



CERCLA OU2 Remedial Design Consent Decree

Overview

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DEQ / DERR

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Completion and Lodging

- Projected lodging with the Federal District Court in Utah, July 2007.
- The CD's availability for review will be announced in the federal register, on DOJ ENRD's website listing of pending CDs and on UDEQ's project website.

Public Comment

- Public comment period will be run by the Dept. of Justice and EPA for thirty days.
- Prior to Court approval a response summary to received comments will be produced and placed in the administrative record, by EPA and DOJ (in consultation with UDEQ).

Components

- References the work to be performed, (2007 OM&R plan).
- In basic detail references the agency interaction and oversight to be provided.
- Requires the provision of financial assurance to ensure completion of the work.

Components (cont.)

- ☛ Requires periodic reporting and references document retention requirements of the 2007 OM&R plan.
- ☛ Provides dispute resolution procedures.
- ☛ Documents five-year review requirements.

Components (cont.)

- Documents stipulated penalties for Kennecott's failure to complete the work, and other infractions of the CD requirements.
- Provides an understanding about Force Majeure events and implication upon the remedy.
- Provides enforcement capability to the agencies to ensure the remedy is completed.

Components (cont.)

- ☛ By reference acknowledges:
 - Compliance boundaries,
 - Active & passive cleanup standards,
 - Minimum extraction rates, and
 - Extracted water management strategies.
- ☛ Requires re-evaluation of the disposal method of extracted acid core water at the time of mine closure, by reference.

