

**SOUTHWESTERN JORDAN VALLEY GROUNDWATER CLEANUP PROJECT
STATE OF UTAH NATURAL RESOURCE DAMAGE TRUSTEE**

**COMMENT RESPONSE SUMMARY
AUGUST 31, 2004**

Response to Common Comment No. 13 – Regulatory Oversight of Construction and Operation of the Project

Several commenters raised questions about future regulatory oversight, including the construction and operation of the proposed water treatment plants.

The operations of Kennecott and the Jordan Valley Water Conservancy District (JVWCD) will continue to be regulated by EPA and DEQ under applicable federal and state environmental laws. These regulatory authorities will continue to govern the groundwater cleanup project, including operation of the water treatment plants and disposal of any concentrates from those plants. The State of Utah has various permit and inspection oversight authorities regarding the operations. DEQ permitting and inspection oversight includes surface water, groundwater, storm water, and drinking water, air emissions, and solid and hazardous waste handling and disposal. The two Agreements that implement the Consent Decree also reference permit requirements for the water treatment plants as part of the contract provisions. Finally, the Consent Decree provides a portion of the Trust Funds to be used by DEQ to oversee the groundwater cleanup project. Under the implementing agreement, \$815,000 has been allocated to DEQ for oversight and management of the Joint Proposal.

DEQ, the Divisions of Oil, Gas, and Mining, and the Division of Water Rights are working collaboratively to assure that this project will meet the requirements of state law as well as the requirements of the Consent Decree. EPA has authority for compliance with CERCLA.

The Technical Review Committee (TRC) will continue to meet regularly to oversee the design, construction, and eventual operations of the facilities associated with this project, including review and evaluation of monitoring data as operations proceed. The models used to demonstrate containment and reduction of contamination assist the project personnel to optimize the extraction program. The information will be updated and reviewed by the Technical Review Committee and other interested parties. These reports will be placed in the project folder to maintain the institutional knowledge of the project. Agencies such as the Department of Environmental Quality and EPA will retain regulatory authority over the operator. The TRC will make recommendations to EPA, DEQ, and the Trustee, if changes in operations are warranted, based on its evaluation. The TRC is comprised of representatives from state and federal regulatory agencies, local government, Kennecott, JVWCD, and environmental interests.

The Stakeholder Forum, recently established by the Trustee, will provide a mechanism for informing the public of the progress of the groundwater cleanup. The Stakeholder Forum will receive updates from the TRC on the groundwater cleanup and can provide a forum for discussion of related issues. Information will also continue to be provided on the DEQ website at www.deq.utah.gov