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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF
AMERICA and the STATE
OF UTAH,

Plaintiffs,

v.

KENNECOTT UTAH
COPPER CORPORATION,

Defendant.

CIVIL ACTION NO. _____

RD/RA CONSENT DECREE

Exhibit A

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I. BACKGROUND

A. The United States of America (“United States”), on behalf of the Administrator of the United States Environmental Protection Agency (“EPA”), and the State of Utah (“State”), by and through the Utah Department of Environmental Quality (“UDEQ”), filed a joint complaint in this matter pursuant to Sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. §§ 9606 and 9607. The United States in the joint complaint seeks: (1) reimbursement of costs incurred by EPA and the Department of Justice for response actions at that portion of the Kennecott South Zone Site known as groundwater Operable Unit 2 (“OU2”), in Salt Lake County, Utah, together with accrued interest; and (2) performance of response actions addressing the Zone A Portion of OU2 consistent with the National Contingency Plan, 40 C.F.R. Part 300 (as amended) (“NCP”). The State in the joint complaint seeks a declaration of KUCC’s liability for costs that UDEQ may incur in the future in overseeing response actions at the OU2 Site pursuant to Section 107 of CERCLA, 42 U.S.C. § 9607, and for the performance of response actions pursuant to 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. The Complaint also seeks reimbursement of past costs incurred by EPA and the Department of Justice for certain other operable units at the Kennecott South Zone Site and the Kennecott North Zone Site.

B. In accordance with Section 122(j)(1) of CERCLA, 42 U.S.C. § 9622(j)(1), EPA notified the United States Department of Interior (“DOI”) of negotiations with potentially responsible parties regarding the release of hazardous substances that may have resulted in injury

