

APPENDIX A

ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT

Richardson Flat Tailings Site Park City, Utah
Operable Units 2 and 3

Statement of Work for Development

General Expectations

1. This Statement of Work (SOW) sets forth the procedures and requirements for implementing the Work contained herein.
2. All Work shall be completed in a manner consistent with federal, state, and local regulations.
3. All data collection activities (characterization or confirmation) shall be conducted pursuant to an approved Quality Assurance Project Plan (QAPP), which defines the environmental data collection procedures. All developed QAPPs shall be consistent with “EPA Requirements for Quality Assurance Project Plans (QA/R5),” EPA/240/B-01/003, March 2001 (reissued May 2006), “Guidance for Quality Assurance Project Plans (QA/G-5),” EPA/240/R-02/009 (December 2002), and “Uniform Federal Policy for Quality Assurance Project Plans, Parts 1-3,” EPA/505/B-04/900A-900C (March 2005).
4. Subject to location and project specific criteria, which should be presented and discussed in a project specific scoping meeting and documented in a QAPP, to be submitted for review and approval by EPA, the following general considerations will need to be incorporated during potential assessment actions:
 - a. Initial property characterization (sampling) shall include decision units on the property not to exceed 0.25 acres.
 - b. Each decision unit, at a minimum, will have a five point composite sample collected from a depth of 0-6 inches. Each subsample will be collected from five separate and distinct locations within each decision unit.
 - c. Identified areas of exposed tailings or features, such as ditches, that are predominantly different than the rest of the property shall be a different decision unit(s).
 - d. Where appropriate, a biased subset of decision units will have one depth-profiling sample collected from three depths: 0 to 6 inches, 6 to 12 and 12 to 18 inches. Preference will be given to bias the sample locations to areas in each decision unit that may have greater impacted material (e.g. tailings or soils).
 - e. All characterization and confirmation samples will be analyzed for the list of targeted metals plus Mercury using CLP Method ISM02.4, or other appropriate

EPA methodology, that allows for comparison with applicable land use action values, as described in paragraphs 9, 10 and 11.

5. Prior to or during any development, Settling Party should use all reasonable attempts to segregate clean material (e.g. soils compliant with applicable land use action levels) from impacted material during the response action. If off-site disposal is necessary for any materials (e.g. soils, tailings), Settling Party shall characterize the material sufficiently in accordance with the receiving facility's requirements and applicable state and local regulations.
6. After or in conjunction with characterization reporting, necessary soil management actions should be proposed in a response action and soil management plan (to be reviewed and approved prior to implementation), which should consider the following items, subject to location and project specific criteria:
 - a. The current site specific, interim residential land use action levels are 19 mg/kg arsenic and 260 mg/kg lead.
 - b. Land use action levels for non-residential land uses will be assessed by EPA, in coordination with DEQ, on a case by case basis. At the discretion of the Settling Party, the Settling Party may elect to respond using residential land use action levels regardless of actual proposed use and forgo development of non-residential use action levels.
 - c. Identified tailings material with concentrations that exceed the applicable land use action levels or exceeding the applicable Toxic Characteristic Leaching Procedure (TCLP) criteria shall be excavated, consolidated, sampled, managed, transported, and disposed of at an appropriate Treatment, Storage and Disposal Facility (TSDF) in compliance with all applicable regulations.
 - d. Soils with concentrations that exceed the applicable TCLP criteria shall be properly segregated and disposed of at an appropriate TSDF in compliance with all applicable regulations.
 - e. Soils with concentrations that exceed the applicable land use action levels but do not exceed applicable TCLP criteria can be managed one of two ways:
 - i. encapsulate the soils on site under an engineered cap or soil cover, incorporating a delineation barrier along with at least 18 inches of soil that is compliant with the applicable land use action level. A long-term site maintenance or management plan will be required to ensure the integrity of the cover/cap and to ensure soils are managed if excavated in the future; or
 - ii. properly segregate and dispose soils at an appropriate TSDF in compliance with all applicable regulations.
 - f. Engineered Caps and Covers may include (but are not limited to): (a) asphalt, cement or other impervious material; or (b) at least 18 inches of soil compliant with all applicable land use action levels.
 - g. For decision units where excavation work occurs, including, but not limited to underground utility corridors, basement or foundation work:
 - i. If the subject decision unit where the excavation work occurs and all contiguous decision units have soil concentrations below the subject

decision unit's applicable land use action level, no additional characterization is needed.

- ii. If the subject decision unit or any contiguous decision unit have soil concentrations above the subject decision unit's applicable land use action level:
 1. During excavation, excavated soils should be characterized and if greater than the subject decision unit's applicable land use action level, segregated, managed, transported and disposed in an appropriate TSDf in compliance with all applicable regulations.
 2. Once the full excavation depth has been attained, soils representing the floor and walls of the excavated areas or soils to remain accessible at the surface should be characterized. If concentrations remain above the applicable land use action levels, backfilling shall incorporate a delineation barrier along with at least 18 inches of soil that is compliant with the applicable land use action level. A long-term site maintenance or management plan will be required to ensure the integrity of the cover/cap and to ensure soils are managed if excavated in the future.

7. The following steps are necessary for areas where soils exceeding applicable land use action levels are consolidated, and covered or capped in place, pursuant to a response action plan:
 - a. Confirmation sampling to verify that cover soils comply with the applicable land use action levels. The results of the confirmation sampling will be included in a post response action report.
 - b. A site management plan will be required to ensure the cover or cap is maintained and to ensure adequate controls exist to address management of soils due to future erosion or excavation that occurs in the covered or capped areas.
8. Settling Party shall file the Environmental Covenant on the Property in accordance with the AOC. In the event that Settling Party elects to develop groundwater resources on the Property, or take any action not otherwise specified in this SOW or the AOC, Settling Party shall work with UDEQ to amend the covenant as necessary.

Characterization Activities

9. Within sixty (60) days after the Effective Date in the AOC, Settling Party shall submit a development plan that identifies the anticipated use of the Property and areas within the Property that will be disturbed during the future development.
 - a. In accordance with the Summit County Snyderville Basin General Plan and Federal Emergency Management Agency flood plain maps, no areas identified in a wetland or floodplain may be developed or disturbed and Settling Party is not required to characterize or remediate any such portions of the Property as part of this Scope of Work or in conjunction with the AOC.

- 10.** In conjunction with submitting a development plan, Settling Party shall convene a scoping meeting with EPA and DEQ to discuss the assessment and management considerations for potentially mining impacted material, for the full scope of the Property.
- 11.** Within 30 days after the scoping meeting, Settling Party shall submit a QAPP for initial assessment activities to the Agencies for review and approval, in accordance with the AOC.
- 12.** Within thirty (30) days after the scoping meeting, Settling Party shall submit a Health and Safety Plan that ensures the protection of the public health and safety during on-site Work to the Agencies for review and comment. The plan shall be prepared in accordance with EPA's Standard Operating Safety Guide (PUB 9285.1-03, PB 92-963414, June 1992). In addition, the plan shall comply with all applicable Occupational Safety and Health Administration (OSHA) regulations, including 29 C.F.R. Part 1910.
- 13.** After a QAPP has been approved by the Agencies, Settling Party shall provide written notice to the Agencies regarding sampling activities at least 10 days prior to field work. This notice should include a description of anticipated work days, work times, and number of field personnel.
- 14.** Within 90 days after data collection activity, Settling Party shall submit a report (which may be stand-alone or combined with the response action and soil management plan) for Agencies review and approval, in accordance with the AOC. At minimum, a report on the analytical results shall include:
 - a. Description of the sampling investigation(s) performed;
 - b. Deviations from the approved SAP and QAPP;
 - c. Summary of sampling results;
 - d. Narrative interpretation of data and results;
 - e. Summary of validated data (i.e., tables and graphics);
 - f. Data validation reports and laboratory data reports;
 - g. Results of any pertinent statistical and modeling analyses;
 - h. Photographs documenting the sampling action;
 - i. Sampling conclusions; and
 - j. Other facts pertinent to the Work.

Response Action

- 15.** Within 90 days of completing an initial site characterization, if the characterization informs that certain soils require management prior to or during development, Settling Party shall submit, for Agencies review and approval, pursuant to the AOC, a response

action and soil management plan delineating the response actions that will be taken to manage soils exceeding applicable land use action levels.

- a. The response action/soil management plan will include a QAPP for post response action confirmation sampling.
- 16.** Settling Party shall implement the actions included in an approved response action and soil management plan.
 - 17.** Settling Party shall provide written notice to the Agencies regarding response activities at least 10 days prior to taking a response action. This notice should include a description of anticipated work, the anticipated start date and anticipated duration.
 - 18.** Settling Party shall provide written notice to the Agencies that a response action is completed no later than 3 days after completion, in addition to any notification requirements as directed within the response action and soil management plan.
 - 19.** At any time prior to, but no later than, 30 days after completing a response action where material with soil concentrations greater than an applicable land use action level is managed on site and in part left on site at depth or at the surface, the Settling Party shall implement the QAPP for confirmation sampling prior to constructing any caps/covers.

Post Response Action Confirmation, Reporting, and Institutional Control

- 20.** Within 30 days after response actions are complete, or within 90 days if confirmation sampling is conducted, Settling Party shall submit, for Agencies review and approval, a post response action completion report including (but not limited to):
 - a. Detailed description of all aspects of soil and water management tasks,
 - b. All relevant analytical records,
 - c. Confirmation sampling results, if applicable.
 - d. Description of soil management,
 - e. Description of soil disposal activities, volumes, and locations,
 - f. Description of water management,
 - g. Geo-referenced as-built drawings (or electronic GIS files),
 - i. The as-built drawings should indicate locations of temporary or permanent above ground and below ground structures, areas of soil excavation, backfill, and cover materials and other similar features.
 - h. Description and figures documenting the location of material in exceedance of the overall applicable land use action levels, and

- i. A plan for any required maintenance activities for areas with material in excess of the applicable land use action levels.

- 21.** Upon completion of development, for any areas where a soil cover or engineered cap are installed, and underlying contamination remains at levels above applicable land use action levels, Settling Party shall provide to the Agencies for review and approval, pursuant to the AOC, a site management plan which the Settling Party will implement or ensure is implemented, to maintain the cover/cap and Settling Party shall coordinate with the Agencies to amend the environmental covenant to require land use restrictions to preserve and maintain such soil cover or engineered cap.
 - a. The site management plan will ensure adequate controls exist to address any soil management needed due to future erosion or excavation that occurs in the covered or capped areas.

