

CURTIS R. WARD, P.C.

A Professional Corporation
Attorneys & Counselors
800 McIntyre Building
68 South Main Street
Salt Lake City, Utah 84101

Janelle Eurick Bauer
Phone : (801) 258-9805
Email : jbauer@crwpc.com

October 14, 2025

Ray Crosby
941 Hobble Creek Canyon
Springville, Utah 84663

**RE: Response to Inquiry Regarding Silver Pointe Estates
Voluntary Cleanup Program (VCP) Site (VCP-Co53), Leeds,
Utah**

Mr. Crosby:

I am writing on behalf of Silver Reef Investment Holdings, LLC (SRIH) in response to your formal inquiry addressed to the Leeds Town Council regarding the voluntary cleanup at the Silver Pointe Estates development, now known as The Cove at Silver Reef, identified as the Silver Pointe Voluntary Cleanup Program (VCP) site, VCP-Co53. The cleanup of this site is managed under the Utah Department of Environmental Quality's (UDEQ) Voluntary Cleanup Program, administered by the Division of Environmental Response and Remediation (DERR).

As you are aware, SRIH now owns the property associated with VCP-053. The property has a history of mining and mineral processing (silver and uranium) dating back to the late 1800s with this specific area used for mining related activities in the 1950's. This mining resulted in legacy contamination that was not cleaned up by the responsible parties who conducted the mining activities. The predecessor in interest to SRIH entered into a VCP Agreement to assess and remediate this contamination prior to developing the site for residential use. Based on UDEQ/DERR records and the VCP process, please see the following clarifications regarding your concerns raised in the August 7, 2025 letter to the Town Council which was given to SRIH representatives during the October 8, 2025 Town Council meeting:

Safety Concerns:

Remediation of the SRIH property was conducted under the oversight of UDEQ/DERR. The program's goal is to ensure the property is remediated to meet all applicable State and Federal standards for its intended future use, which in this case is residential development. The site, identified as Silver Pointe (VCP-Co53, 143.36 acres), received a Certificate of Completion (COC) from UDEQ/DERR on August 20, 2024, signifying that the site cleanup was completed according to the approved plan.

The repository or consolidation area you describe is a common component of a cleanup remedy where contaminated soils are excavated and consolidated in a designated, managed on-site location, and then capped with clean soil to prevent direct contact and control contaminant migration to neighboring properties. To do so, the repository was protected with an impermeable liner on the eastern interior slope and an upper clay liner designed by EarthFax Engineering and described in detail in the Remedial Action Plan, available on the UDEQ website. See <https://lf-public.deq.utah.gov/WebLink/Browse.aspx?id=13530&dbid=0&repo=Public>

The details of its construction, placement, and engineering controls, including those for safety and drainage, are specified in a UDEQ-approved Site Management Plan (SMP) which is also available at the above link. The intent of this design is to eliminate both onsite and offsite human exposure to the contaminants like radium, uranium, lead, arsenic, and mercury. The remediation resulted in a much safer environment for Leeds residents and neighboring property owners.

Zoning Concerns:

The Cove development site is zoned for residential development. As discussed above, the remediation was specifically designed and executed to achieve cleanup levels safe for this land use. Furthermore, an Environmental Covenant (EC) has been implemented for the property. This is a legally binding institutional control that requires all future property owners (including the Community Association) to comply with the Site Management Plan (SMP). If the owner or the Community Association fails to comply with the EC, the UDEQ may enforce the compliance. In addition, SRIH's proposed Master Development Agreement, which is currently being negotiated with the Town, proposes additional financial security for ongoing maintenance and inspection of the consolidation area should the Community Association fail to meet its responsibilities in maintaining or completing annual inspections.

Location Concerns:

With regard to the location of the repository, municipal zoning ordinances govern setbacks for structures, the placement of the consolidation area is governed by the technical and protective requirements outlined in the UDEQ-approved SMP, which is focused on engineering controls and public health protection. The location was chosen because it was relatively flat and the area is isolated from future development lots. It is also an area that is not affected by stormwater runoff. A survey of the SRIH property was conducted and the repository was located approximately 5-feet from your property boundary as approved in the SMP. The Town and Town Council were at all times informed of the remediation plan and location of the repository before it was utilized and several Town Council meetings were held to discuss the same. Specifically, the remediation plan was presented to the Town Council on June 24, 2009 and again on December 8, 2010 by Rick Sant and UDEQ. In addition, as the cleanup was progressing, Rick Sant and UDEQ held another meeting with the Town Council November 13, 2013. The meeting minutes and agendas of these meetings are available at the Town offices and also on the State of Utah Public Notices website. See

<https://www.utah.gov/pmn/index.html>

The UDEQ also held a public comment period on the Silver Pointe Estates Remedial Action Plan, which was advertised in the Spectrum, a St. George Newspaper, beginning on December 3 and 4, 2010. In addition, all adjacent landowners were notified by the Utah Division of Environmental Response and Remediation as stated in the attached letter from David Bird, the Project Manager of this Voluntary Cleanup Project for UDERR.

We recommend that you obtain a copy of the Certificate of Completion and the Site Management Plan (SMP) for Silver Pointe (VCP-C053) from the Division of Environmental Response and Remediation to fully understand the engineering controls, long-term monitoring requirements, and legal obligations designed to ensure the site's safety. These documents are publicly available on the UDEQ website. See <https://lf-public.deq.utah.gov/WebLink/Browse.aspx?id=13530&dbid=0&repo=Public>

Property Values:

A review of federal superfund information for similarly remediated properties in Utah provides information as to the effect of the remediation to property values and the economy of the areas where the properties are located. It appears that the effect of remediation efforts is more than favorable. See <https://www.epa.gov/superfund-redevelopment/superfund-sites-reuse-utah>. In this case, participation in the VCP Program allows the SRIH property to be developed and eliminates the risk of exposure to the legacy contamination that was left onsite for more than 60 years. SRIH has also proposed to bring amenities to the area as well, benefitting neighboring properties, which include sewer, roads, public trails, and protected open space areas.

In addition, because of SRIH's efforts to remediate the property and receive a Certificate of Completion, you, as a contiguous property owner, may request that the Executive Director of UDEQ issue "enforceable written assurances," which prohibit an enforcement action against you related to the cleanup and remediation on the SRIH property. See Utah Code Ann. §19-8-113(4).

Relocation of Repository:

Finally, SRIH has no intention of disturbing or relocating the consolidation area and it will continue to be managed under the direction of the SMP and UDEQ. As designed, the repository will withstand severe weather events and is subject to continuing UDEQ oversite and inspections, as well as ongoing maintenance obligations by the owner. As stated above, consolidation areas are commonly used and exist in other properties subject to both voluntary and federally compelled cleanup efforts, such as the Murray Smelter site, now home to the Intermountain Medical Center.

If you have any further concerns, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "J Bauer".

Janelle Eurick Bauer

Cc: Town of Leeds
Bruce Baird esq.
Gary Crocker