

**Division of Water Quality
Utah Department of Environmental Quality
Request for Public Comment**

Purpose of Public Comment

The Utah Department of Environmental Quality is soliciting comments on a draft Stipulation and Consent Order (SCO) to resolve a Notice of Violation and Compliance Order (NOV/CO, Docket No. UGW11-09) described below under authority of the Utah Water Quality Act, Utah Code Ann. §§ 19-5-101 to 19-5-123 including sections 19-5-104, 19-5-106, 19-5-111 and 19-5-115, and in accordance with Utah Administrative Procedures Act, Utah Code Ann. §§ 63G-4-101 to 63G-4-601.

Site Information

Responsible Party Name: Kennecott Utah Copper LLC (KUC)

Facility Location: Salt Lake County, Utah

Three discharges of tailings occurred in three consecutive months from KUC's tailings pipeline. The discharges occurred on July 25, 2011, August 30, 2011, and September 19, 2011, respectively. All three releases occurred at or near Drop Box A.25 and impacted an unnamed dry wash, which is interrupted downgradient by a gravel operation, dryland farming, and residential development. The subject tailings spills were retained entirely on KUC property. On October 12, 2011, the Executive Secretary of the Utah Water Quality Board issued the referenced NOV/CO to KUC ordering the company to provide a detailed written submission, for each occurrence, describing:

- The root cause of the unauthorized discharges;
- An assessment of the nature and extent of the unauthorized discharges;
- Corrective actions that have been or will be taken for the unauthorized discharges;
- Steps that will be taken to prevent reoccurrence of the unauthorized discharges; and
- Modifications to Appendix A of the KUC Permit to ensure prompt and complete reporting of spills and corrective actions which KUC must undertake in the event of any future spills.

KUC has submitted the required information and the parties have agreed to resolve the NOV by entering into a SCO.

Public Comments

The public is invited to review and comment on the SCO. At the conclusion of the comment period, the SCO will either be finalized as presented or modified, based on public feedback.

Public comments are invited any time prior to **Tuesday, January 22, 2013**. Written comments may be directed to the Division of Water Quality, P.O. Box 144870, Salt Lake City, UT 84114-4870. All comments received prior to **Tuesday, January 22, 2013**, will be considered in the formulation of final SCO. A public hearing may be held if written requests are received within the first 15 days of this Public comment period that demonstrate significant public interest and substantive issues exist to warrant holding a hearing.

Additional Information

The SCO is available for review online at: <http://www.waterquality.utah.gov/PublicNotices/index.htm>

Related documents are available for review during normal business hours at the Division of Water Quality, 195 N. 1950 W., Salt Lake City. Additional information may be obtained upon request by calling Dan Hall at (801) 536-4300 or by writing the aforementioned address.

In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Dana Powers, Office of Human Resources at (801) 536-4413 (TDD 536-4414).