

Kennecott Utah Copper's South End Removed from the National Priorities List

1. Q. What is the Superfund Program and how does it work?

A. Through the Superfund program, the Environmental Protection Agency (EPA) can place contaminated land on the National Priorities List for clean up. If the responsible parties fail to clean up the sites, the government pays to clean up this land and then goes after the parties who were potentially responsible for contaminating them to recover the costs of the clean up. Kennecott's collaborative approach with the EPA and Utah Department of Environmental Quality (UDEQ) meant the cleanup on the South End of our operations was completed faster and more efficiently than through the traditional Superfund process. It also allowed most of the money that Kennecott was committed to expending to go towards the actual cleanup as opposed to administrative or legal costs.

2. Q. Why wasn't Kennecott's South Zone ever listed on the Superfund list?

A. In September 1995, the UDEQ, EPA and Kennecott Utah Copper entered into a Memorandum of Understanding (MOU) agreeing that upon Kennecott's completion of the cleanup projects, the EPA agreed to take no further action related to the final listing of the sites. KUC accelerated the cleanup and has spent more than \$400 million cleaning up sites on the South and North Zones.

3. Q. What is the significance of the Kennecott site being removed (deproposed) from the proposed Superfund list?

A. What this means to the community is a cleaner and healthier environment as a result of more than a decade of soil and groundwater clean up that has eliminated or substantially reduced risk to human health and the environment. It also removes the stigma that can be associated with being named a Superfund site. Kennecott was able to direct clean up money quickly to the actual cleanup rather than to administrative and legal costs.

4. Q. How much did Kennecott spend on the clean up?

A. Since we began the clean up in the early 1990s, Rio Tinto/Kennecott has spent more than \$400 million cleaning up sites on the South and North Ends of our operations.

5. Q. Does this deproposal mean that all clean up of land and water on your property is finished?

A. Kennecott has completed cleanup of contaminated soil on both the South and North Ends (except for areas that are within the footprint of active facilities and the Bingham-Magna Ditch, which is outside the agreement). Kennecott will be cleaning up and monitoring groundwater on the South End for many decades

and has posted financial assurance with EPA to guarantee that this work gets done. More detailed information can be found in the report, *Reclaiming the environment from a century of mining: A status report on the Last Century Program*. This report is available at www.kennecott.com

6. Q. Why would it have been such a bad thing for Kennecott to be listed on a Superfund List?

A. The Superfund process is a government program that was meant to address the clean up of abandoned land – not operating facilities like Kennecott Utah Copper. The process is slow, costly and cumbersome. It also carries with it a stigma which could be detrimental to both company and community. All cleanup activities were still under regulatory oversight.

7. Q. You say Kennecott has shown leadership in this clean up, but wouldn't the company have to do it anyway?

A. Yes, that's true. But Kennecott knew it could work with government agencies to get the work done more efficiently and avoid the stigma and high cost often associated with the Superfund program. In 1991, Kennecott approached the EPA and the State of Utah with a proposal for an accelerated cleanup program. Under this agreement, Kennecott would be willing to continue and complete the cleanup of lands tainted by mining, rather than wait for a Superfund listing. At the time, Kennecott's proposal was groundbreaking.

8. Q. The Bingham-Magna Ditch was not included in the original cleanup under this accelerated agreement. How do you know you don't have other clean up problems out there that you don't know about?

A. Mining has been on-going in the Oquirrh Mountains for more than 150 years. Kennecott has evaluated more than 300 historic sites to determine where action is needed. Despite this thorough effort, it is possible that new areas may yet be discovered. Kennecott is committed to making sure that there are no sites on the property that pose a risk to human health or to the environment and will work to properly address any newly-discovered sites.

9. Q. Was there any risk to human health from any of these clean up sites?

A. Kennecott does not believe there were any health risks associated with these clean up sites. Kennecott clean ups have addressed soil with lead and arsenic greater than level the EPA considers safe for every-day lifetime exposure. Groundwater clean up is addressing water with levels of metals and sulfate greater than is allowed in drinking water.

10. Q. Does the deproposal mean Kennecott can never be proposed for listing on the Superfund list again?

A. The deproposal means that the EPA is certain that the sites that have been cleaned up either pose no risk to human health or the environment or, as is the

case with groundwater, is being adequately controlled and cleaned up. The EPA would not have a need to re-propose these areas for clean up.

11. Q. The deproposal only includes the South End. What is happening at the North End?

A. EPA is removing the South End from the Superfund National Priorities List because soil clean ups have been completed and there is a consent decree and financial assurance in place to address groundwater remediation and monitoring, which is expected to take decades. At the North End, there is a similar situation where soil clean up is complete, but remediation of groundwater is expected to take some time. Kennecott is working with the EPA to put a North End consent decree in place, after which the North End can also be removed from the Superfund list.