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FILED IN UNITED STATES DISTRICT  
COURT, DISTRICT OF UTAH

JUL 09 2007

BY D. MARK JONES, CLERK  
DEPUTY CLERK

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*Attorneys for the State of Utah*

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

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UNITED STATES OF AMERICA, and  
STATE OF UTAH,

*Plaintiffs,*

vs.

KENNECOTT UTAH COPPER  
CORPORATION,

*Defendant.*

Case: 2:07cv00485  
Assigned To : Kimball, Dale A.  
Assign. Date : 7/9/2007  
Description: USA et al v. Kennecott  
Utah Copper

**NOTICE OF LODGING OF  
PROPOSED CONSENT  
DECREE**

The United States of America and the State of Utah hereby give notice of the lodging of a proposed Consent Decree (“Decree”) (copy attached as Exhibit A) which would resolve claims by the United States and the State against Defendant Kennecott Utah Copper Corporation (“KUCC”) with regard to the cleanup of contaminated groundwater at a portion of the so-called Kennecott South Zone Site located in Salt Lake County, Utah.

1. The United States, on behalf of the U. S. Environmental Protection Agency (“EPA”), and the State, on behalf of the Utah Department of Environmental Quality (“UDEQ”), have filed a Complaint for claims by the United States pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§ 9606 and 9607, and for related claims by the State pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, and the Utah Hazardous Substances Mitigation Act, UCA Section 19-6-301 et seq., or UCA Section 19-6-115 of the Utah Solid and Hazardous Waste Act.

2. The Complaint seeks the performance of response actions by KUCC in connection with the cleanup of contaminated groundwater being addressed as part of Operable Unit 2 (“OU2”) of the Kennecott South Zone Site located in Salt Lake County, Utah, and the reimbursement of related response costs incurred or to be incurred by the United States as well as a declaration of KUCC’s liability for future response costs that UDEQ may incur in the future in overseeing KUCC’s performance of response actions.

3. By way of this Notice the United States and the State notify the Court that the proposed Decree has been lodged in this matter. The Decree, upon approval and entry by the Court, would resolve the United States’ and the State’s claims against KUCC concerning the matters addressed in the Complaint.

4. The United States and the State request that Court not approve or sign the Decree at this time. Instead, the Decree should remain lodged with the Court while the United States provides an opportunity for public comment in accordance with CERCLA Section 122(d)(2), 42 U.S.C. § 9622(d)(2), and the policy of the Department of Justice, 28 C.F.R. Part 50.7.

5. Pursuant to 28 C.F.R. § 50.7, notice of the filing of this proposed Consent Decree will be published in the Federal Register to commence a thirty (30) day period for public comment. If the United States receives any public comments, it will consider and file with the Court any written comments on the proposed Consent Decree along with its response to such comments. In accordance with 28 C.F.R. § 50.7 the United States may withdraw or withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, improper, or inadequate. The State of Utah will coordinate with the United States in this procedure, and pursuant to the provisions of the proposed Consent Decree may withdraw or withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is inappropriate, improper, or inadequate.

6. Thus, at the conclusion of the thirty day public comment period, the United States and the State will either notify the Court of their withdrawal of consent to the proposed Consent Decree, or respond to the comments and move this Court to sign and enter the proposed Consent Decree.


Respectfully submitted,

RONALD J. TENPAS  
Acting Assistant Attorney General  
Environment and Natural Resources Division



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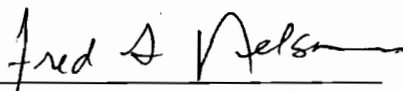
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## CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2007, a copy of the Complaint, Notice of Lodging (including proposed Consent Decree) and Motion for Pro Hac Vice Admission for Jerry Ellington was served on the following persons by the following means:

- CM/ECF
- Hand Delivery
- Mail
- Overnight Delivery Service
- Fax
- E-Mail

1. Clerk, U.S. District Court
2. Fred Nelson  
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3. Kenneth R. Barrett  
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