



State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

Department of  
Environmental Quality

L. Scott Baird  
*Executive Director*

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL

Ty L. Howard  
*Director*

November 5, 2020

Cassady Kristensen  
Environmental Business Partner  
Rio Tinto Kennecott  
4700 Daybreak Parkway  
South Jordan, UT 84009

RE: Kennecott Utah Copper Tailings Impoundment Refuse Class IIIb Landfill Permit

Dear Ms. Kristensen:

The Division of Waste Management and Radiation Control (Division) has completed its review of the application to permit the Rio Tinto Kennecott Utah Copper Tailings Impoundment Refuse Class IIIb Landfill located on the Rio Tinto Kennecott Tailings Impoundment facility in Salt Lake County, Utah.

Enclosed with this letter is the approved Permit Number 1905 and applicable attachments from portions of the application. The Permit approval and expiration dates are shown on the permit cover page.

Also, the Statement of Basis for this permit (DSHW-2020-014707) is included with the permit.

If you have any questions, please call Doug Taylor at (801) 536-0240.

Sincerely,

Ty L. Howard, Director  
Division of Waste Management and Radiation Control

(Over)

TLH/DT/ar

Enclosures: Permit (DSHW-2020-004084)  
Attachment #1 - Landfill Design (DSHW-2020-004510)  
Attachment #2 – Operation Plan (DSHW- 2020-004512)  
Attachment #3 – Closure and Post-Closure Plan (DSHW-2020-004514)  
Statement of Basis (DSHW-2020-014707)

c: Gary Edwards, MS, Health Officer, Salt Lake County Health Dept.  
Dorothy Adams, Deputy Director, Salt Lake County Health Dept.  
Royal DeLegge, MPA, EHS, Environmental Health Director, Salt Lake County Health Dept.  
Ryan Evans, Rio Tinto Kennecott Utah Copper, LLC, Environmental Partner

DIVISION OF WASTE MANAGEMENT  
AND RADIATION CONTROL  
SOLID WASTE LANDFILL PERMIT

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**Kennecott Utah Copper Tailings Impoundment Refuse Class IIIb  
Landfill**

Pursuant to *Utah Solid and Hazardous Waste Act*, Title 19, Chapter 6, Part 1, Utah Code Annotated (Utah Code Ann.) (the Act) and the *Utah Solid Waste Permitting and Management Rules*, Utah Administrative Code R315-301 through 320 adopted thereunder, a Permit is issued to:

Kennecott Utah Copper LLC, as owner and operator, (Permittee)

to operate the Kennecott Utah Copper Tailing Impoundment Refuse Class IIIb landfill located within the Kennecott Utah Copper property described below, in Salt Lake County, Utah.

The Permittee is subject to the requirements of R315-301 through 320 of the Utah Administrative Code and the requirements set forth herein.

All references to R315-301 through 320 of the Utah Administrative Code are to regulations that are in effect on the date that this permit becomes effective.

This Permit shall become effective November 5, 2020.

This Permit shall expire at midnight November 4, 2030.

Closure Cost Revision Date: November 5, 2025.

Signed this 5th day of November 5, 2020.



\_\_\_\_\_  
Ty L. Howard, Director  
Utah Division of Waste Management and Radiation Control

**FACILITY OWNER/OPERATOR INFORMATION**

LANDFILL NAME: Kennecott Utah Copper Tailings Impoundment Refuse  
Class IIIb Landfill

OWNER NAME: Kennecott Utah Copper LLC

OWNER ADDRESS: 4700 Daybreak Parkway  
South Jordan, Utah 84009

OWNER PHONE NO.: 801-204-2000

OPERATOR NAME: Kennecott Utah Copper LLC

OPERATOR ADDRESS: 11984 West Highway 202  
Magna, Utah 84044

OPERATOR PHONE NO.: 801-204-2000

TYPE OF PERMIT: Class IIIb Landfill

PERMIT NUMBER: 1905

LOCATIONS: The Tailings Impoundment Refuse Landfill (SW166) is located in Township 1 S, Range 3 West, Section 24, Salt Lake Base Meridian (SLBM), Salt Lake County, Lat. 40° 44' 18" N, Long. 112° 9' 26" W.

PERMIT HISTORY This permit is effective upon the date shown on the signature page.

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The term, "Permit," as used in this document is defined in R315-301-2(55) of the Utah Administrative Code. Director as used throughout this permit refers to the Director of the Division of Waste Management and Radiation Control.

This Permit consists of the signature page, Facility Owner/Operator Information section, sections I through IV, and all attachments to this Permit.

The facility as described in this Permit consists of the Tailings Impoundment Refuse Landfill., Compliance with this Permit does not constitute a defense to actions brought under any other local, state, or federal laws. This Permit does not exempt the Permittee from obtaining any other local, state or federal permits or approvals required for the facility operation.

The issuance of this Permit does not convey any property rights, other than the rights inherent in this Permit, in either real or personal property, or any exclusive privileges other than those inherent in this Permit. Nor does this Permit authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations, including zoning ordinances.

The provisions of this Permit are severable. If any provision of this Permit is held invalid for any reason, the remaining provisions shall remain in full force and effect. If the application of any provision of this Permit to any circumstance is held invalid, its application to other circumstances shall not be affected.

By this Permit, the Permittee is subject to the following conditions

# PERMIT REQUIREMENTS

## I. GENERAL COMPLIANCE RESPONSIBILITIES

### I.A. General Operation

I.A.1. The Permittee shall operate the landfill in accordance with all applicable requirements of R315-304 of the Utah Administrative Code, that are in effect as of the date of this Permit unless otherwise noted in this Permit. Any permit noncompliance or noncompliance with any applicable portions of Utah Code Ann. § 19-6-101 through 125 and applicable portions of R315-301 through 320 of the Utah Administrative Code constitutes a violation of the Permit or applicable statute or rule and is grounds for appropriate enforcement action, permit revocation, modification, or denial of a permit renewal application.

### I.B. Acceptable Waste

This permit is for disposal of nonhazardous industrial waste, as defined in R315-301-2(35) of the Utah Administrative Code, generated by Kennecott Utah Copper and as described in the permit application.

### I.C. Prohibited Waste

I.C.1. PCB's as defined by R315-301-2(53) of the Utah Administrative Code, except PCB's specified by R315-315-7(2)(a) and (c) of the Utah Administrative Code;

I.C.2. Household waste;

I.C.3. Municipal waste;

I.C.4. Special waste except as specified in this Permit;

I.C.5. Commercial waste; and

I.C.6. Containers larger than household size (five gallons) holding any liquid, non-containerized material containing free liquids or any waste containing free liquids in containers larger than five gallons.

I.C.7. Hazardous waste as defined by R315-261-3 of the Utah Administrative Code, except waste specified by R315-303-4(7)(a)(i)(B) of the Utah Administrative Code;

I.C.8. Regulated asbestos-containing material.

I.C.9. Any prohibited waste received and accepted for disposal at the facility shall constitute a violation of this Permit, of Utah Code Ann. § 19-6-101 through 125, and of R315-301 through 320 of the Utah Administrative Code.

### I.D. Inspections and Inspection Access

I.D.1. The Permittee shall allow the Director or an authorized representative, or representatives from the Salt Lake County Health Department, to enter at reasonable times and:

- I.D.1.a Inspect the landfill or other premises, practices or operations regulated or required under the terms and conditions of this Permit or R315-301 through 320 of the Utah Administrative Code;
- I.D.1.a.(i) Have access to and copy any records required to be kept under the terms and conditions of this Permit or R315-301 through 320 of the Utah Administrative Code;
- I.D.1.a.(ii) Inspect any loads of waste, treatment facilities or processes, pollution management facilities or processes, or control facilities or processes required under this Permit or regulated under R315-301 through 320 of the Utah Administrative Code; and
- I.D.1.a.(iii) Create a record of any inspection by photographic, video, electronic, or any other reasonable means.

I.E. Noncompliance

- I.E.1. If monitoring, inspection, or testing indicates that any permit condition or any applicable rule under R315-301 through 320 of the Utah Administrative Code may be or is being violated, the Permittee shall promptly make corrections to the operation or other activities to bring the facility into compliance with all permit conditions or rules.
- I.E.2. In the event of noncompliance with any permit condition or violation of an applicable rule, the Permittee shall promptly take any action reasonably necessary to correct the noncompliance or violation and mitigate any risk to the human health or the environment. Actions may include eliminating the activity causing the noncompliance or violation and containment of any waste or contamination using barriers or access restrictions, placing of warning signs, or permanently closing areas of the facility.
- I.E.3. The Permittee shall:
  - I.E.3.a Document the noncompliance or violation in the daily operating record, on the day the event occurred or the day it was discovered;
  - I.E.3.b Notify the Director of the Utah Division of Waste Management and Radiation Control by telephone within 24 hours, or the next business day following documentation of the event; and
  - I.E.3.c Give written notice of the noncompliance or violation and measures taken to protect human health and the environment within seven days after Director Notification.
- I.E.4. Within thirty days after the documentation of the event, the Permittee shall submit to the Director a written report describing the nature and extent of the noncompliance or violation and the remedial measures taken or to be taken to protect human health and the environment and to eliminate the noncompliance or violation. Upon receipt and review of the assessment report, the Director may order the Permittee to perform appropriate remedial measures including development of a site remediation plan for approval by the Director.

I.E.5. In an enforcement action, the Permittee may not claim as a defense that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with R315-301 through 320 of the Utah Administrative Code and this Permit.

I.F. Revocation

I.F.1. This Permit is subject to revocation if the Permittee fails to comply with any condition of the Permit. The Director will notify the Permittee in writing prior to any proposed revocation action and such action shall be subject to all applicable hearing procedures established under R305-7 of the Utah Administrative Code and the Utah Administrative Procedures Act.

I.G. Attachment Incorporation

I.G.1. Attachments to the Permit Application are incorporated by reference into this Permit and are enforceable conditions of this Permit, as are documents incorporated by reference into the attachments. Language in this Permit supersedes any conflicting language in the attachments or documents incorporated into the attachments.

**II. DESIGN AND CONSTRUCTION**

II.A. Design and Construction

II.A.1. The landfill shall be constructed according to the design and in the area designated in Attachment 1, including landfill cells, fences, gates, and berms prior to acceptance of waste.

II.A.2. The Permittee shall notify the Director upon completion of construction of any landfill cells or run-on and run-off diversion systems. No landfill cells or run-on and run-off diversion system may be used until construction is approved by the Director and this permit modified.

II.A.3. The Permittee shall notify the Director of the completion of construction of any final cover system and shall provide all necessary documentation and shall apply for approval of the construction from the Director and modification of this permit.

II.A.4. If ground water is encountered during excavation of the landfill, the Director shall be notified immediately, and an alternative construction design developed and submitted for approval.

II.A.5. Run-On Control

II.A.6. The Permittee shall construct drainage channels and diversions as specified in Attachment 1 and shall maintain them at all times to effectively prevent runoff from the surrounding area from entering the landfill.



### **III. LANDFILL OPERATION**

#### **III.A. Operations Plan**

III.A.1. The Permittee shall keep the Operations Plan included in Attachment 2 on site at the landfill or at the location designated in section III-H of this Permit. The Permittee shall operate the landfill in accordance with the operations plan. If necessary, the Permittee may modify the Operations Plan, provided that the modification meets all of the requirements of R315-301 through 320 of the Utah Administrative Code, is as protective of human health and the environment as the Operations Plan approved as part of this Permit, and is approved by the Director as a permit modification under R315-311-2(1) of the Utah Administrative Code. The Permittee shall note any modification to the Operations Plan in the daily operating record.

#### **III.B. Security**

III.B.1. The Permittee shall operate the Landfill so that unauthorized entry to the facility is restricted. The Permittee shall:

III.B.1.a Lock all facility gates and other access routes during the time the landfill is closed.

III.B.1.b Have at least one person employed by the Permittee at the landfill during all hours that the landfill is open.

III.B.1.c Construct all fencing and any other access controls to prevent access by persons or livestock by other routes.

#### **III.C. Training**

III.C.1. The Permittee shall provide training for on-site personnel in landfill operation, including waste load inspection, hazardous waste identification, and personal safety and protection.

#### **III.D. Burning of Waste**

III.D.1. Intentional burning of solid waste is prohibited and is a violation of R315-303-4(2)(b) of the Utah Administrative Code.

III.D.2. Except as provided in this paragraph, intentional burning of solid waste is prohibited and is a violation of R315-303-4(2)(b) of the Utah Administrative Code. The Permittee is allowed to burn material by complying with the requirements of R307-202-5 of the Utah Administrative Code. The Permittee shall perform such burning in a segregated area within the landfill site. The Permittee shall extinguish all accidental fires as soon as reasonably possible. The Permittees non-compliance with R307-202-5 of the Utah Administrative Code, as determined by the Director of the Division of Waste Management and Radiation Control, also constitutes non-compliance with this Permit.

III.D.3. The Permittee shall extinguish all accidental fires as soon as reasonably possible.

### III.E. Cover

- III.E.1. The Permittee shall cover the waste as necessary to prevent fires and to control vectors, blowing litter, odor, scavenging, and fugitive dust. The Permittee shall cover wastes that are capable of attracting or providing food for vectors, materials that may become windblown litter or fine materials that may become fugitive dust with a minimum of six inches of tailings material at the end of the working day in which the wastes are received. The Permittee may use an alternative cover material when the material and operation meet the requirements of R315-303-4(4)(b) through (e) of the Utah Administrative Code.
- III.E.2. The Permittee shall use a minimum of six inches of tailings material cover no less than once each month for all wastes received at the landfill. This cover shall consist of tailings material and no alternative may be used.
- III.E.3. The Permittee shall record in the daily operating record and the operator shall certify, at the end of each day of operation when tailings material or an alternative cover is placed, the amount and type of cover placed and the area receiving cover.
- III.E.4. Waste Inspections
- III.E.5. The Permittee shall visually inspect incoming waste loads to verify that no wastes other than those allowed by this permit are disposed in the landfill. The Permittee shall conduct a complete waste inspection at a minimum frequency of 1 % of incoming loads, but no less than one complete inspection per day. The Permittee shall select the loads to be inspected on a random basis.
- III.E.6. The Permittee shall inspect all loads suspected or known to have one or more containers capable of holding more than five gallons of liquid to ensure that each container is empty.
- III.E.7. The Permittee shall inspect all loads that the Permittee suspects may contain a waste not allowed for disposal at the landfill.
- III.E.8. The Permittee shall conduct complete random inspections as follows:
  - III.E.8.a The Permittee shall conduct the random waste inspection at the working face or an area designated by the Permittee.
  - III.E.8.b The Permittee shall direct that loads subjected to complete inspection be unloaded at the designated area;
  - III.E.8.c Loads shall be spread by equipment or by hand tools;
  - III.E.8.d Personnel trained in hazardous waste recognition and recognition of other unacceptable waste shall conduct a visual inspection of the waste; and
  - III.E.8.e The personnel conducting the inspection shall record the results of the inspection on a waste inspection form as found in Attachment 3. The Permittee shall place the form in the daily operating record at the end of the operating day.

III.E.8.f The Permittee or the waste transporter shall properly dispose of any waste found that is not acceptable at the facility at an approved disposal site for the waste type and handle the waste according to the rules covering the waste type.

III.F. Self-Inspections

III.F.1. The Permittee shall inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges that may cause or lead to the release of wastes or contaminated materials to the environment or create a threat to human health or the environment. The Permittee shall complete these general inspections no less than quarterly and shall cover the following areas: Waste placement, cover; fences and access controls; roads; run-on/run-off controls; litter controls; and records. The Permittee shall place a record of the inspections in the daily operating record on the day of the inspection. The Permittee shall correct the problems identified in the inspections in a timely manner and document the corrective actions in the daily operating record.

III.G. Recordkeeping

III.G.1. The Permittee shall maintain and keep on file at the Rio Tinto Kennecott Copper, a daily operating record and other general records of landfill operation as required by R315-302-2(3) of the Utah Administrative Code. The landfill operator, or other designated personnel, shall date and sign the daily operating record at the end of each operating day. Each record to be kept shall contain the signature of the appropriate operator or personnel and the date signed. The Daily operating record shall consist of the following two types of documents:

III.G.1.a Records related to the daily landfill operation or periodic events including:

III.G.1.a.(i) The number of loads of waste and the weights or estimates of weights or volume of waste received each day of operation and recorded at the end of each operating day;

III.G.1.a.(ii) Major deviations from the approved plan of operation recorded at the end of the operating day the deviation occurred;

III.G.1.a.(iii) Results of monitoring required by this Permit recorded in the daily operating record on the day of the event or the day the information is received;

III.G.1.a.(iv) Records of all inspections conducted by the Permittee, results of the inspections, and corrective actions taken shall be recorded in the record on the day of the event.

III.G.1.b Records of a general nature including:

III.G.1.b.(i) A copy of this Permit, including all attachments;

III.G.1.b.(ii) Results of inspections conducted by representatives of the Director of the Division of Waste Management and Radiation Control, and of representatives of the local Health Department, when forwarded to the Permittee;

III.G.1.b.(iii) Closure and Post-closure care plans; and

III.G.1.b.(iv) Records of employee training.

III.H. Reporting

III.H.1. The Permittee shall prepare and submit to the Director an Annual Report as required by R315-302-2(4) of the Utah Administrative Code. The Annual Report shall include: the period covered by the report, the annual quantity of waste received, an annual update of the financial assurance mechanism and all training programs completed.

III.I. Roads

III.I.1. The Permittee shall improve and maintain all access roads within the landfill boundary that are used for transporting waste to the landfill for disposal shall be improved and maintained as necessary to assure safe and reliable all-weather access to the disposal area.

III.J. CLOSURE REQUIREMENTS

III.K. Closure

III.K.1. Final cover of the landfill shall be as shown in Attachment 4. The final cover shall meet, at a minimum, the standard design for closure as specified in R315-305-5(5)(b) of the Utah Administrative Code.

III.L. Title Recording

III.L.1. The Permittee shall meet the requirements of R315-302-2(6) of the Utah Administrative Code by recording a notice with the Salt Lake County Recorder as part of the record of title that the property has been used as a landfill. The notice shall include waste disposal locations and types of waste disposed. The Permittee shall provide the Director the notice as recorded.

III.M. Post-Closure Care

III.M.1. The Permittee shall perform post-closure care at the closed landfill in accordance with the Post-Closure Care Plan contained in the Permit Application. Post-closure care shall continue until all waste disposal sites at the landfill have stabilized and the finding of R315-302-3(7)(c) of the Utah Administrative Code is made.

III.N. Financial Assurance

III.N.1. The Permittee shall keep in effect and active the currently approved financial assurance mechanism or another approved mechanism that meets the requirements of R315-309 of the Utah Administrative Code and is approved by the Director to cover the costs of closure and post-closure care at the landfill. The Permittee shall adequately fund and maintain the financial assurance mechanism(s) to provide for the cost of closure at any stage or phase or anytime during the life of the landfill or the permit life, whichever is

shorter, and the Permittee shall fully fund the trust fund within ten years of the date waste is first received at the landfill.

- III.N.2. The Permittee shall submit an annual revision of closure and post-closure costs for inflation and financial assurance funding as required by R315-309-2(2) of the Utah Administrative Code, to the Director as part of the annual report. The Permittee shall submit the information as required in R315-309-9 of the Utah Administrative Code and shall meet the qualifications for the "Corporate Financial Test" or "Corporate Guarantee" each year.

### III.O. Closure Cost and Post-Closure Cost Revision

- III.O.1. The Permittee shall submit a complete revision of the closure and post-closure cost estimates by the Closure Cost Revision Date listed on the signature page of this Permit and any time the facility is expanded, any time a new cell is constructed, or any time a cell is expanded.

## IV. ADMINISTRATIVE REQUIREMENTS

### IV.A. Permit Modification

- IV.A.1. Modifications to this Permit may be made upon application by the Permittee or by the Director following the procedures specified in R315-311-2 of the Utah Administrative Code. The Permittee shall be given written notice of any permit modification initiated by the Director.

### IV.A.2. Permit Transfer

- IV.A.2.a This Permit may be transferred to a new Permittee or new Permittees by complying with the permit transfer provisions specified in R315-310-11 of the Utah Administrative Code.

### IV.B. Expansion

- IV.B.1. This Permit is for the operation of a Class IIIb Landfill according to the design and Operation Plan described in Attachment 1. Any expansion of the current footprint designated in the description contained in Attachment 1, but within the property boundaries shall require submittal of plans and specifications to the Director. The plans and specifications shall be approved by the Director prior to construction.
- IV.B.2. Any expansion of the landfill facility beyond the property boundaries designated in the description contained in Attachment 1 shall require submittal of a new Permit Application in accordance with the requirements of R315-310 of the Utah Administrative Code.
- IV.B.3. Any addition to the list of acceptable waste in Section I-B shall require submittal of all necessary information to the Director and the approval of the Director.

IV.C. Expiration

- IV.C.1. If the Permittee desires to continue operating this landfill after the expiration date of this Permit, the Permittee shall submit an application for permit renewal at least six months prior to the expiration date, as shown on the signature (cover) page of this Permit. If the Permittee timely submits a permit renewal application and the permit renewal is not complete by the expiration date, this Permit shall continue in force until renewal is completed or denied.

Attachment to this Permit

Attachment 1 – Landfill Design

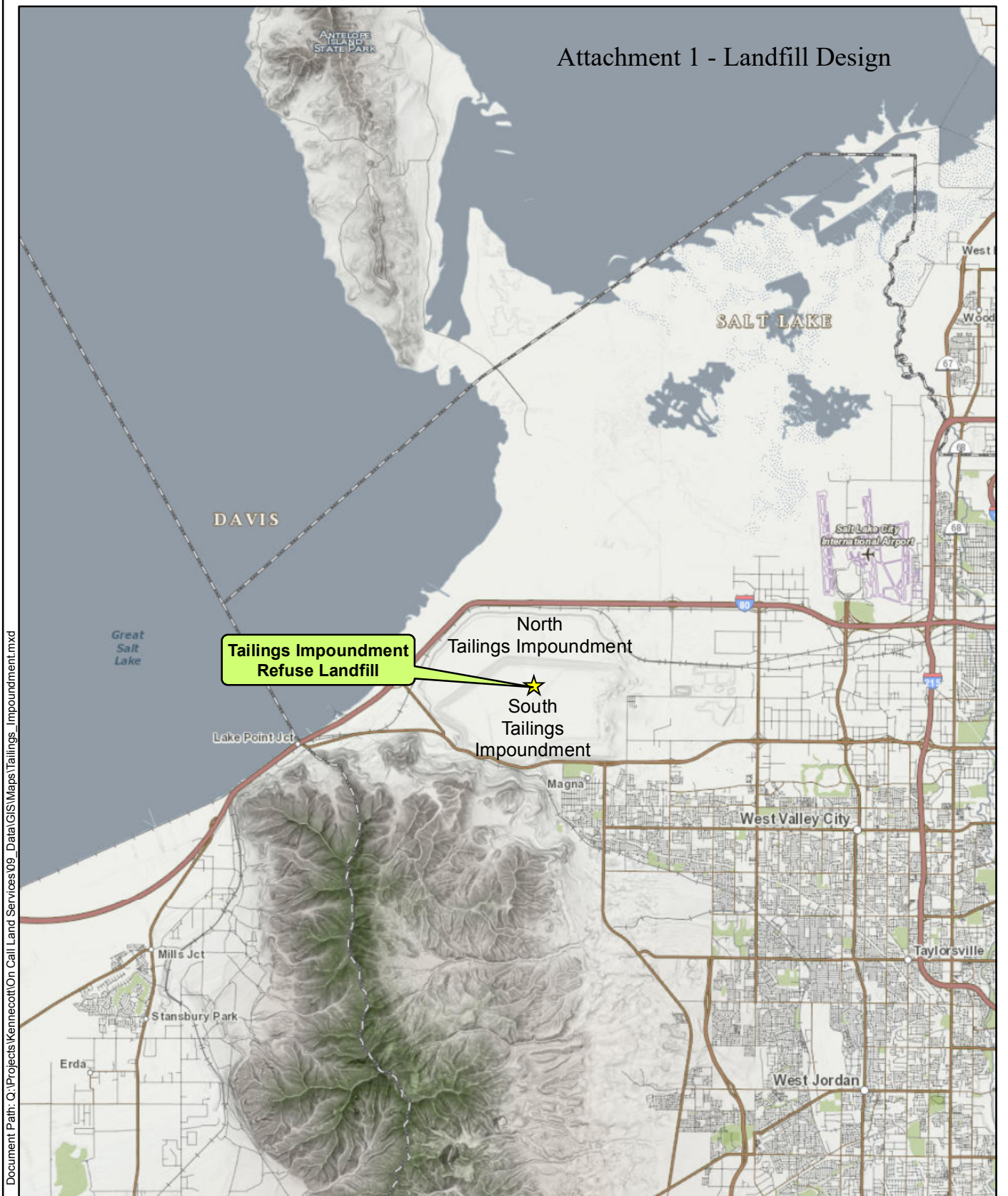
Attachment 2 – Operation Plan

Attachment 3 – Closure and Post-Closure Plan

Attachment 1  
Landfill Design

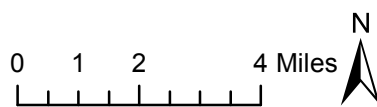
Submitted with the Permit Application  
Dated April 11, 2019

# Attachment 1 - Landfill Design



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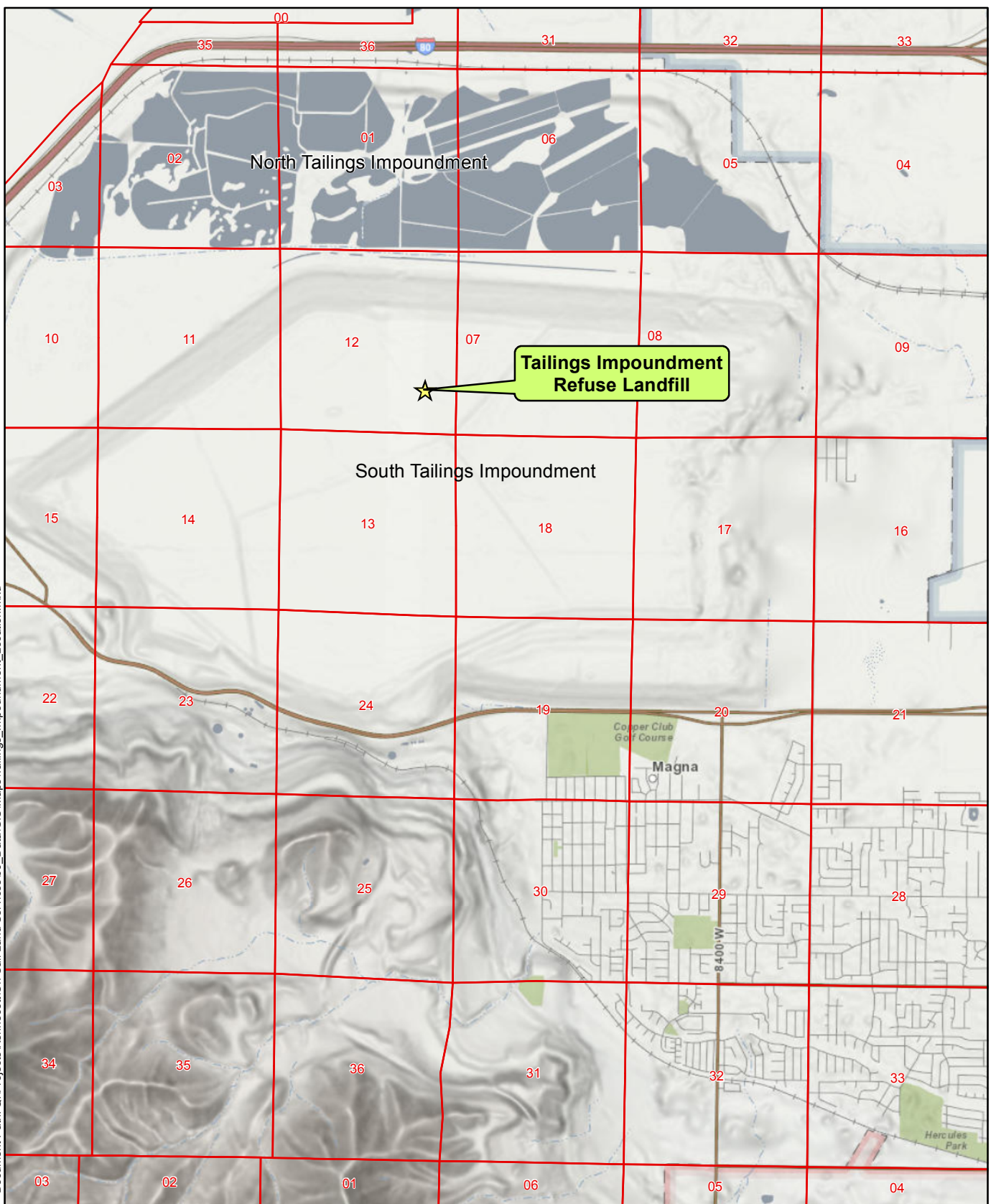
★ Site Location



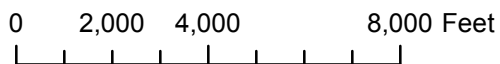
Title: <b>Class III Landfill Permit Application Site Location</b>	
<b>Kennecott Utah Copper</b>	Proj No: <b>24585746</b>
<b>RioTinto</b> Kennecott	Figure: <b>1</b>
	Date: <b>March 2015</b>
<b>URS</b>	



Document Path: Q:\Projects\Kennecott\On Call Land Services\09\_Data\GIS\Maps\Tailings Impoundment\_Location.mxd

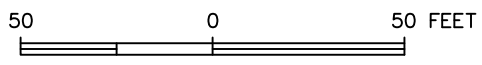
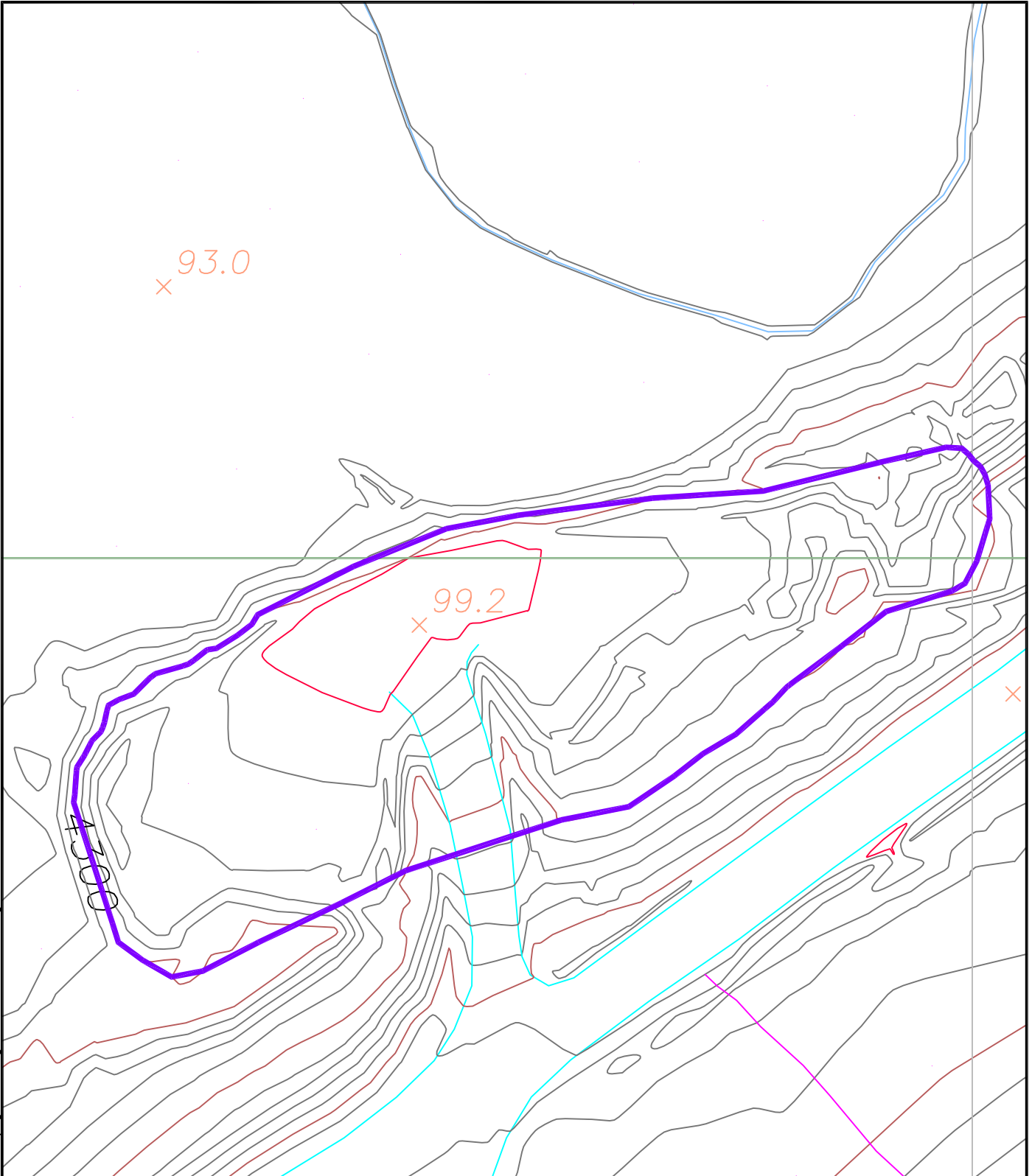


★ Site Location




<b>Title: Class III Landfill Permit Application Location Map</b>	
<b>Kennecott Utah Copper</b>	<b>Proj No: 24585746</b>
<b>RioTinto</b> Kennecott	<b>Figure: 2</b>
	<b>Date: March 2015</b>
<b>URS</b>	

drawings\Kennecott Landfill Closure\Fig4 Tailings Landfill Plan.dwg



**KENNECOTT UTAH COPPER CORP.**  
LANDFILL CLOSURE PLAN

FIGURE 4  
TAILINGS LANDFILL PLAN

	DATE DRAWN	
	07/17/09	
DESIGN BY WF	DRAWN BY CP	SCALE 1"=50'
LAST REVISION DATE		

Attachment 2  
Operation Plan

Submitted with the Permit Application  
Dated April 11, 2019

## Attachment 2 - Operation Plan

Rio Tinto Kennecott Copper  
Tailings Impoundment Refuse Landfill  
Class IIIb Landfill Permit Application

### **If. Plan of Operations for All Class III Landfills**

#### **Waste Handling Procedures (weight/volume of waste received)**

Solid waste management and landfill requirements are provided as annual refresher training. A RTKC generator of solid waste must complete a Landfill Waste Profile identifying the streams of waste generated, which must be approved by the RTKC Environmental Department.

Concurrently, the generator must also complete a Landfill Manifest in which they indicate the landfill to be used for disposal, identify the origin, type of waste, and inspect the waste stream for unauthorized items.

#### **Schedule of Inspections and Monitoring**

Each solid waste load must be inspected by the RTKC generator for unauthorized items before the waste load may be delivered to the landfill. Periodic inspections of the landfill site are conducted by RTKC to ensure permit requirements are being met. These inspections will consist of visual observations and are recorded.

#### **Contingency plans in the event of fire or explosion**

In case of a fire or explosion, the RTKC Emergency Response Plan will be activated. The facility maintains an on-site fire truck and Emergency Response Team.

#### **Fugitive Dust Control**

Fugitive emissions are monitored and controlled as per the requirements of RTKC's Air Quality Operating Permits and Fugitive Dust Control Plans.

#### **Plan for Litter Control**

Dispersal of waste to public domain is unlikely due to the remote location of the facility. RTKC has waste material cover readily available, if necessary, as a corrective action.

#### **Procedure for Excluding Prohibited Wastes**

All loads will be accompanied by an approved manifest or waste profile and inspected. Qualified personnel on RTKC's Tailings and environmental staff are trained in recognition and proper handling of hazardous and non-permitted wastes.

#### **Controlling Disease Vectors**

Vector control is maintained primarily because the material disposed of in the landfill is mainly construction/maintenance debris. Waste material cover is available if needed as a corrective action.

#### **Alternative Waste Handling**

Waste materials are restricted to solid wastes applicable to Class IIIb Landfill standards. Other materials, including hazardous materials, will be handled through other approved procedures not applicable to the Tailings Landfill. If the Tailings Landfill is temporarily unable to accept waste, all general refuse will be transported to the Trans-Jordan Landfill.

### **Training and Safety Plan for Site Operations**

Employee safety training is conducted through an online waste training module and an Environmental Standard Operating Procedure (EVSOP100055). Emergency response and communication procedures are posted. Qualified EMT's are on duty at all hours through contract security forces.

### **Recycling Programs**

Salvageable waste is generally recovered, reused, or recycled prior to deposition in the landfill.

Attachment 3  
Closure and Post-Closure Plan

Submitted with the Permit Application  
Dated April 11, 2019

FORM MR-RC (LMO)  
Revised August 9, 2006  
RECLAMATION CONTRACT

Mine Name: North Talling Impoundment

Other Agency File Number: M-035-015

**STATE OF UTAH**  
**DEPARTMENT OF NATURAL RESOURCES**  
**DIVISION of OIL, GAS and MINING**  
1594 West North Temple, Suite 1210  
Box 145801  
Salt Lake City, Utah 84114-5801  
(801) 538-5291  
Fax: (801) 359-3940

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**LARGE MINE RECLAMATION CONTRACT**

This Reclamation Contract (hereinafter referred to as "Contract") is entered into between **Kennecott Utah Copper LLC** the "Operator" and the Utah State Division of Oil, Gas and Mining ("Division").

WHEREAS, Operator desires to conduct mining operations under Notice of Intention (NOI) File No. **M-035-015** which has been approved by the Division under the Utah Mined Land Reclamation Act, Sections 40-8-1 et seq., Utah Code Annotated, (2005, as amended) (hereinafter referred to as "Act") and the regulations adopted pursuant to the Act; and

WHEREAS, Operator is obligated to reclaim the land affected by the mining operations in accordance with the Act and regulations, and the Operator is obligated to provide a surety in form and amount approved by the Division or the Board of Oil, Gas and Mining (Board) to assure reclamation of the lands affected by the mining operations.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Division and the Operator agree as follows:

1. Operator agrees to promptly reclaim in accordance with the Act and regulations, as they may be amended, and in accordance with the mining and reclamation plan (Reclamation Plan) approved by the Division all of the lands affected by the mining operations conducted or to be conducted pursuant to the approved Notice of Intention.
2. The Lands Affected by the mining operations and subject to the requirements of the Act and this Contract include:

- A. All surface and subsurface areas affected or to be affected by the mining operations including but not limited to private on-site ways, roads, railroads; land excavations; drill sites and workings; refuse banks or spoil piles; evaporation or settling ponds; stockpiles; leaching dumps; placer areas; tailings ponds or dumps; work, parking, storage, and waste discharge areas, structures, and facilities; and
  - B. All mining disturbances regardless of discrepancies in the map and legal description, unless explicitly and clearly identified as EXCLUDED on maps, and legal descriptions included in the approved NOI; provided lands may be excluded only if: (1) they were disturbed by mining operations that ceased prior to July 1, 1977; (2) the lands would be included but have been reclaimed in accordance with an approved notice or reclamation plan; or (3) the lands were disturbed by a prior operation for which there is no surety, no legally responsible entity or person, and which lands are not necessarily or incidentally intended to be affected by the mining operations as described in the approved NOI.
- 3. The Reclamation Plan is intended to establish methods, plans, specifications, and other details required by the Act and regulations as they pertain to the lands affected by mining operations, and no provision of the Reclamation Plan shall be interpreted to diminish the requirements of the Act and regulations. The Operator shall be responsible for reclamation of all such Lands Affected regardless of errors or discrepancies in the maps or legal descriptions provided with the NOI or Reclamation Plan, which are primarily intended to assist in determining the location of the mining operations, to describe the areas of disturbance, and to assist estimating the amount of surety required.
- 4. The Operator prior to commencement of any mining operations and as a precondition to the rights under the Notice of Intention shall provide a surety in a form permitted by the Act and in an amount sufficient to assure that reclamation of the Lands Affected will be completed as required by the Act. The Surety shall remain in full force and effect according to its terms unless modified by the Division in writing. A copy of the agreement providing for the Surety for the reclamation obligations herein is included as **ATTACHMENT A** to this Contract.
- 5. If the Surety expressly provides for cancellation or termination for non-renewal:
  - A. The Operator shall within 60 days following the Division's receipt of notice that the Surety will be terminated or cancelled, provide a replacement Surety sufficient in a form and amount, as required by the Act, to replace the cancelled surety; or



**B. If the Operator fails to provide an acceptable replacement Surety within 60 days of notice of cancellation or termination, the Division may order the Operator to cease further mining activities, and without further notice proceed to draw upon letters of credit, to withdraw any amounts in certificates of deposit or cash and/or other forms of surety, and to otherwise take such action as may be necessary to secure the rights of the Division to perfect its claim on the existing surety for the purpose of fully satisfying all of the reclamation obligations incurred by the Operator prior to the date of termination, and the Division may thereafter require the Operator to begin immediate reclamation of the Lands Affected by the mining operations, and may, if necessary, proceed to take such further actions as may be required for the Division to forfeit the surety for the purpose of reclaiming the Lands Affected.**

- 6. The Operator's liability under this Contract shall continue in full force and effect until the Division finds that the Operator has reclaimed the Lands Affected by mining operations in accordance with the Act, the regulations, and the Reclamation Plan, as they may be amended. If the mining operations are modified or for any other reason vary from those described in the approved Notice of Intention, the Operator shall immediately advise the Division, and the Notice of Intention shall be revised and the Surety amount shall be adjusted as necessary.**
- 7. If reclamation of a substantial phase or segment of the Lands Affected by the mining operations is completed to the satisfaction of the Division, and the Division finds that such substantial phases or segments are severable from the remainder of the mining area, Operator may request the Division to find that Operator has reclaimed such area. If the Division makes such finding, Operator may make request to the Division for a reduction in the aggregate face amount of the Surety, and the Division may reduce the surety to an amount necessary to complete reclamation of the remaining mining operations as anticipated by the approved Notice of Intention in accordance with the requirements of the Act and regulations, as amended and the Reclamation Plan, as amended. If the Division makes such finding, Operator may make request to the Division for a reduction in the amount of the surety. The Division, or the Board if the surety is in the form of a board contract, may permit such a reduction if it determines that the reduced amount will be adequate to ensure complete reclamation of the lands affected by the mining in accordance with the requirements of the Reclamation Plan, the rules and the Act, as amended.**
- 8. Operator may, at any time, submit a request to the Division to substitute surety. The Division may approve such substitution if the substitute surety meets the requirements of the Act and the rules.**
- 9. Operator agrees to pay all legally determined public liability and property damage claims resulting from mining operations, to pay all permit fees, to**

**maintain suitable records, to file all required reports, to permit reasonable inspections, and to fulfill all sundry reporting requirements applicable to the mine as required by the Act and implementing rules.**

- 10. Operator agrees to indemnify and hold harmless the State, Board and the Division from any claim, demand, liability, cost, charge, suit, or obligation of whatsoever nature arising from the failure of Operator or Operator's agents and employees, or contractors to comply with this Contract.**
- 11. If Operator shall default in the performance of its obligations hereunder, Operator shall be liable for all damages resulting from the breach hereof including all costs, expenses, and reasonable attorney's fees incurred by the Division and/or the Board in the enforcement of this Contract.**
- 12. Any breach of a material provision of this Contract by Operator may, at the discretion of the Division, in addition to other remedies available to it, result in an order by the Division requiring the Operator to cease mining operations, and may thereafter result in an Order, subject to an opportunity for notice and hearing before the Board, withdrawing and revoking the Notice of Intention, and requiring immediate reclamation by the Operator of the Lands Affected or forfeiture of the Surety.**
- 13. In the event of forfeiture of the Surety, Operator shall be liable for any additional costs in excess of the surety amount that is required to comply with this Contract. Upon completion of the reclamation of all of the Lands Affected, any excess monies resulting from forfeiture of the Surety shall be returned to the rightful claimant.**
- 14. The Operator shall notify the Division immediately of any changes in the Operator's registered agent, the Operator's address, form of business, name of business, significant changes in ownership, and other pertinent changes in the information required as part of the Notice of Intention. Notwithstanding this requirement, any changes to the Notice of Intention, and any errors, omissions, or failures to fully or accurately complete or update the information on the Notice of Intention, or the attached maps, shall not affect the validity of this Contract and the rights of the Division to enforce its terms.**
- 15. If requested by the Division, the Operator shall execute addendums to this Contract to add or substitute parties, or to reflect changes in the Operator, Surety, and otherwise modify the Contract to reflect changes in the mining operations as requested by the Division. All modifications must be in writing and signed by the parties, and no verbal agreements, or modifications in any of the terms or conditions shall be enforceable.**
- 16. This Contract shall be governed and construed in accordance with the laws of the State of Utah.**

Each signatory below represents that he/she is authorized to execute this Contract on behalf of the named party, and that the Operator, if not a natural person, is an entity properly organized and in good standing under the laws of the United States and is registered with and authorized to do business in the State of Utah.

OPERATOR:

Kennecott Utah Copper LLC  
Operator Name

By J. R. WELCH  
Authorized Officer (Typed or Printed)

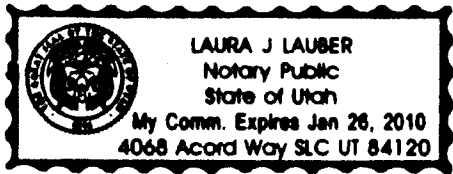
TREASURER  
Authorized Officer - Position

[Signature] 26 Aug 2009  
Officer's Signature Date

STATE OF UTAH )  
 ) ss:  
COUNTY OF SALT LAKE )

On the 26<sup>th</sup> day of AUGUST, 2009, J. R. WELCH  
personally appeared before me, who being by me duly sworn did say that he/she is an TREASURER (i.e. owner, officer, director, partner, agent or other (specify)) of the Operator and duly acknowledged that said instrument was signed on behalf of said Operator by authority of its bylaws, a resolution of its board of directors, or as may otherwise be required to execute the same with full authority and to be bound hereby.

[Signature]  
Notary Public  
Residing at Salt Lake  
My Commission Expires: January 26, 2010



DIVISION OF OIL, GAS AND MINING:

By John R. Baza Date 9/15/09  
John R. Baza, Director

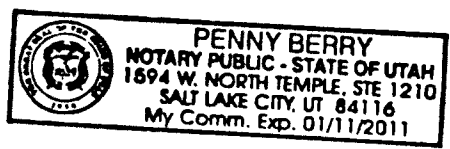
STATE OF Utah )  
COUNTY OF Salt Lake ) ss:

On the 15 day of September, 2009, John R. Baza personally appeared before me, who being duly sworn did say that he, the said John R. Baza is the Director of the Division of Oil, Gas and Mining, Department of Natural Resources, State of Utah, and he duly acknowledged to me that he executed the foregoing document by authority of law on behalf of the State of Utah.

Penny Berry  
Notary Public

Residing at: Salt Lake

1/11/2011  
My Commission Expires:



## FACT SHEET

**Commodity:** Copper

**Bonded Acres:** 3334

**Mine Name:** North Tailing Impoundment

**Permit Number:** M-035-015

**County:** Salt Lake

**Operator Name:** Kennecott Utah Copper LLC

**Operator Address:** c/o KUC Environmental Department, Third Floor  
4700 Daybreak Parkway, South Jordan, UT 84095

**Operator Phone:** 801.204.2000

**Operator Fax:** n/a

**Operator Email:** n/a

**Contact Name:** Chris Kaiser

**Contact Email:** [Chris.Kaiser@riotinto.com](mailto:Chris.Kaiser@riotinto.com)

**Contact Phone:** 801.569.7427

**Surety Type:** Surety Bond

**Bank:** Travelers Casualty and Surety Company of North America

**Surety Amount:** \$US 20,374,600

**Account number:**

**Tax ID (required for cash only):**

**Escalation year:** 2011-12-20

**Surface Owner:** Kennecott Utah Copper LLC

**Mineral Owner:** Kennecott Utah Copper LLC

**UTU/ML number:** n/a



GARY R. HERBERT  
*Governor*

GREGORY S. BELL  
*Lieutenant Governor*

# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
*Executive Director*

### Division of Oil, Gas and Mining

JOHN R. BAZA  
*Division Director*

February 27, 2012

Kelly Payne  
Kennecott Utah Copper LLC  
4700 Daybreak Parkway  
South Jordan, Utah 84095

Subject: Copies of the Modification of Attachment A to the Reclamation Contract, Kennecott Utah Copper, LLC, Tailings Modernization, M/035/0015, Salt Lake County and Pine Canyon, M/045/0004, Tooele County, Utah

Dear Mr. Payne:

On February 3, 2012 the Division received the signed Modification of Attachment A to the Reclamation Contract (MA-RC) from Kennecott Utah Copper, LLC. Our Director signed the MA-RC on February 23, 2012. Enclosed is a copy for your records.

If you have any questions please call 801-538-5291 or email [bondcoordinator@utah.gov](mailto:bondcoordinator@utah.gov). Thank you.

Sincerely,

Penny Berry  
Bond Coordinator

PB



Form (MA-RC)

Date: 1/3/2012

STATE OF UTAH  
DEPARTMENT OF NATUAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

MODIFICATION OF ATTACHMENT A  
TO THE  
RECLAMATION CONTRACT

Name of Operator: Kennecott Utah Copper LLC

Permit Number: M/035/0015

Mine Name: Tailings Modernization

Phone Number: 801-563-7596

Per the executed reclamation contract, the surety agreement for reclamation obligation is included as Attachment A to the reclamation contract as follows:

Check the boxes that apply to this form:

Surety:  Decrease  
 Increase  
 Replacement

Reason:  Amendment to NOI  
 Cancellation/ Termination of surety  
 Escalation  
 Partial Release of surety  
 Other Explain: Bond was escalation. The operator provided a surety rider increasing the amount from \$20,374,600.00 to \$22,166,333.00

Surety Dollar Amount Associated With This Action: \$1,791,733.00

Surety Aggregate Amount: \$22,166,333.00

Included in this modification (surety must be attached)

Instrument(s):

Corporate Surety  
 LOC Letter of Credit  
 CD Certificate of deposit  
 Cash  
 Rider  
 Amendment  
 Addendum  
 Other

Explain:

Other surety not affected by this modification will remain part of Attachment A and labeled as such.

This Modification will be effective as of the last date signed below

Kevin Payne KEVIN PAYNE MGR-ENVIRONMENT 2/3/12  
Authorized Officer Signature Printed Title Date

John R. Baza John R. Baza 2/23/12  
Division Director Printed Title Date

Utah Division of Oil, Gas and Mining

Form (MA-RC)

Date: 5/19/2011

STATE OF UTAH  
DEPARTMENT OF NATUAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

MODIFICATION OF ATTACHMENT A  
TO THE  
RECLAMATION CONTRACT

Name of Operator: Kennecott Utah Copper LLC

Permit Number: M/035/0015

Mine Name: Tailings Modernization

Phone Number: 801-563-7596

Per the executed reclamation contract, the surety agreement for reclamation obligation is included as Attachment A to the reclamation contract as follows:

Check the boxes that apply to this form:

Surety:  Decrease  
 Increase  
 Replacement

Reason:  Amendment to NOI  
 Cancellation/ Termination of surety  
 Escalation  
 Partial Release of surety  
 Other Explain: Operator provided a replacement surety (same amount of \$20,374,600.00). Operator switched surety company going from St. Paul Fire and Marine Ins. Co. to Zurich American Ins. Co and Fidelity and Deposit Co. of Maryland.

Surety Dollar Amount Associated With This Action: \$20,374,600.00

Surety Aggregate Amount: \$20,374,600.00

Included in this modification (surety must be attached)  
Instrument(s):

Corporate Surety  Rider  
 LOC Letter of Credit  Amendment  
 CD Certificate of deposit  Addendum  
 Cash  Other  
Explain:

Other surety not affected by this modification will remain part of Attachment A and labeled as such.  
This Modification will be effective as of the last date signed below

Kelly Payne KELLY PAYNE  
Authorized Officer Signature Printed

MG-R ENVIRONMENT 2/3/12  
Title Date

John R. Baza  
Division Director John R. Baza  
Utah Division of Oil, Gas and Mining

2/23/12  
Date



**Statement of Basis  
for the Rio Tinto Kennecott Utah Copper Tailings Refuse  
Class IIIb Landfill Permit**

1. INTRODUCTION

This Statement of Basis provides the rationale of the Director of the Division of Waste Management and Radiation Control (DWMRC) for issuing the Rio Tinto Kennecott Utah Copper Tailings Refuse Class IIIb Landfill (RTKUC) Permit. The Director's staff conducted this evaluation to ensure compliance with the applicable Solid Waste Rules. Doug Taylor wrote this Statement of Basis.

2. FACILITY BACKGROUND

a. Facility Location and History

The facility location is on the north end of the RTKUC facilities in Salt Lake County, Utah, between I-80 and the 201 Highway at 11984 West Highway 202, Magna, Utah as shown in Figure 1.

b. Regulatory History

The Tailings Refuse landfill facility has been in existence for many years operating under the Salt Lake Valley Health Department Permit 35-0011805

3. EVALUATION OF THE PERMIT APPLICATION

- a. The permit applications (DSHW-2017-009405 and DSHW-2019-003552) for the Facility were received in October of 2017 and April of 2019 at which time the evaluation of the permit application was begun. The DWMRC deemed the permit application to be complete in September of 2019 and a single draft permit for the three disposal sites at the applicant's facility and completeness letter was sent to the permit applicant on January 13, 2020 (DSHW-2020-013402). The applicant reviewed the January 13, 2020 document and responded on February 7, 2020 (DSHW-2020-002162) proposing more accurate information, comments and a request that DWMRC separated out the permit into three separate permits, one for each of the disposal sites at the applicant's facility. The comments were incorporated, and three draft permits were developed. One for the Smelter Refuse Landfill, one for the Tailings Refuse Landfill and one for the Bingham Canyon Mine Tire Monofill Landfill were completed and sent to the applicant for review (DSHW-2020-004782), (DSHW-2020-004784) and (DSHW-2020-004786). The permit applicant approved the draft permits verbally and a public comment period was begun August 7, 2020 and ended September 7, 2020 (DHSW-2020-010508).

4. JUSTIFICATION FOR ISSUING THE PERMIT

- a. The Director's staff has evaluated the permit application as required by Section 19-6-108 of the Solid and Hazardous Waste Act and R315-301 through 320 of the Solid and Hazardous Waste Rules.

## 5. PUBLIC PARTICIPATION

- a. As required by Utah Administrative Code R315-311-3, the Director provided an initial 30-day public comment period on the draft permit which began August 7, 2020 and ran through September 7, 2020 (DSHW-2020-010508).
- b. No comments were received during the public comment period.

## 6. CONCLUSION

The Director has determined that the applicant has met all required items in the permit application.

**Figure 1**  
**Tailings Refuse Landfill Location**

