

**PHASE I ENVIRONMENTAL SITE ASSESSMENT  
IN CONFORMANCE WITH ASTM STANDARD E 1527-97  
OF  
2330 ACRES OF UNDEVELOPED RANGE LAND  
COMPRISED OF  
THREE DISCRETE, UNDEVELOPED PARCELS  
IN SOUTHWEST UTAH COUNTY  
SOUTHWEST OF GOSHEN, UTAH**

December 12, 2000

Prepared for:

Mr. Vern Tharp  
Sellers Financing  
5040 Acoma Street  
Denver, CO 80216

Prepared by:

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## LIST OF ACRONYMS

ACBM	Asbestos Containing Building Materials
AMSD	Approximate Minimum Search Distance
ASTM	American Society for Testing and Materials
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CERCLIS	Comprehensive Environmental Response Compensation and Liability Information System
CORRACTS	Corrective Action List of TSD Sites that require Remediation (RCRA)
DEQ	Utah Department of Environmental Quality
DERR	Utah Division of Environmental Response and Remediation
EPA	United States Environmental Protection Agency
ERNS	Emergency Response Notification System (Federal)
FOIA	Freedom of Information Act
HAZMAT	Hazardous Materials
LBP	Lead-Based Paint
LUST	Leaking Underground Storage Tank
MSDS	Material Safety Data Sheet
NFRAP	Former CERCLIS Site Where No Further Remedial Activity is Planned
NPL	National Priority List
NESHAP	National Emissions Standard for Hazardous Air Pollutants
PCBs	Polychlorinated Biphenyls
pCi/L	Pico Curis per Liter of Radon Radiation
PST	Petroleum Storage Tank Insurance Fund for Remediation of Leaking Underground Fuel Storage Tanks
RCRA	Resource Conservation and Recovery Act
RCRIS	Resource Conservation and Recovery Information System
REC	Recognized Environmental Condition
TRIS	Toxic Release Information System
TSD	Treatment, Storage or Disposal (of hazardous wastes at a facility)
USDA	United States Department of Agriculture
UST	Underground Storage Tank

## 1.0 SUMMARY AND RECOMMENDATIONS

On November 29, 2000, at the request of Mr. Vern Tharp with Sellers Financing, Granite Environmental, Inc. (Granite) conducted a Phase I (surface investigation) environmental site assessment (ESA) of approximately 2330 acres in three discrete undeveloped parcels of, what is currently considered range land, in an area approximately 2 miles south of Elberta, Utah. The site assessment was conducted in conformance with the American Society for Testing and Materials (ASTM) Standard E 1527-97, a national standard for conducting ESAs.

Granite performed a records review which included searching for current and historic activities on the subject property (Property) and at sites within the approximate minimum search distances (AMSDs). Based on that review, site reconnaissance, and interviews with knowledgeable persons, it is the opinion of Granite that **no Recognized Environmental Conditions (RECs) are likely to exist on the Property**. RECs are defined for the purpose of this report as the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface waters of the property.

Asbestos building materials are not addressed in a Phase I report unless specified by the client. Generally, there has been a phase out of asbestos used in construction materials since the use of asbestos was banned in friable spray-on construction materials in 1978. There were no buildings identified and no evidence of illegal dumping of debris on or near the Property. Asbestos building materials should not be considered an REC with potential to negatively affect the Property.

Federal, state and local lists were examined for sites with the potential to contaminate the Property. NPL, CERCLIS, NFRAP, RCRIS, TRIS, UST, LUST, landfills and hazardous materials spills lists were reviewed for sites within the AMSDs. No sites were found.



Granite observed an old mine dump on the western edge of parcel No. 2 (see site maps available at the end of Section 3 of this report for the location of the dump).

A search was made for other environmental issues with the potential to become an REC (e.g., PCB-containing equipment, wetlands and radon potential).

No transformers or other potential PCB sources were identified on the Property. PCBs should not be considered as an REC to the Property.

The surface of the parcel was inspected for potential wetland areas. There were no wetlands identified on the Property; although wintertime conditions, including partial snow cover prevailed during the inspection.

Granite investigated the radon potential in the general area of the Property. According to the information available through the DEQ Division of Radiation Control, the radon potential is low. (see Section 5.8 for details)

No other environmental issues were identified. Granite recommends no further action at this time.

## 2.0 INTRODUCTION

### 2.1 Purpose

The purpose of this report is to establish whether there is any evidence of the existence of RECs in connection with the Property. This was accomplished by a records review, site reconnaissance, and interviews with knowledgeable persons.

### 2.2 Limitations

As stated in ASTM E 1527-97, Standards on Environmental Site Assessments for Commercial Real Estate, "... Performance of this practice ... is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property." Granite certifies that it has used accepted and standard professional practices in conducting this study. Beyond this certification, we make no warranties regarding the conclusions presented herein.

This report was prepared for our client, Sellers Financing, and may not be disclosed, reproduced or distributed in whole or in part, without the express, written consent of such client. This report speaks only as of its date, and any reliance on this report as to events occurring after such date is at the sole risk of the relying party.

A light covering of snow in some areas (mainly Parcel #3) was visible the day of the site visit; however, it was not a condition that hindered the preparation of this report.

### **3.0 SITE DESCRIPTION**

#### **3.1 Location and Legal Description**

The Property is located in four adjacent 7.5 minute USGS quadrangle maps, approximately 2 miles south and southwest of the little town of Elberta, Utah. There are rural unimproved roads running around and through the Property that converge south of Elberta and continue north to the town. At that point, this back road system intersects Utah State Highway 6. (One of these roads is known as Tunnel Road which leads to an old mine tunnel located along the west boundary of Parcel #2 of the Property.) There are no known addresses on or near the three parcels, consequently, the locations for the Property are described in general section terms. The approximate site locations can be found attached at the end of Section 3 and the legal descriptions can be found in the Preliminary Title Report attached as Appendix E.

Parcel #1 is located in Sections 4, 5, 7 and 8, Township 11 South, Range 1 West, Salt Lake Base and Meridian, Utah and Juab Counties.

Parcel #2 is located in Sections 11 and 12 of Township, 11 South, Range 2 West, Salt Lake Base and Meridian, Utah and Juab Counties.

Parcel #3 is located in Sections 3 and 10 of Township 12, Range 2, West, Salt Lake Base and Meridian, Utah and Juab Counties.

Note also, the three parcels are located in four USGS 7.5 minute quadrangles: Goshen, Slate Jack Canyon, Tintic Mountain and Eureka.

### 3.2 Site and Vicinity Characteristics

The area in which the Property is located is zoned for grazing and mining.

### 3.3 Description of Structures, Roads, Other Improvements on the Site

The Property consists of three parcels in an undeveloped area of southeastern Utah County and, possibly, a small portion of northern Juab County. There is little development on the Property other than some cattle fences; a portion of an old mine dump which was deposited there during the construction of a tunnel that is listed as the "drain tunnel"; and possibly a portion of a small gravel pit that is still being actively worked and found on the Tintic Mountain 7.5 minute USGS quadrangle. There are unimproved roads leading to or through all of the parcels. It was apparent, on the day of the site inspection, there had recently been a land survey conducted for at least parcels # 1 and 2. Granite checked with the Utah County Community Development Department concerning the zoning of the various areas where the parcels are located. According to Mr. Keith Nuebert a planner with Utah County Community Development, all of the Property, at least those portions located in Utah County, are zoned for grazing and mining.

It did not appear there was any public water or sewer service to the general area; however, both a natural gas line and electrical line are available, at least to Parcels #2 and #3.

### 3.4 Information Reported by Owner Regarding Environmental Liens or Specialized Knowledge or Experience

Mr. Steve Fletcher, a representative of the owner of the Property North Lilly Mining Company, was interviewed regarding any knowledge of environmental liens on the Property, or any pending, threatened, or past litigation or administrative proceedings relevant to hazardous substances or

petroleum products in, on, or from the Property. He reported no previous environmental concerns regarding the Property nor any information regarding environmental liens on the Property.

A preliminary title report, prepared for the parcel by Stewart Title, was reviewed for any legal encumbrances lodged against the Property. No such encumbrances were identified.

### 3.5 Current Uses of the Property

Currently, the Property appears to be used for grazing.

### 3.6 Current Uses of Adjoining Properties

Currently, it appears parcels are bounded by both government (U.S. Forest Service and BLM) and private land, i.e., a large farm owned and operated by the Church of Jesus Christ of Latter Day Saints. The farm raises hay and other crops for the feeding of cattle. The farm appears to be downgradient of parcels #1 and #2. Both U.S. Forest Service and BLM land are on one or more sides of all three parcels. No potential RECs were evident on the adjoining parcels.

### 3.7 Site Sketch

The Site Sketch, for this report, is the same as the location map.

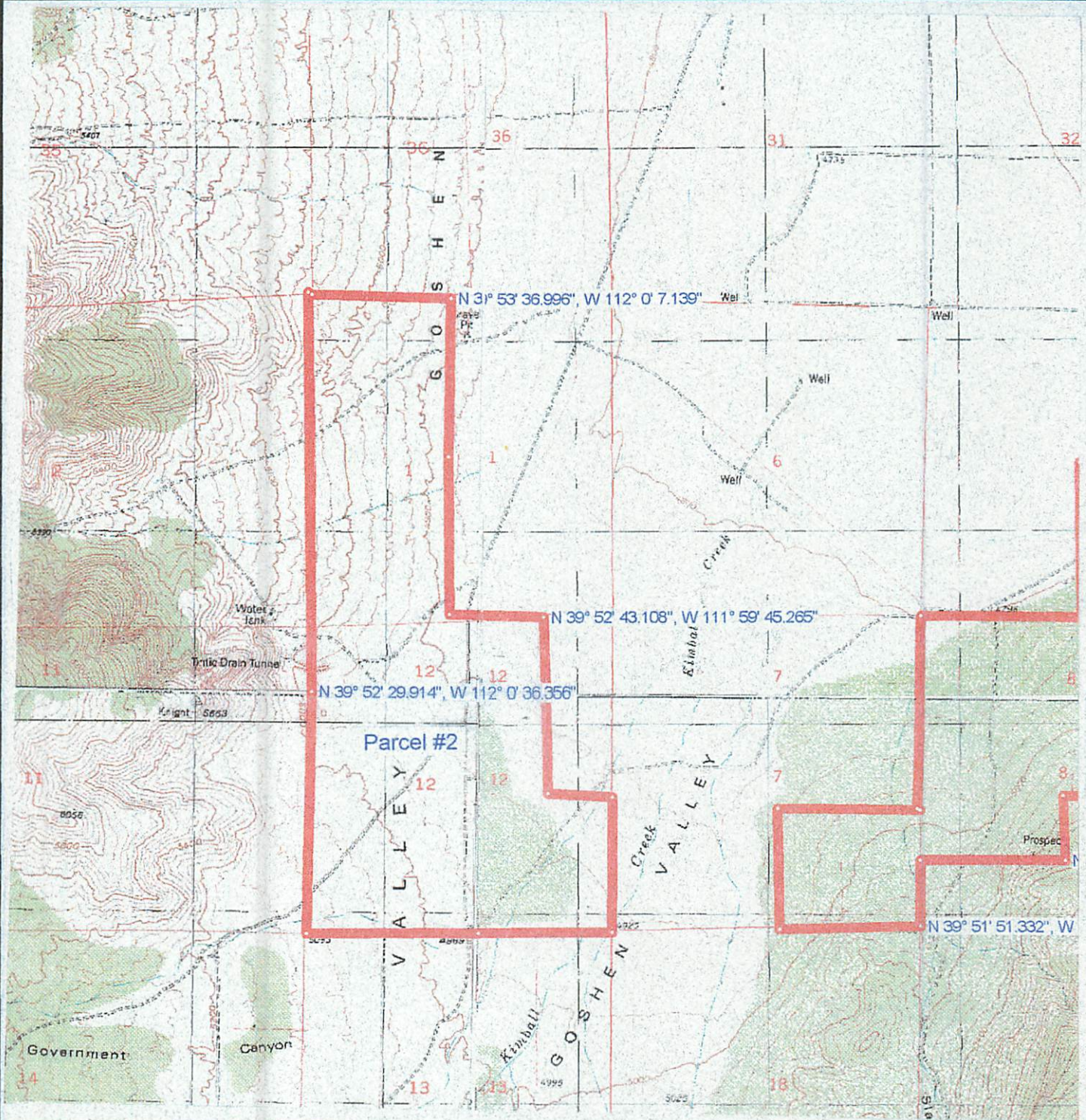
### 3.8 Location Map

Portion of the USGS Goshen, Slate Jack Canyon, Tintic Mountain and Eureka, Utah 7.5 minute quadrangles, showing the locations of the parcels which are included as the Property follows this section as Figure 1.









# LOCATION MAP

# GRANITE

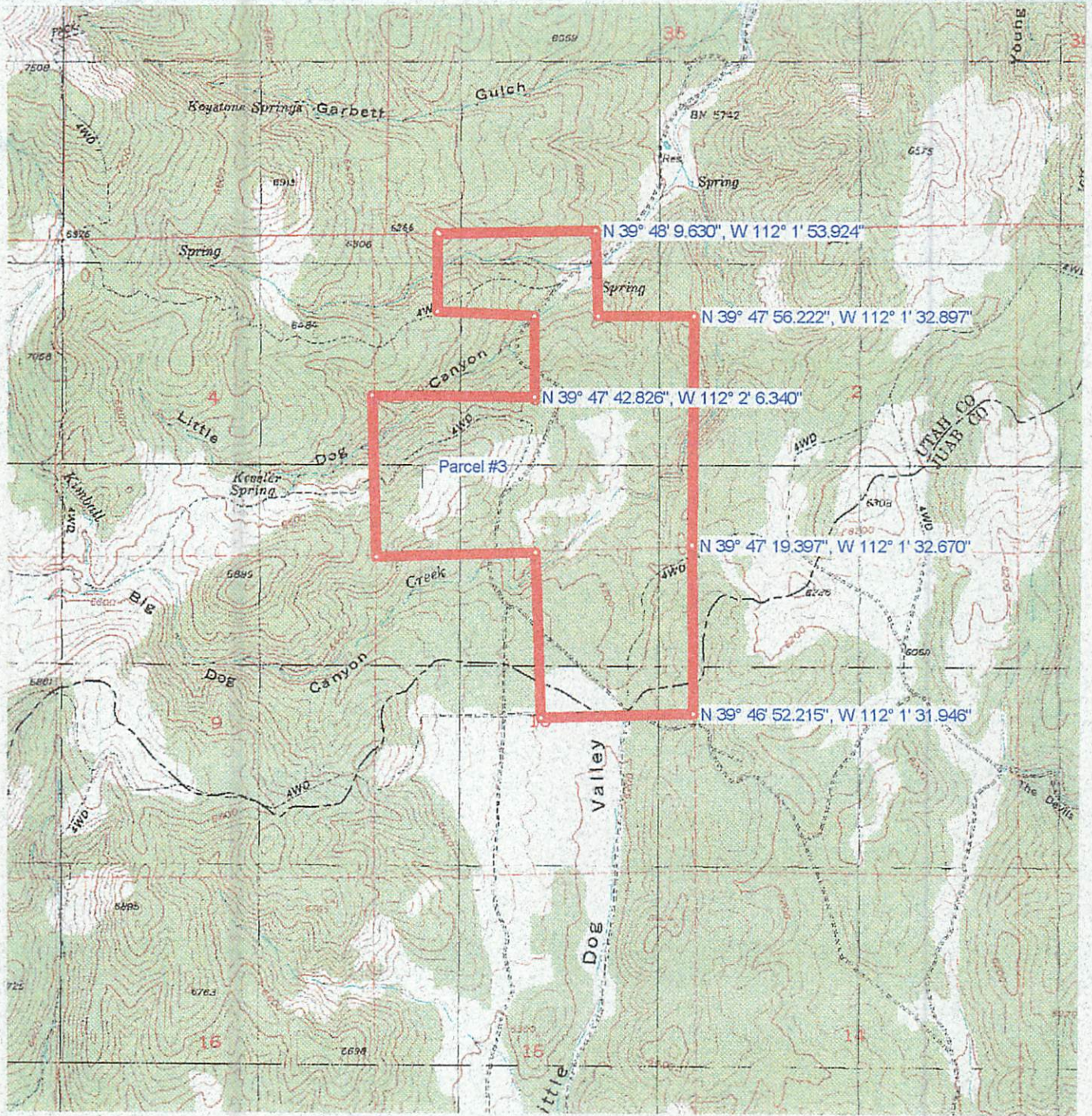
ENVIRONMENTAL, INC.

PARCEL #2  
UNDEVELOPED PARCEL SOUTHWEST OF  
GOSHEN, UTAH

DRAWN BY: USGS  
CHECKED BY: N/A  
DATE: 12-07-00

ORG. SCALE: 1:24,000  
JOB NO. 0326-001  
FIGURE NO. 2





# LOCATION MAP

# GRANITE

ENVIRONMENTAL, INC.

PARCEL #3  
UNDEVELOPED PARCEL SOUTHWEST OF  
GOSHEN, UTAH

DRAWN BY: USGS  
CHECKED BY: N/A  
DATE: 12-07-00

ORG. SCALE: 1:24,000  
JOB NO. 0326-001  
FIGURE NO. 1



#### 4.0 RECORDS REVIEW

*The information utilized in sections 4.1 and 4.2 of the Records Review is taken from a data search of federal and state environmental lists of sites having the potential to be contamination sources. This information is provided by Vista Information Solutions, Inc.'s STARVIEW™ database (see Appendix F for the entire data search for the Property).*

##### 4.1 Federal ( NPL, CRECLIS, NFRAP, RCRA, TRIS, ERNS)

##### NPL, CERCLIS, NFRAP

The current (April 2000) CERCLIS Site and Event Listing for Utah was reviewed for NPL (National Priorities List) CERCLIS sites listed within 1 mile of the Property. No sites were found.

A search for other listed CERCLIS and NFRAP sites within a ½ mile radius of the Property was made. No sites were found.

##### RCRIS/TSD

The current (March 2000) EPA RCRIS Master Facility List for Utah was reviewed for RCRA TSD facilities within a 1 mile radius of the Property that appear on the RCRA corrective action (CORRACTS) list. No CORRACTS TSD facilities were found within a 1 mile radius of the Property.

The current EPA RCRIS Master Facility List for Utah was reviewed for other RCRA TSD facilities within a ½ mile radius of the Property. No other RCRA TSD facilities were found.

The RCRIS Master Facility List for Utah was reviewed for RCRA hazardous waste generators and other listed RCRA sites on or adjacent to the Property. No sites were found.

### TRIS

The latest list (January 1998) of Toxic Release Information System (TRIS) reporters was checked for facilities on/or adjacent to the Property. These facilities use, generate, store, handle and/or dispose of material defined by EPA as extremely hazardous materials. None were found.

### ERNS

The spills reported under the federal Emergency Response Notification System (ERNS) were checked using the VISTA report. No spills were identified.

## 4.2 State (Landfill/Solid Waste, UST, LUST)

### Landfills

According to the State Division of Solid and Hazardous Waste list of solid waste land disposal sites, there are no landfills or solid waste disposal sites within ½ mile of the Property.

### UST

The current (June 2000) Division of Environmental Response and Remediation (DERR) list of registered underground storage tanks was reviewed to determine if any registered tanks exist on the Property or on adjacent properties. No sites were found.

### LUST

The current (June 2000) DERR Leaking Underground Storage Tank (LUST) list was reviewed for LUST sites within ½ mile of the Property. No sites were found.

4.3 Local (Emergency Response, Fire Department)

On December 6, 2000, Granite contacted Mr. Tom Roe the Utah County Fire Marshall, regarding any reported incidents pertaining to the Property. Mr. Roe was not aware of any environmental incidents such as hazardous waste spills on/or adjacent to the Property.

4.4 Historical Use Information

The USGS Goshen (1979), Slate Jack Canyon (1979), Tintic Mountain (1992) and Eureka (1992), Utah 7.5 minute quadrangles show the Property as not being developed.

Granite attempted to review R.L. Polk street directories for general area. No street directories were available.

Granite attempted to review Sanborn Fire Insurance Maps for the area. The general vicinity was not covered by the fire insurance maps.

Aerial photographs kept on file at the USDA aerial photo field office (APFO) for the years 1958, 1965 and 1987 were reviewed. There was no visual evidence of RECs on or adjacent to the Property.

## 5.0 SITE RECONNAISSANCE AND INTERVIEWS

### 5.1 Site Inspection

The site inspection consisted of walking the perimeter of the Property and inspecting the surface of the site for any visible environmental concerns such as chemical or petroleum stains on asphalt, concrete or soils, or dead, dying or missing vegetation. No such conditions were identified.

The Property is undeveloped range land mostly located in Utah County. It is possible that a small portion of Parcel #3 is located in northern Juab County. Parcels #1 and #2 are at a lower elevation than Parcel #3. It was observed that large areas of parcels #1 and #2 were burned off by grass fires during the past summer. Nearly all of the existing vegetative growth was burned away. There are dead trees on the parcels that have not been completely burned; however, they appear to have died. The areas not burned are covered with sage and rabbit brush, grasses and other natural and exotic xeric vegetation.

There appears to be a small gravel pit on Parcel #2 which is currently being used for gravel extraction. There are also two utility rights-of-way (ROWS) crossing this parcel from northeast to southwest. The ROWs are adjacent, and are used for electrical power and natural gas transmission. Both ROWs appear to be relatively new as far as the time of construction. There is also a portion of an old mine dump on this parcel. The dump resulted from a tunnel which was apparently dug many years ago. There is no apparent drainage from the tunnel and little evidence of metallic content in the dump material. Consequently, there does not appear to be a potential for heavy metals leaching into the soils and/or groundwater below the dump. The dump does not appear to be a potential REC to the Property.

Parcel #3 is at a higher elevation and is in more of an alpine setting. The general area is covered with several species of evergreens, including Utah Juniper. In at least two different locations either on or

near this parcel, there appeared to be corners of lots delineated, which suggests some subdividing has been done. Mr. Nuebert was questioned about the establishment of subdivisions in this area. He said none have been recorded with Utah County. One unimproved road bisects this parcel. There may be other unimproved roads in the area, but they were not identified at the time the site was inspected.

The perimeter of the Property was inspected to determine if adjacent uses could be contaminating the Property, or have the potential to do so in the future. The general area was observed either on foot, by automobile or by the use of binoculars to check for suspicious present or past uses. No such uses were identified.

A list of the persons interviewed during the course of this investigation is included as Appendix D.

#### 5.2 Hazardous Substances in Connection with Identified Uses

None were observed at the time of the inspection.

#### 5.3 Other Hazardous Substance Containers

No other hazardous substance containers such as drums or barrels were observed on the Property at the time of inspection.

#### 5.4 Storage Tanks

No visual evidence such as vents, fill pipes, or pumps was observed which might indicate the existence of underground storage tanks. No above-ground storage tanks were observed.

#### 5.5 PCBs

No transformers or other potential PCB sources were observed on or near the parcel that comprise the Property. PCBs should not be considered RECs to the Property.

## 5.6 Solid Waste Disposal

Insofar as the surface of the site could be inspected, little evidence of solid waste disposal was observed. There was a small pile of concrete chunks and debris near the gravel pit on Parcel #2. This material does not appear to have the potential to cause an REC on the Property.

## 5.7 Physical Setting Analysis

The elevation of the Property varies from approximately 4,800 feet above mean sea level at Parcel #1 to approximately 6600 feet above mean sea level at Parcel #3. According to information compiled by the U.S. Army Topographic Command, groundwater flows northwesterly at Parcel #1; it flows northeasterly at Parcel #2; and more or less southeasterly at Parcel #3. Depth to groundwater has not been determined. A soils survey prepared by the USDA Soil Conservation Service in 1972 was reviewed for information on soils in the general area of the Property. The soils report did not include the extreme southwest portion of Utah County where the Property is located. There was no surface evidence on the three parcels that would indicate potential contamination problems resulting from area soils. The closest surface water is the Current Creek Canal (parcels #1 and #2) or Kimball Creek (Parcel #3). Any contamination carried to the site would emanate from the northeast at Parcel #1; from the southwest at Parcel #2; and from the northwest at parcel #3. No potential sources in those directions were found.

## 5.8 Other Conditions of Concern

Granite investigated the radon potential in the general area of the Property. The Property is located in ZIP code 84626. According to the information available through the DEQ Division of Radiation Control, one sample was taken in this ZIP code. The level of radon found was 2.3 pCi/L. That is below the action level of 4.0 pCi/L. If this average radon level is similar through the area covered by this ZIP code, radon should not be considered an REC.

The surface of the parcel was inspected for potential wetland areas. No wetlands were identified.

No other conditions of concern were identified.

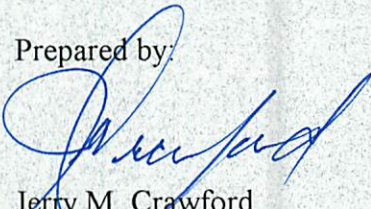


**6.0 FINDINGS AND CONCLUSIONS**

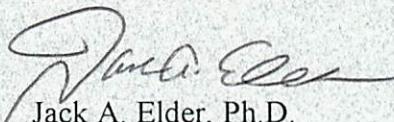
We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-97 of three undeveloped parcels totaling 2330 acres in a rural area southwest of Goshen, Utah. This assessment has revealed **no evidence of Recognized Environmental Conditions in connection with the Property**, and Granite recommends no further studies.

**7.0 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS**

Prepared by:

  
Jerry M. Crawford  
Assessment Services Manager

Reviewed by:

  
Jack A. Elder, Ph.D.  
President





**APPENDIX A**

**Qualifications of Participating Environmental Professionals**

**JERRY CRAWFORD**  
**Assessment Services Manager**

**EDUCATION:**

B.A. Business Administration, Fort Lewis College, Durango, Co. 1974

**FIELD OF SPECIALIZATION:**

Environmental Audits, Environmental Impact Statements, Environmental Assessments and Site Assessments

**EXPERIENCE:**

Mr. Crawford is an experienced site assessor, and has completed approximately 450 site assessments on properties involved in real estate transactions. Properties surveyed have included hotels, apartment complexes, offices buildings, strip malls, industrial facilities (i.e., plastic and cardboard container manufacturing, rubber hose manufacturing, chemical manufacturing, computer hardware manufacture and assembly, waste oil refining facilities, a well drilling shop and yard, a golf shaft (carbon-fibre) maker and wood cabinet fabrication facilities) warehouses, medical clinics, farm properties and vacant parcels.

Mr. Crawford has six years of experience with a major gold mining concern in Nevada as the environmental affairs manager responsible for upgrading a very rudimentary environmental program in 1985 and hiring and supervising five professional staff employees responsible for all aspects of the environmental program. The responsibilities ranged from: complying with state and federal water and air quality requirements, monitoring solid and hazardous waste issues and applying for, obtaining and maintaining over 100 state and federal environmental permits.

Mr. Crawford has completed several large projects while working at Granite and at a large gold mining company in Nevada. These projects include a full environmental audit of a metals casting facility (for Granite) and major environmental audits of: a nonferrous metals smelter, a hazardous waste recycling facility and gold mining and extraction facilities (for the gold company).

**CERTIFICATIONS:**

Registered Environmental Assessor, CA #REA-03619  
Certified Asbestos Inspector #1478  
Certified Asbestos Management Planner #2027  
Salt Lake County Predemolition Building Inspector #PDI-039

**JACK A. ELDER, Ph.D.**

**President**

**EDUCATION:**

Ph.D. Biology/Biochemistry, University of Utah, 1973  
M.S. Biology, University of Tennessee, 1969  
B.S. Fisheries Biology, University of Washington, 1966

**FIELD OF SPECIALIZATION:**

Aquatic Ecosystems (both marine and freshwater), Wetlands Management, and Hazardous/Toxic Materials Regulations

**EXPERIENCE:**

Dr. Elder founded the SITEX Environmental, Inc., Salt Lake City office in 1985. He managed the Salt Lake City office until 1998, when the office became Granite Environmental, Inc. His duties include technical oversight and office administration. Dr. Elder has been engaged in environmental consulting since 1973. During that period he managed projects from coast-to-coast that included many disciplines. He co-managed a project for the NOAA-MESA pilot program that compiled all known data regarding the New York Bight and selected critical areas for research spending. He studied both Biscayne Bay and the Mississippi Coast as part of the Utility Water Act Group's investigation of the impacts of the Clean Water Act. He managed over \$1,000,000 in environmental studies for PG&E as part of an application for a 1500 MW powerplant and 700 miles of transmission lines. He managed the preparation of 14 tiered EAs for the UMTRA low-level radiation remediation program. Rollins Environmental Services retained him to permit their Deer Park, Texas Incinerator. He managed the PCB compliance program for Kaiser Steel/Coal.

**PROFESSIONAL AFFILIATIONS:**

American Society of Limnology and Oceanography  
National Association of Industrial & Office Parks  
American Association for the Advancement of Science  
Western Petroleum Marketing Association

**CERTIFICATIONS:**

Registered Environmental Assessor, CA #REA-01125  
Certified Environmental Manager, NV #EM-1343

**APPENDIX B**

**Color Photos of Site**



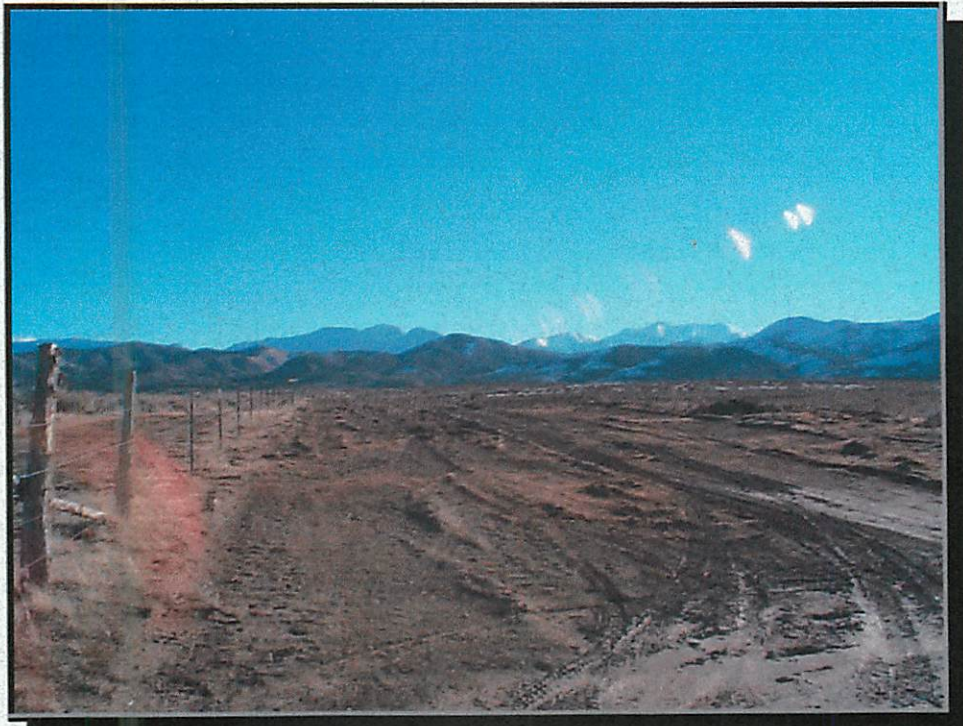


Photo No. 1  
Looking East Along the North Boundary of Parcel #1  
#Note: The lack of vegetation is due to a range fire.

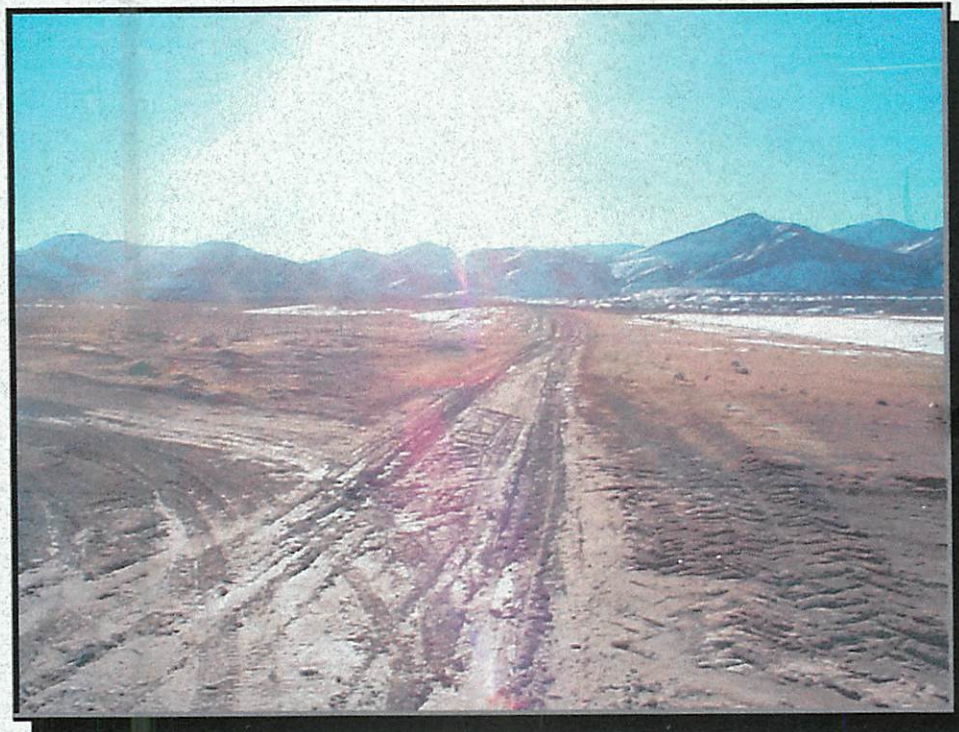


Photo No. 2  
Looking South Across Parcel #1





Photo No. 3  
Looking Southwest in the Direction of Parcel #2

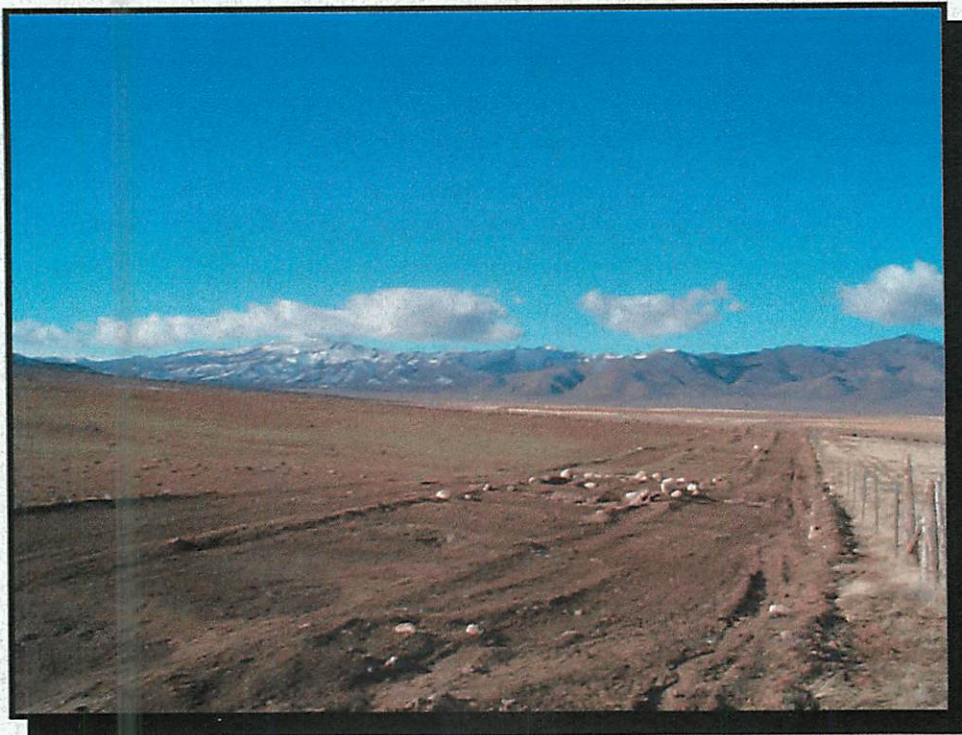


Photo No. 4  
Looking West Along North Boundary of Parcel #1  
Area is devoid of vegetation.



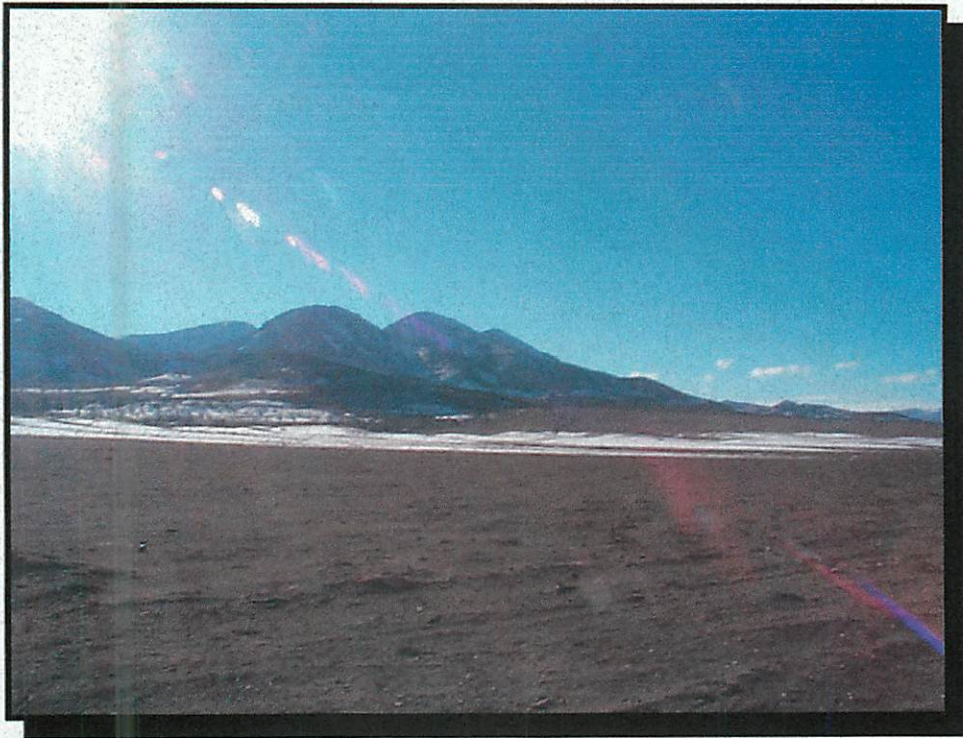


Photo No. 5  
Looking Southeast Across South Portion of Parcel #1  
which was also affected by range fires.



Photo No. 6  
Looking North from Between Parcels #1 & #2





Photo No. 7  
Looking East Along a Portion of the East Boundary of Parcel #1  
Just Below the Rock Out Cropping

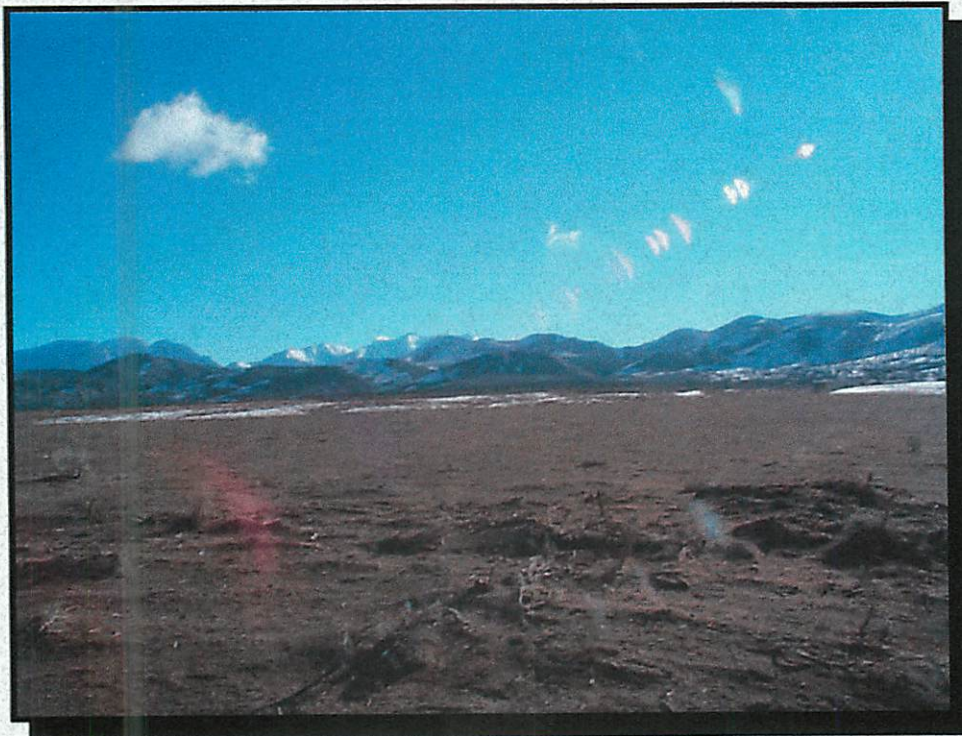


Photo No. 8  
Looking East Along from a Greater Distance Across Parcel #1



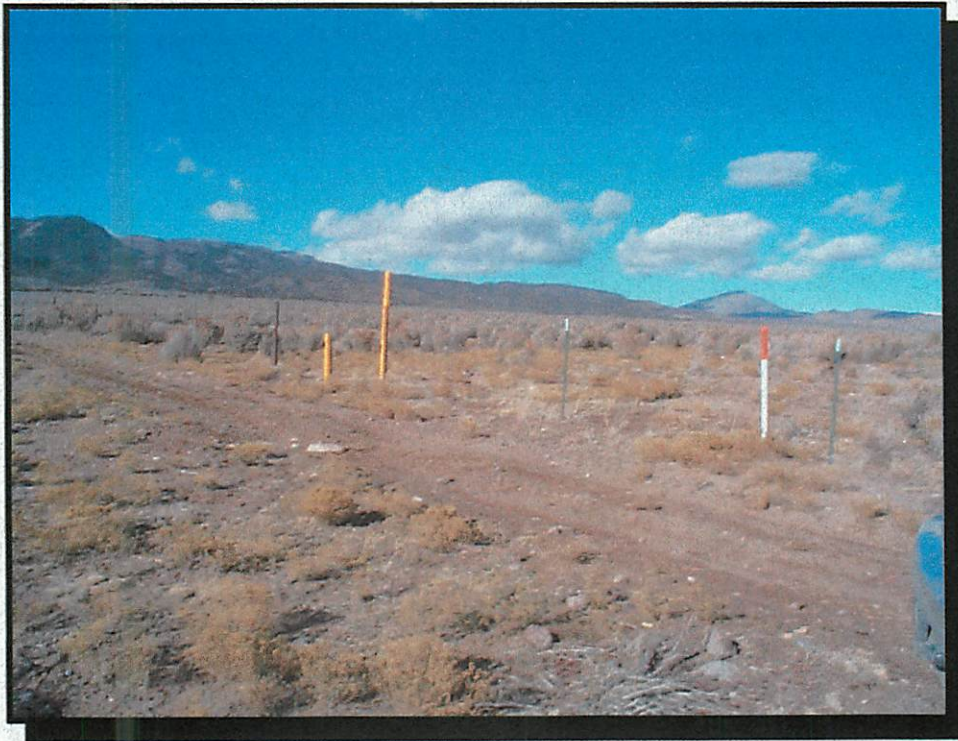


Photo No. 9  
Evidence of a Natural Gas Transmission Line that Traverses Parcel #2



Photo No. 10  
Gravel Pit at the Northern End of Parcel #2





Photo No.11  
Looking Southwest Along an Electrical Power Right-of Way and Parcel #2  
Just Below the Rock Out Cropping



Photo No. 12  
Typical of Vegetation on Parcel #2



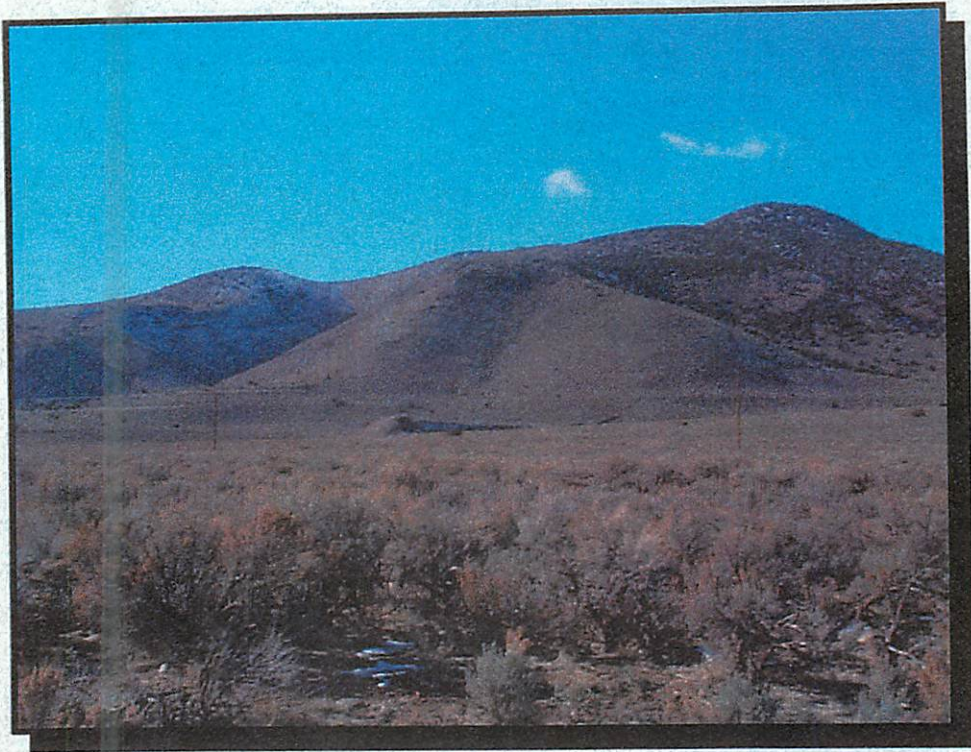


Photo No. 13  
Looking West at a Mine Dump that is Partially on Parcel #2

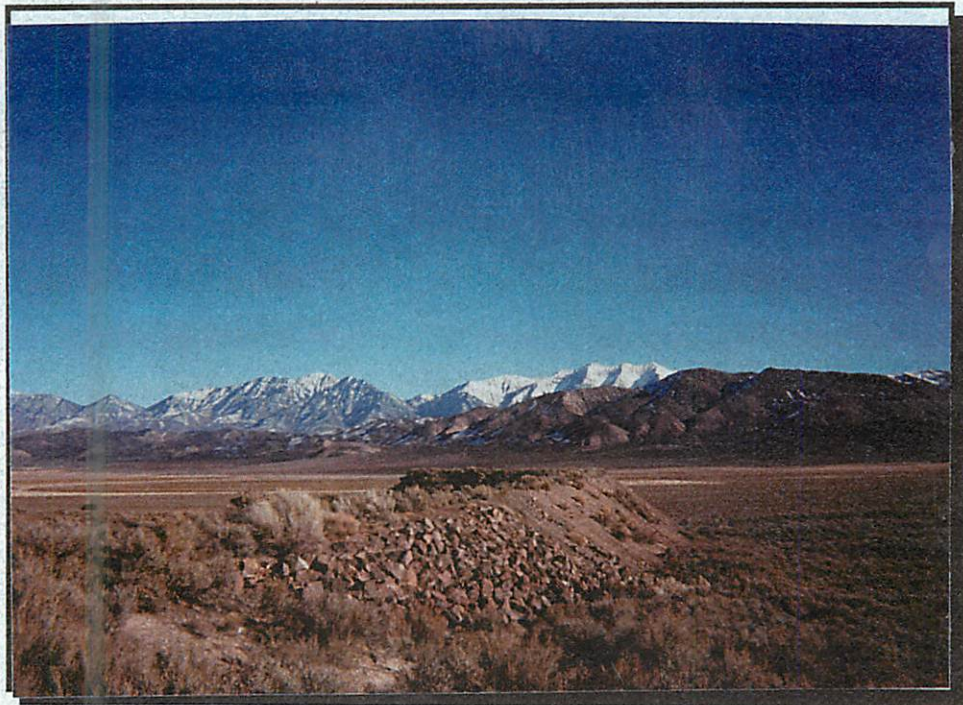


Photo No. 14  
Looking East Across the Valley from Atop the Mine Dump





Photo No.15  
Remnants of the Old Mine Tunnel Just West of the Dump  
Just Below the Rock Out Cropping

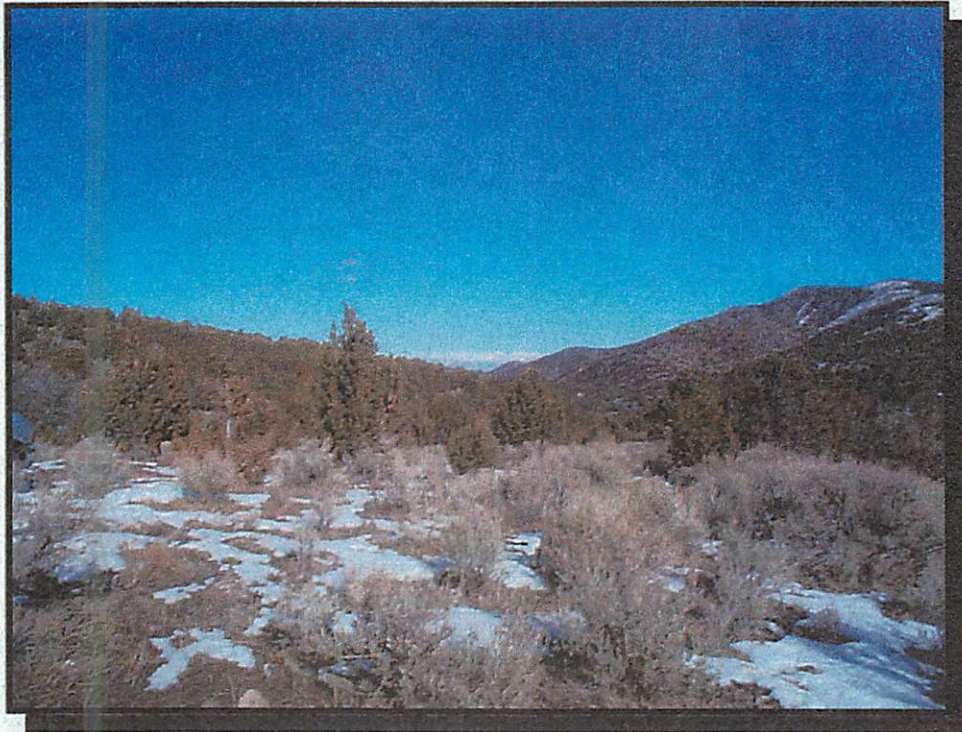


Photo No. 16  
Typical of Vegetation of Parcel #3



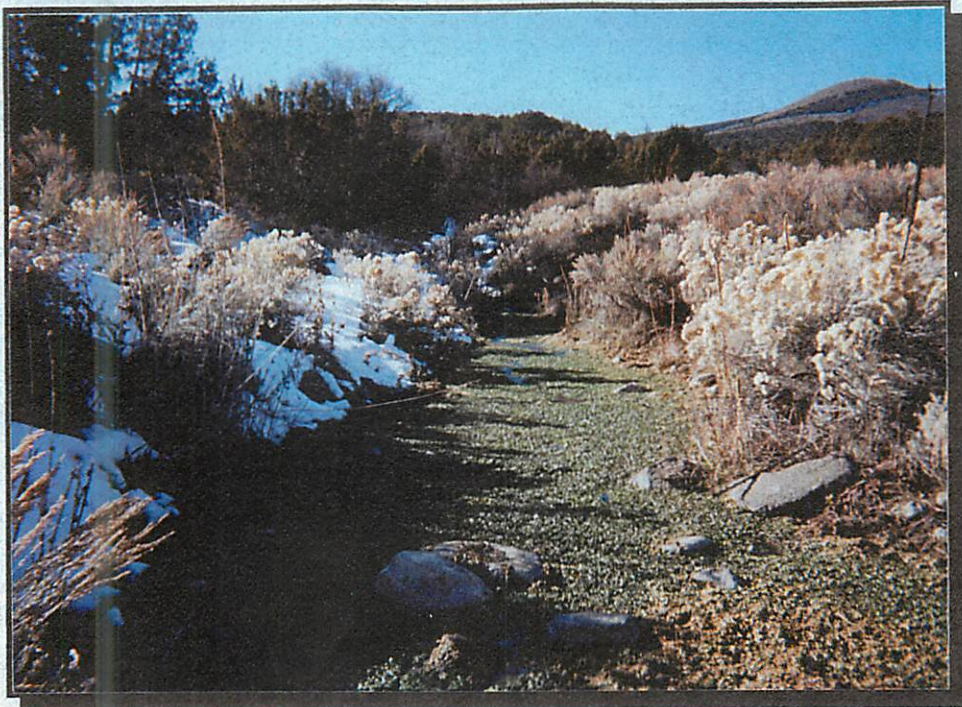


Photo No. 17  
Permanent Stream on Parcel #3

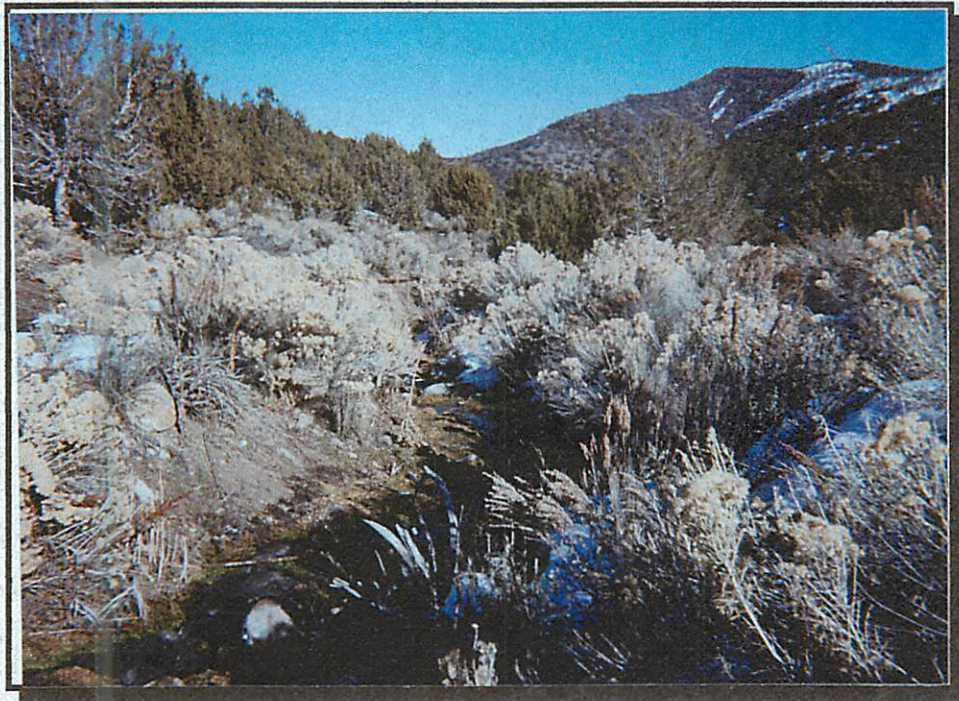


Photo No. 18  
Looking East Along the Stream on Parcel #3



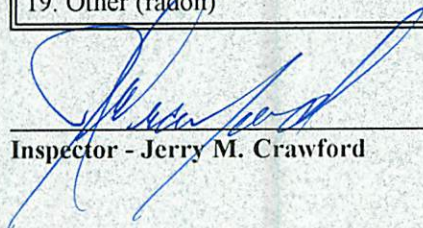
**APPENDIX C**  
**Inspection Checklist**



**Granite Environmental, Inc.**

**Site Inspection Checklist - Phase I Site Assessment - (This form is to be attached to and made part of the Phase I site assessment report)**

<b>Job # 0326-001</b> <b>Property Name and Address:</b> <b>Three Undeveloped Parcels Totaling 2330 Acres</b> <b>Several Miles Southwest of Goshen, Utah</b>	<b>See Details in Report Section</b>	<b>Yes</b>	<b>No</b>
1. Above-ground storage tanks or tanks related to emergency generators, elevators, boilers			x
2. Evidence of underground storage tanks (e.g., pumps, vent pipes, fill caps, patched asphalt or concrete)			x
3. Noxious odors			x
4. Stained soil, asphalt, or concrete			x
5. Stressed or dead vegetation			x
6. Pits, ponds, lagoons, or other standing surface water			x
7. Evidence of fill material or solid waste disposal on-site including manure stockpiles or other farm waste piles			x
8. Empty drums or chemical storage containers			x
9. Suspect PCB containing equipment (e.g. transformers, hydraulic lifts, elevators)			x
10. Wells (e.g. active water, monitoring, injection or dry )			x
11. Roads or paths with no apparent outlet			x
12. Floor drains not connected to a municipal sewer system			x
13. Sumps containing liquid or subsurface vault			x
14. Chemical storage			x
15. Stained floors			x
16. Wastewater, septic systems, cesspools or drainfields			x
17. Groundwater contamination			x
18. Industrial or manufacturing activity			x
19. Other (radon)			x

  
 Inspector - Jerry M. Crawford

Date:  
 November 29, 2000



**APPENDIX D**

**List of Persons Interviewed**



**List of Persons Interviewed**

<u>Name</u>	<u>Agency or Company Affiliation</u>	<u>Phone No.</u>
Dave Perry	USDA Aerial Photo Lab	(801) 975-3503
Keith Nuebert	Utah County Planner	(801) 370-8344
Tom Roe	Utah County Fire Marshall.	(801) 343-4130
Vern Tharp	Sellers Financing	(303) 295-1215
Fred Orr	Sellers Financing	(303) 918-1215
Steve Fletcher	Lilly Mining Company (Owner)	(303) 294-0427

**APPENDIX E**

**Preliminary Title Report  
and  
Legal Description of the Property**

**COMMITMENT FOR TITLE INSURANCE  
ISSUED BY**



*Sanctity of Contract*<sup>®</sup>

**STEWART TITLE<sup>®</sup>  
GUARANTY COMPANY**

STEWART TITLE GUARANTY COMPANY, A Texas Corporation, herein called the Company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, and to pay the premiums and charges therefor, all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereon.

This Commitment shall be effective only when the identity of the proposed insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate six months after the effective date hereof or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

Signed under seal for the Company, but this Commitment shall not be valid or binding until it bears an authorized Countersignature.

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.

*Sanctity of Contract*<sup>®</sup>

**STEWART TITLE<sup>®</sup>  
GUARANTY COMPANY**

*Stewart Morris Jr.*  
Chairman of the Board

Countersigned by:

*Ruth L. Carter*  
Authorized Signatory

**TIMP TITLE INSURANCE AGENCY, INC.**

Company

**AMERICAN FORK, UT**

City, State

*Stewart S. Morris*  
President



*Stewart Title Guaranty Company*  
**SCHEDULE A**

*File Number:* 2000279

1. *Effective date:* November 1, 2000 at 8:00 AM

2. *Policy or Policies to be issued:*

*Amount of Insurance*

*Premium*

(a) *A.L.T.A. Owner's (Extended)*

*Proposed Insured:*

(b) *A.L.T.A. Loan*

\$101,200.00

\$455.00

*Proposed Insured:*

Old Standard Life Insurance Co.

*Endorsement Charge(s) (if any):*

**TOTAL**

**\$455.00**

3. *The status or interest in the land described or referred to in this Commitment and covered herein is fee simple and title thereto is vested in:*

Xeres Tistic, LLC

4. *The land referred to in this Commitment is in the State of Utah, County of Utah, and is described as follows:*

See Attached Legal Description

*Purported Address:*

DEC 1 '88 09:05

FROM TITM TITLE, INC.

TO 13032951256

PAGE 003/008

### CONDITIONS AND STIPULATIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B herof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.

## STEWART TITLE GUARANTY COMPANY

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2020, Houston, Texas 77252.



DEC 1 '00 09:05

FROM TIME TITLE, INC.

TO 13032951255

PAGE.005/008

**SCHEDULE A***Order Number: 2000279***LEGAL DESCRIPTION****Parcel 1:**

West 1/4 of the Southeast 1/4, Southwest 1/4 of Section 4, Township 11 South, Range 1 West, Salt Lake Base and Meridian.

**Parcel 2:**

East 1/2 of the Southeast 1/4 of Section 7, Township 11 South, Range 1 West, Salt Lake Base and Meridian.

**Parcel 3:**

West 1/2 of the Northeast 1/4, North 1/2 of the Southwest 1/4 and the Northwest 1/4 of Section 8, Township 11 South, Range 1 West, Salt Lake Base and Meridian.

**Parcel 4:**

East 1/2 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 of Section 5, Township 11 South, Range 1 West, Salt Lake Base and Meridian.

**Parcel 5:**

The West 1/4 of Section 1, Township 11 South, Range 2 West, Salt Lake Base and Meridian.

**Parcel 6:**

The Northwest 1/4, the South 1/2 of the Southwest 1/4 and the Northeast 1/4 of the Southwest one-quarter of Section 12, Township 11 South, Range 2 West, Salt Lake Base and Meridian.

**Parcel 7:**

The Northwest 1/4 of the Southwest 1/4, the Southeast 1/4 and the West 1/2 of the Northeast 1/4 of Section 12, Township 11 South, Range 2 West, Salt Lake Base and Meridian.

**Parcel 8:**

Lots 2, 3, 7 and 8, Section 3, Township 12 South, Range 2 West, Salt Lake Base and Meridian.

**Parcel 9:**

The East 1/4 of the Southwest 1/4 and the West 1/2 of the Southeast 1/4 of Section 3, Township 12 South, Range 2 West, Salt Lake Base and Meridian.

**Parcel 10:**

The West 1/2 of the Southwest 1/4 and East 1/4 of the Southeast 1/4 of Section 3, Township 12 South, Range 2 West, Salt Lake Base and Meridian. Also, the Northeast 1/4 of Section 10, Township 12 South, Range 2 West, Salt Lake Base and Meridian.

DEC 1 '00 09:25

FROM TITP TITLE, INC.

TO 13832951256

PAGE.006/008

**Stewart Title Guaranty Company**  
**SCHEDULE B**  
**Section I**

Order Number: 2000279

**REQUIREMENTS**

The following are the requirements to be complied with:

Item a) Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured and payment of all taxes and/or assessments levied against the subject premises which are due and payable.

Item b) Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record.

Item c) Proper instrument(s) executed by the proposed insured to secure a lien of a loan or mortgage.

Item d) Proper instrument(s) executed by the beneficiary or holder of any and all liens, encumbrances and/or trust deeds noted in Schedule B-3 that release said liens, encumbrances and/or trust deeds.

**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.

**NOTE:** 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.

**NOTE:** Any matter in dispute between you and the company may be subject to arbitration as an alternative to court action pursuant to the rules of (the American arbitration association or other recognized arbitrator), a copy of which is available on request 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.

DEC 1 '00 09:06

FROM TITM TITLE, INC.

TO 13032951256

PAGE. 007/008

**Stewart Title Guaranty Company****SCHEDULE B****Section 2**

Order Number: 2000270

**EXCEPTIONS**

The policy or policies to be issued will contain exceptions to the following 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 proceedings, whether or not shown by the records of such agency or by the public record.
2. Any facts, rights, interests or claims which are not shown by the public records, but which could be ascertained by any inspection of the land or by making inquiry of persons 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. Taxes for the year 2000 are accruing as a lien not yet due and payable. Taxes for the year 1999 are delinquent in the following amounts, \$713.61, \$209.98, \$815.75, \$309.86, \$815.75, \$713.61, and \$713.61. Tax Serial No. 61-141-2, 61-144-4, 61-145-1, 61-142-1, 61-150-1, 61-153-1, and 61-153-3. Taxes for the year 1998 are delinquent in the amount of \$305.39. Tax Serial No. 61-142-1 Taxes for the year 2000 are accruing as a lien not yet due and payable. Taxes for the year 1999 are delinquent in the following amounts, \$415.36, \$409.73 and \$815.75. Tax Serial No. 61-167-1, 61-167-2 and 61-167-4.
9. Said property is within the boundaries of Utah County and is subject to any charges and assessments levied thereunder.
10. Any mining, oil and gas lease and/or pooling agreement for the term therein provided, executed by parties as owners of an interest in the land and other parties as owners of other lands described in said lease, with certain covenants, conditions and provisions, together with easements, if any.
11. Rights of way and/or easements for any roads, ditches, canals, cables, gas lines or transmission lines now existing over, under, or across said property.

DEC 1 '00 09:05

FROM TITM TITLE, INC.

TO 13032951256

PAGE.008/008

**12. Easement, and the terms and conditions thereof:**

In Favor of Purpose:	Pacificorp An easement for a right of way 25 feet in width for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement and removal of electric power distribution line and communication lines.
Recorded:	January 13, 1999
Entry No.:	3983
Book/Page:	4936/416

*NOTE: The following names have been checked for judgments:*

*Xeres Tintic, LLC*

*No unsatisfied judgments appear of record in the last eight years except as shown herein.*

*The Owner's Policy of title insurance committed for in this Commitment, if any, shall contain, in addition to the items set forth in Schedule B-Section 2, the following items: (1) The Deed of Trust, if any, required under Schedule B-Section 1, Item (b). (2) Unpatented mining claims, reservations or exceptions in patents or in Acts authorizing the issuance thereof.*

COUNTERSIGNED BY:

  
TITM TITLE INSURANCE AGENCY, INC.

**VALID AS A COMMITMENT FOR AN ALTA POLICY ONLY IF ATTACHED TO A COUNTERSIGNED COMMITMENT FOR TITLE INSURANCE, SCHEDULE A AND SCHEDULE B-SCHEDULE 1 WITH MATCHING COMMITMENT NUMBERS.**

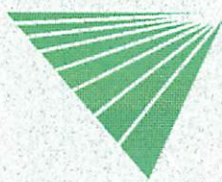
*Please make any inquiries for Title questions to TITM TITLE, Phone No. (801)736-1607.*

**APPENDIX F**

**Vista Information Solutions, Inc.  
Environmental Database Search**

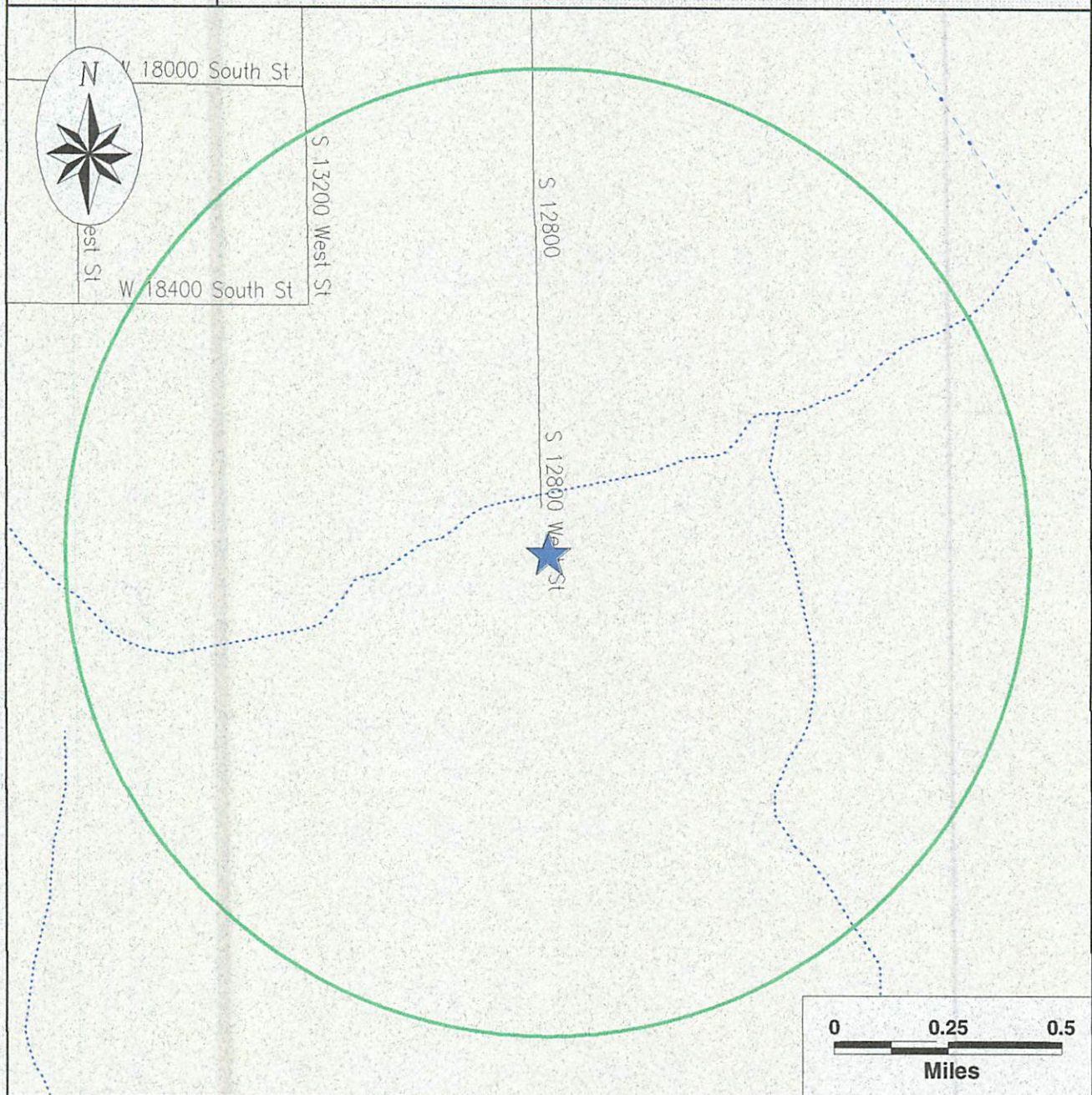














# Granite Environmental, Inc. Site Assessment Report

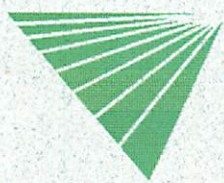
## Map of Sites within 1 mile



<b>Subject Site</b> 	<b>Category:</b> A
	Single Sites
	Multiple Sites
 Highways and Major Roads	
 Roads	
 Railroads	
 Rivers or Water Bodies	
 Utilities	

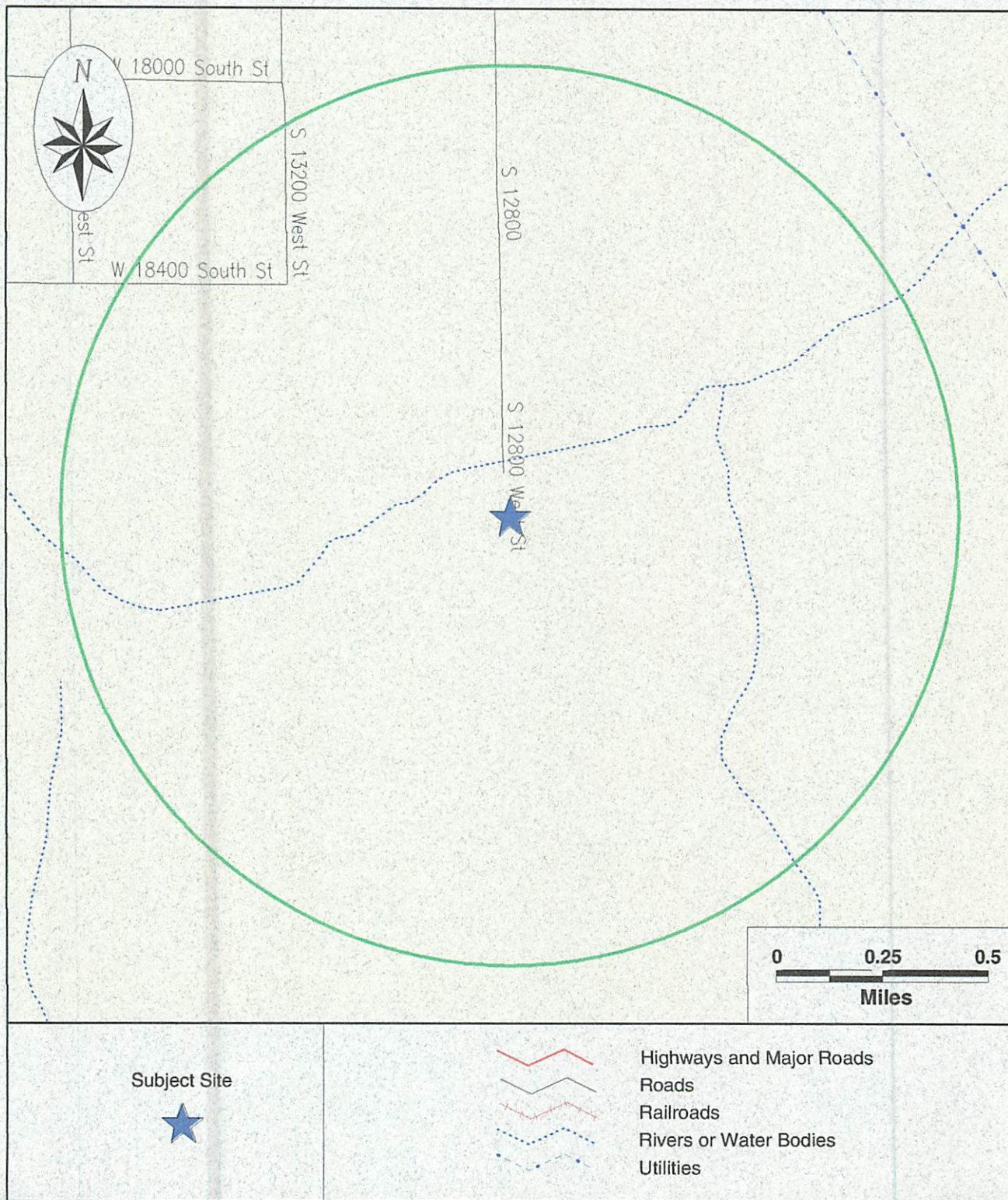
Categories correspond to database searches described in the Site Distribution Summary, beginning on Page #1.





# Granite Environmental, Inc. Site Assessment Report

## Street Map

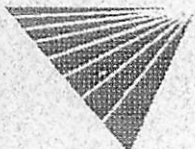




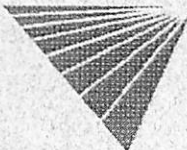
# Granite Environmental, Inc. Site Assessment Report

## SITE INVENTORY

MAP ID	PROPERTY AND THE ADJACENT AREA (within 1 mile)	A													
		VISTA ID	DISTANCE	DIRECTION	NPL	CORRACTS	TSD	CERCLIS/NFRAP	LUST	SWLF	TRIS	UST	GNRTR	VIOL	SPILLS
0															
No Records Found															



UNMAPPED SITES	A											
	VISTA ID	NPL	CORRACTS	TSD	CERCLIS/NFRAP	LUST	SWLF	TRIS	UST	GMRTR	VIOL	SPILLS
No Records Found												





# Granite Environmental, Inc. Site Assessment Report

## DETAILS

### PROPERTY AND THE ADJACENT AREA (within 1 mile)

No Records Found



\* VISTA address includes enhanced city and ZIP.

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 0326\_01\_1

Date of Report: December 5, 2000

Version 2.6.1

Page #6

**UNMAPPED SITES**

No Records Found





# Granite Environmental, Inc. Site Assessment Report

## DESCRIPTION OF DATABASES SEARCHED

### A) DATABASES SEARCHED TO 1 MILE

**NPL**  
**SRC#: 19** VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for National Priorities List was April, 2000.**

The NPL Report is the US EPA's registry of the nation's worst uncontrolled or abandoned hazardous waste sites. NPL sites are targeted for possible long-term remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980.

**CERCLIS**  
**SRC#: 17** VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Comprehensive Environmental Response, Compensation and Liability Information Sys was April, 2000.**

The CERCLIS database is a comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated, or are currently under investigation by the U.S. EPA for the release, or threatened release of hazardous substances. Once a site is placed in CERCLIS, it may be subjected to several levels of review and evaluation, and ultimately placed on the National Priorities List (NPL).

**NFRAP**  
**SRC#: 18** VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for No Further Remedial Action Planned was April, 2000.**

The No Further Remedial Action Planned Report (NFRAP), also known as the CERCLIS Archive, contains information pertaining to sites which have been removed from the U.S. EPA's CERCLIS database. NFRAP sites may be sites where, following an initial investigation, either no contamination was found, contamination was removed quickly without need for the site to be placed on the NPL, or the contamination was not serious enough to require federal Superfund action or NPL consideration.

**CORRACTS**  
**SRC#: 14** VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for RCRIS Corrective Action Sites was March, 2000.**

The CORRACTS database contains information concerning RCRA facilities that have conducted, or are currently conducting a corrective action. A Corrective Action Order is issued pursuant to RCRA Section 3008 (h) when there has been a release of hazardous waste or constituents into the environment from a RCRA facility. Corrective actions may also be imposed as a requirement of receiving and maintaining a TSD permit.





ERNS  
SRC#: 8

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Emergency Response Notification System was August, 1999.**

ERNS is a national computer database system that is used to store information on the sudden and/or accidental release of hazardous substances, including petroleum, into the environment. The ERNS reporting system contains preliminary information on specific releases, including the spill location, the substance released, and the responsible party.

RCRIS-TSD  
SRC#: 12

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for RCRIS Treatment, Storage and Disposal Facilities was March, 2000.**

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA TSDs are facilities which treat, store and/or dispose of hazardous waste.

RCRIS-TSDC  
SRC#: 556

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for RCRIS TSDs Subject to Corrective Action was March, 2000.**

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA TSDCs are treatment, storage and/or disposal facilities that are subject to corrective action under RCRA.

RCRA-LQG  
SRC#: 16

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for RCRIS Large Quantity Generators was March, 2000.**

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Large Generators are facilities which generate at least 1000 kg./month of non-acutely hazardous waste (or 1 kg./month of acutely hazardous waste).

RCRIS-SQG  
SRC#: 15

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for RCRIS Small Quantity Generators was March, 2000.**

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Small Quantity Generators are facilities which generate less than 1000 kg./month of non-acutely hazardous waste.



**RCRIS-VIOL**  
**SRC#: 11**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for RCRIS Facilities with Violations was March, 2000.**

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. The RCRIS Other report contains information concerning facilities that are "unclassified" within the RCRIS database (not classified as a Large Quantity Generator, Transporter, etc.).

**SWLF**  
**SRC#: 23**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for USGS Solid Waste Landfills was December, 1991.**

This database is provided by the United States Geological Survey. The agency may be contacted at: 703-648-5613.

**SWLF**  
**SRC#: 495**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Closed Solid Waste Disposal Sites was May, 2000.**

This database is provided by the Department of Environmental Health, Bureau of Solid and Hazardous Waste. The agency may be contacted at: 801-538-6170.

**SWLF**  
**SRC#: 496**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Landfill Inventory was May, 2000.**

This database is provided by the Department of Environmental Health, Bureau of Solid and Hazardous Waste. The agency may be contacted at: 801-538-6170.

**SWLF-CO**  
**SRC#: 493**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Salt Lake County Inventory of Land Disposal Sites was February, 1999.**

This database is provided by the Department of Health, Bureau of Solid and Hazardous Waste. The agency may be contacted at: 801-538-6170. This database contains information from the: A search of this database revealed the following facilities located in the zip code searched. Also included are sites with incomplete addresses reported to be located in the city searched. If no city name has been reported, the county name was used.

**SPILLS**  
**SRC#: 498**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Hazardous Spills was July, 2000.**

This database is provided by the Department of Environmental Health. The agency may be contacted at: 801-536-4113.





**LUST**  
**SRC#: 499**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Leaking Underground Storage Tanks was June, 2000.**

This database is provided by the Dept. of Environmental Health, Division of Environmental Response Remediation. The agency may be contacted at: 801-536-4100.

**UST**  
**SRC#: 500**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Underground Storage Tanks was June, 2000.**

This database is provided by the Department of Environmental Health. The agency may be contacted at: 801-536-4100. Be advised that some states do not require registration of heating oil tanks, especially those used for residential purposes.

**TRIS**  
**SRC#: 2**

VISTA conducts a database search to identify all sites within 1 mile of your property.  
**The agency release date for Toxic Release Inventory System was January, 1998.**

All facilities that manufacture, process, or import toxic chemicals in quantities in excess of 25,000 pounds per year are required to register with the EPA under Section 313 of the Superfund Amendments and Reauthorization Act (SARA Title III) of 1986. Data contained in the TRIS system covers approximately 20,000 sites and 75,000 chemical releases.

End of Report

