting

Joe

Thanks

Mark D. Harrington  
City Attorney  
445 Marsac Ave.  
P.O. Box 1480  
Park City, Utah 84060-1480  
Phone: 435-615-5029  
Fax: 435-615-4916  
[mark@parkcity.org](mailto:mark@parkcity.org)



This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

**Tassie Williams**

---

**From:** Mark Harrington <mark@parkcity.org>  
**Sent:** Wednesday, February 13, 2013 9:09 AM  
**To:** Joe Tesch  
**Cc:** Polly Samuels McLean; Jim Blankenau  
**Subject:** RE: meeting

Joe

Thanks for your help.

Mark D. Harrington  
City Attorney  
445 Marsac Ave.  
P.O. Box 1480  
Park City, Utah 84060-1480  
Phone 435-615-5029  
Fax: 435-615-4916  
[mark@parkcity.org](mailto:mark@parkcity.org)



**From:** Joe Tesch [<mailto:joet@teschlaw.com>]  
**Sent:** Tuesday, February 12, 2013 1:29 PM  
**To:** Mark Harrington  
**Cc:** Polly Samuels McLean; Jerry Fiat; paul levy; dkagan@metroplexinc.com; sbaskin@metroplexinc.com  
**Subject:** RE: meeting

Mark,

I have recommended to my client that we participate in the meeting you and I discussed. It always takes a few days for the group to come to a consensus but I'll be extremely surprised if I get a negative response. I believe that the factual historical draft is better done after the meeting. I would suggest that we all work diligently to promptly schedule the proposed meeting but not be saddled by the 3/13 Planning Commission date. This meeting and its outcomes are likely to be the best chance of non-judicial resolution. I am encouraged.

Joe

**TESCH**  
**LAW OFFICES**

*A Professional Law Corporation*

314 Main Street, 2nd Floor

PO Box 3390

Park City, Utah 84060

Telephone: (435) 649-0077

Facsimile: (435) 649-2561

" Straight Talk. Sound Advice. Proven Results. "

To learn more about Tesch Law Offices PC <<http://www.teschlaw.com>>

-DISCLAIMER-

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (435) 649-0077, and delete this original message. Thank you.

**From:** Mark Harrington [<mailto:mark@parkcity.org>]  
**Sent:** Tuesday, February 12, 2013 8:47 AM  
**To:** Joe Tesch  
**Cc:** Polly Samuels McLean  
**Subject:** meeting

Joe

Thanks

Mark D. Harrington  
City Attorney  
445 Marsac Ave.  
P.O. Box 1480  
Park City, Utah 84060-1480  
Phone: 435-615-5029  
Fax: 435-615-4916  
[mark@parkcity.org](mailto:mark@parkcity.org)



This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this

communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

**T**ESCH  
LAW OFFICES  
*A Professional Law Corporation*

Joseph E. Tesch  
jtes@teschlaw.com

314 Main Street - Suite 200  
PO Box 3390  
Park City, Utah 84060-3390  
Tel. (435) 649-0077  
Fax. (435) 649-2561

February 14, 2013

VIA EMAIL

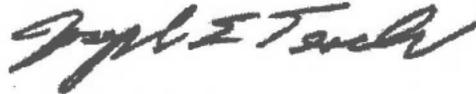
Thomas Eddington  
Park City Municipal Corporation

Re: Alice Lode

Dear Thomas:

[Redacted content]

Sincerely,  
Tesch Law Offices, P.C.



Joseph E. Tesch

JET/tw

cc: Mark Harrington

## Tassie Williams

---

**From:** Mark Harrington <mark@parkcity.org>  
**Sent:** Wednesday, February 20, 2013 5:02 PM  
**To:** Joe Tesch  
**Cc:** Polly Samuels McLean  
**Subject:** RE: meeting  
**Attachments:** ALICE LOAD draft agenda 022712.docx

Mark D. Harrington  
City Attorney  
445 Marsac Ave.  
P O. Box 1480  
Park City, Utah 84060-1480  
Phone: 435-615-5029  
Fax: 435-615-4916  
[mark@parkcity.org](mailto:mark@parkcity.org)



**From:** Joe Tesch [<mailto:joet@teschlaw.com>]  
**Sent:** Wednesday, February 20, 2013 8:39 AM  
**To:** Polly Samuels McLean  
**Cc:** Mark Harrington; Jerry Fiat; paul levy; dkagan@metroplexinc.com; sbaskin@metroplexinc.com  
**Subject:** RE: meeting

Polly,

Joe

**TESCH**  
LAW OFFICES  
*A Professional Law Corporation*  
314 Main Street, 2nd Floor  
PO Box 3390  
Park City, Utah 84060  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2561  
" Straight Talk. Sound Advice. Proven Results. "

To learn more about Tesch Law Offices PC <http://www.teschlaw.com/>

-DISCLAIMER-

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (435) 649-0077, and delete this original message. Thank you.

---

**From:** Polly Samuels McLean [<mailto:pmclean@parkcity.org>]  
**Sent:** Friday, February 15, 2013 4:02 PM  
**To:** Joe Tesch; Mark Harrington  
**Cc:** Jerry Fiat; paul levy; [dkagan@metroplexinc.com](mailto:dkagan@metroplexinc.com); [sbaskin@metroplexinc.com](mailto:sbaskin@metroplexinc.com)  
**Subject:** RE: meeting

Thank you,  
Polly

Polly Samuels McLean  
Assistant City Attorney  
(435) 615-5031



---

**From:** Joe Tesch [<mailto:joet@teschlaw.com>]  
**Sent:** Tuesday, February 12, 2013 1:29 PM  
**To:** Mark Harrington  
**Cc:** Polly Samuels McLean; Jerry Fiat; paul levy; [dkagan@metroplexinc.com](mailto:dkagan@metroplexinc.com); [sbaskin@metroplexinc.com](mailto:sbaskin@metroplexinc.com)  
**Subject:** RE: meeting

Mark,

Joe

**T**ESCH  
LAW OFFICES

*A Professional Law Corporation*  
314 Main Street, 2nd Floor  
PO Box 3390  
Park City, Utah 84060  
Telephone: (435) 649-0077  
Facsimile: (435) 649-2561

" Straight Talk. Sound Advice. Proven Results. "

To learn more about Tesch Law Offices PC <<http://www.teschlaw.com/>>

-DISCLAIMER-

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (435) 649-0077, and delete this original message. Thank you.

**From:** Mark Harrington [<mailto:mark@parkcity.org>]  
**Sent:** Tuesday, February 12, 2013 8:47 AM  
**To:** Joe Tesch  
**Cc:** Polly Samuels McLean  
**Subject:** meeting

Joe

Thanks

Mark D. Harrington  
City Attorney  
445 Marsac Ave.  
P.O. Box 1480  
Park City, Utah 84060-1480  
Phone: 435-615-5029  
Fax: 435-615-4916  
[mark@parkcity.org](mailto:mark@parkcity.org)



This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

This electronic message is intended only for the use of the individual(s) to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employer or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me and purge the communication immediately.

**Exhibit 38 to  
Alice Lode Factual Background**



**Office of Sustainability**

May 8, 2013

Bill Rees, P.G.  
VCP/Brownfields Section Manager  
Division of Environmental Response and Remediation  
195 North 1950 West  
Salt Lake City, Utah 84116

Subject: Alice Lode VCP

Dear Mr. Rees:

Park City Municipal Corporation (PCMC) is a co-applicant with King Development Group for the Alice Lode Voluntary Cleanup Program (VCP) Property (VCP C043), Summit County, Utah. Park City was accepted as a co-applicant for the Alice Lode VCP site on July 18, 2008. PCMC requests that PCMC property be withdrawn from the Alice Lode VCP site. Attached is a legal description of PCMC property that was included in the Alice Lode VCP site and we would like withdrawn from the VCP.

Thank you for your time and if you have any questions please feel free to contact me at (435) 615-5155.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Blankenau".

Jim Blankenau, P.G.  
Environmental Regulatory Program Manager

Attachment: Legal Description of the Alice Lode-MS 3331 together with the Park City Water Company Tract

Cc: Diane Foster, City Manager  
Joan Card, Environmental Regulatory Affairs Manager  
Clint McAfee, Water Manger  
Jerry Fiat, King Development Group, LLC

**Legal Description of the Alice Lode-MS 3331  
together with the Park City Water Company Tract**

Commencing at the Quarter Corner common to Sections 16 & 21, T.2S., R.4E., S.L.B.&M., Thence S 20°05'44" E, 1,661.56 feet to Corner No.1 of the Alice Lode MS-3331; Thence N 01°48'00" W along line 7-1 of said Alice Lode MS-3331, 357.59 feet to Corner 7 of said Alice Lode MS-3331; Thence N 36°04'27" E along line 6-7 of said Alice Lode MS-3331, 279.00 feet to the Point of Beginning; Thence continuing along said line 6-7 N 36°04'27" E, 380.92 feet to a point on Line 2-3 of the Newell Lode, USL-653; Thence N 56°36'34" E along said line 2-3, 378.21 feet to a point on the Westerly Boundary of the 'Subdivision No.1 of Millsite Reservation' (dated 06/25/1887) as said line is currently occupied and evidenced by extant survey monuments and documents of record; Thence S 00°26'00" W along said Westerly Line, 748.61 feet to a point on line 3-4 of said Alice Lode MS-3331; Thence S 30°58'27" W along said line 3-4, 349.20 feet to Corner 3 of said Alice Lode MS-3331; Thence S 07°38'27" W along line 2-3 of said Alice Lode MS-3331, 197.78 feet to a point on line 1-2 of the Park View Lode USL-655; Thence N 88°09'06" W along said line 1-2 of the Park View Lode USL-655, 273.26 feet to a point on line 1-2 of said Alice Lode MS-3331; Thence N 59°26'30" W along said line 1-2 of the Alice Lode MS-3331, 173.91 feet to a point on line 1-2 of the Huron Mine Lode USL-256; Thence N 66°41'14" E along said line 1-2 of the Huron Mine Lode USL-256, 108.84 feet to Post 1 of said Huron Mine Lode USL-256; Thence N 29°43'52" E, 198.26 feet to a point; Thence N 33°28'21" E, 96.51 feet to a point; Thence N 25°06'47" W, 370.00 feet to the Point of Beginning; Containing 10.19 acres, more or less.

**Exhibit 39 to  
Alice Lode Factual Background**



State of Utah

GARY R. HERBERT  
*Governor*

GREG BELL  
*Lieutenant Governor*

Department of  
Environmental Quality

Amanda Smith  
*Executive Director*

DIVISION OF ENVIRONMENTAL  
RESPONSE AND REMEDIATION

Brent H. Everett  
*Director*



ERRC-131-13

August 29, 2013

Joseph E. Tesch, Attorney  
Tesch Law Offices  
314 Main Street, Suite 200  
Park City, Utah 84060

Jim Blakenau, Environmental Regulatory Program Manager  
Park City Municipal Corporation  
P.O. Box 1480  
Park City, Utah 84060-1480

**RE: Alice Lode Voluntary Cleanup Program Site, Park City**

Dear Mr. Tesch and Mr. Blakenau:

This letter is in response to the May 8, 2013 letter from Park City Municipal Corporation (Park City) requesting to withdraw the referenced site from the Voluntary Cleanup Program (VCP) and the May 24, 2013 letter from Tesch Law Offices, on behalf of King Development Group, LC, (King), objecting to the request.

First, it is helpful to understand the nature of termination from the Voluntary Cleanup Program. Under Utah Code Section 19-8-109(1): "Any agreement established under this chapter [Voluntary Cleanup Program] may be terminated by the executive director<sup>1</sup> or the applicant by giving 15 days prior notice, in writing, to the other party." Thus, Section 19-8-109 does not require or allow the executive director to approve or disapprove a notice of termination. The notice of termination is effective 15 days after the terminating party gives written notice. There is no decision for the executive director to make or for King to contest.

Although there is a dispute resolution provision in Section XI of the Voluntary Cleanup Agreement entered by Park City and King, Section XI is subject to Section 19-8-109 of the Utah Code. Section XI (A) states in part: "It should be noted that the executive director or the Applicant may terminate the Agreement as provided for in Section 19-8-109 Utah Code Ann."

<sup>1</sup> "Executive Director means "the executive director of the Utah Department of Environmental Quality or the executive director's representative." Utah Code § 19-8-102(7). The Division of Environmental Response and Remediation (DERR) director is serving as the Executive Director's representative for the Alice Lode site.

## EXHIBIT A

Order Number: 15192

### LEGAL DESCRIPTION

Parcel 1:

Lots 1 through 7 inclusive and Lots 36 through 40 inclusive, Block 77, Millsite Reservation to Park City, according to the official plat thereof filed in the office of the Summit County Recorder.

(Tax Serial No. PC-712)

Parcel 2

Alice Lode Mining Claim, designated by the Surveyor General as Lot 3331, embracing a portion of the Northeast quarter of Section 21, Township 2 South, Range 4 East, SLB&M, and more particularly described as follows:

Beginning at corner No. 1, a pine post 4 inches square, marked 1-3331, with a mound of stone, from which corner No. 1 of Lot No. 655, the Park View lode claim, bears South 64°26' West 283.4 feet distant; and the quarter section corner between Sections 16 and 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, bears North 22°33' West 1671 feet; distant; thence first course, magnetic variation 16°30' East, South 59°30' East 99 feet intersect line 1-2 of Lot No. 256, the Huron Mine lode claim at South 65°45' West 101 feet from corner No. 1; 267.4 feet intersect line 1-2 of said Lot No. 655; 566 feet to corner No. 2; thence second course, magnetic variation 16°33' East; North 7°34' East 145.2 feet intersect line 1-2 of said Lot No. 655; 340.3 feet to corner No. 3; thence third course, magnetic variation 16°40' East, North 30°54' East 301.9 feet intersect the West boundary line of the Northeast quarter of the Northeast quarter of said Section 21, 349.7 feet to No. 4; thence fourth course, magnetic variation 16°35' East, North 17°20' East, 788 feet to corner No. 5 on top of dividing ridge between Woodside and Empire Canyons, and not established; thence fifth course, magnetic variation 16°50' East, North 59°30' West 37 feet to witness corner to said corner No. 5, a pine post 4 inches square marked W.C. 5-3331, in mound of stones; 137.6 feet intersect line 2-3 of Lot 653, the Newell lode claim; 300.9 feet intersect West boundary line of the Northeast quarter of the Northeast quarter of said Section 21; 308.1 feet to a point from which discovery monument bears South 17°20' West 906 feet distant, 318.1 feet to corner No. 6; thence sixth course, magnetic variation 16°50' East, South 36° West 462.3 feet intersect line 2-3 of said Lot No. 653; 1,122.2 feet to corner No. 7 identical with corner No. 2 of Lot 56, the Woodside lode claim; thence seventh course, magnetic variation 16°30' East, South 2°06' West 223.2 feet intersect line 3-4 of said Lot No. 56 at South 65°45' West 99.1 feet from corner No. 3, also intersect line 3-4 of said Lot 256, at South 65°45' West 99.1 feet from corner No. 4 and from said corner No. 4 corner No. 1 of said Lot No. 256 bears South 24°15' East 200 feet distant, 356.2 feet to corner No. 1, the place of beginning.

Expressly excepting and excluding from these presents all that portion of the ground, hereinbefore described, embraced in said mining claims or Lot No's. 56, 256, 653 and 655 and the Northeast quarter of the Northeast quarter of said Section 21, also those portions of survey No. 3057, the Grade Lode claim, in conflict with said Lot No's. 56, 256 and 655.

Also, Excepting therefrom, the following described tracts:

Beginning at Corner No. 7 of the Alice Claim, Mineral Survey No. 3331 (a part of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); and running thence along the Westerly boundary of the Alice Claim North  $36^{\circ}05'04''$  East 185 feet; thence South  $25^{\circ}11'$  East 375 feet; thence South  $29^{\circ}44'07''$  West 198.23 feet; thence running North  $25^{\circ}11'$  West 400 feet, more or less, to the point of beginning.

Beginning at a point North  $36^{\circ}05'04''$  East 185 feet from the corner No. 7 of the Alice Claim, Mineral Survey No. 3331 (a part of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian); and running thence along the Westerly boundary of the Alice Claim North  $36^{\circ}05'04''$  East 94 feet; thence South  $25^{\circ}11'$  East 370 feet; thence South  $33^{\circ}28'50''$  West 96.50 feet; thence North  $25^{\circ}11'$  West 375 feet, more or less, to the point of beginning.

Also, excepting therefrom the following:

A strip of land thirty feet in width, i.e., fifteen feet on either side of a line located as follows:

Commencing at a point 110 feet Westerly from the Southeast corner of the Alice Lode Mining Claim, patented as lot 3331, located in the Northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, and in the Uintah Mining District, Summit County, Utah; and running thence North  $7^{\circ}20'$  West 125 feet; thence North  $20^{\circ}49'$  East 224.3 feet; thence North  $28^{\circ}8'$  East 236.5 feet; thence North  $3^{\circ}13'$  East 80.7 feet; thence North  $9^{\circ}39'$  East 105 feet; thence North  $20^{\circ}47'$  East 730.6 feet, to the North end line of said claim; with the addition of 60 feet on either side of said strip of land commencing 100 feet from the Southerly end of said strip and extending 300 feet Northerly on each side of said of land.

(Tax Serial No. PC-S-55)

**Exhibit 40 to  
Alice Lode Factual Background**

TESCH WAKEFIELD & DERBER, P.C.  
*A Professional Corporation*

Joseph E. Tesch  
Robert R. Derber  
Stephanie K. Matsumura  
Kristal Bowman-Carter, Of Counsel

314 Main Street - Suite 200  
PO Box 3390  
Park City, Utah 84060-3390  
Tel: (435) 649-0077  
Fax: (435) 649-2561

September 11, 2013

Thomas Eddington  
Park City Municipal Corporation  
PO Box 1480  
Park City, Utah 84060

Re: Application: #PL-08-01371; Subject: Alice Claim (aka Alice Lode) Subdivision;  
Description: Subdivision Plat; Notice of Pending Action: Denial of Project Due  
to inaction; Date of Action: October 24, 2012.

Dear Thomas:

This letter is assure the Planning Department that King Development Group including Jerry Fiat continue to work on and process the above application for Alice Lode.

As you know, the Application has become extremely complicated by the fact that Park City Municipal Corporation has chosen to withdraw from the Voluntary Cleanup Program. As you know, the Applicant relied on Park City's commitment to be a Co-Applicant and spent an awful lot of money cleaning up the Park City site. This withdrawal of Park City after it had received all of the benefits is something that will be addressed at a later time.

As an additional complication, the decision by Park City Municipal to disturb the site by digging a deep trench for a waterline right down the middle of the site will no doubt create a disturbance which very probably will not be limited to Park City Municipal's portion of the property. This process will also necessitate the removal of large trees on the site which my client has always been told must be preserved.

Lastly, we continue to insist on the performance by Mark Harrington as noted in the attached memo to Mathew Evans dated November 8, 2012, referencing an agreement that was made on February 11, 2011. See those letters attached.

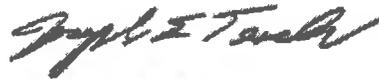
Thomas Eddington  
September 11, 2013  
*Page 2 of 2*

---

As always, my clients are anxious to process this Application in a reasonable timeline. Given the decisions made by Park City Municipal as noted above, processing of the Application, as a practical matter, will probably be dependent upon a resolution of those issues.

Thank you for your attention to this matter.

Sincerely,  
Tesch Wakefield & Derber, P.C.



Joseph E. Tesch

JET/tw  
Enclosures

cc: Mathew Evans  
Paul Levy  
David Kagan  
Sheldon Baskin  
Jerry Fiat  
Mark Harrington