



State of Utah

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Department of
Environmental Quality

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Executive Director

Brad T Johnson
Deputy Director

August 22, 2012

Kelly Payne, P.G.
Manager – Environment
Kennecott Utah Copper, L.L.C.
4700 Daybreak Parkway
South Jordan, Utah 84095

Re: **Kennecott Utah Copper, L.L.C.'s, letter entitled *Annual Report on Zone A Plant Operations and Acid Plume Extraction Under NRD Consent Decree*, dated July 30, 2012**

Dear Mr. Payne:

As the State of Utah Trustee for Natural Resource Damages (“NRD Trustee”), I have received and reviewed the above-referenced annual report (“2012 Annual Report”), which covers the operational period between June 1, 2011, and May 31, 2012. The Division of Environmental Response and Remediation (“DERR”) has also completed a review of the 2012 Annual Report. Kennecott Utah Copper, L.L.C., (“Kennecott”) has satisfactorily reported on the operational history of the Zone A reverse osmosis treatment plant and acid water extractions for the sixth year of operation.

Kennecott’s ongoing compliance with the treatment plant production requirements listed under Paragraph III.G.2 of the 2004 Three Party Agreement (as amended in 2009) was evaluated by the DERR. Based upon the 2012 Annual Report, Kennecott produced an average of 3,510 acre-feet/year of municipal quality water, which complies with the five year rolling average production requirement of 3,500 acre-feet/year. From June 1, 2008, to May 31, 2012, Kennecott maintained annual production volumes within 10% (3,150 to 3,850 acre-feet/year) of the required rolling average, reporting a minimum production volume of 3,299 acre-feet/year in 2008 and a maximum of 3,705 acre-feet/year in 2011.

Kennecott’s ongoing compliance with the acid plume extraction requirements listed under Paragraph V.B of the 1995 Natural Resource Damage Consent Decree was also evaluated by the DERR. Based upon the 2012 Annual Report, Kennecott extracted a rolling average of 2,173 acre-feet/year of acid plume water, which complies with the five year rolling average extraction requirement of 400 acre-feet/year.

If you have any questions, please do not hesitate to call Douglas Bacon at (801) 536-4282.

Sincerely,

Brad T Johnson,
State of Utah Trustee for Natural Resource Damages

cc: Brent Everett, Division of Environmental Response and Remediation
Sandra Allen, Utah Attorney General’s Office
Douglas Bacon, Division of Environmental Response and Remediation

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