

DEPARTMENT	OPERATING AREA
Environmental	Morenci
DOCUMENT NO.	DOCUMENT TITLE
BMP 200	Chase Creek Consent Decree Civil No. 85-507-GLO-WDB

WHAT IS THE CHASE CREEK CONSENT DECREE?

Freeport-McMoRan Morenci Inc entered into a Consent Decree with the Environmental Protection Agency (EPA) on October 24, 1986, which required the payment of civil penalties as well as to construct, operate and maintain flood control facilities within Chase Creek and Gold Gulch. Termination of the Consent Decree, pursuant to paragraph XVII, occurs after payment of the civil penalty and one year after EPA, Arizona or the Court certify the satisfactory completion of the Chase Creek and Gold Gulch flood control facilities pursuant to paragraph VII of the Decree.

Payment of Civil Penalty. Freeport-McMoRan Morenci Inc (then Phelps Dodge Corporation) submitted payment for the civil penalty on 6 November 1986.

Certification of Satisfactory Completion. Freeport-McMoRan Morenci Inc (then Phelps Dodge Corporation) obtained certification of satisfactory completion of the Chase Creek and Gold Gulch flood control facilities from EPA on 16 October 1987.

Termination of Consent Decree. The Consent Decree terminated upon the payment of the civil penalty and receipt of the 16 October 1987 letter from EPA acknowledging the completion of the flood control facilities. One issue identified in the 16 October 1987 EPA letter was the need to submit the Operation and Maintenance Plan for the flood control facilities. This Plan was submitted by Freeport-McMoRan Morenci Inc (then Phelps Dodge Morenci, Inc.) to EPA on August 5, 1987. Retention of Jurisdiction of the Consent Decree was relinquished by all parties following three (3) years after entry of the Decree if no party to the Decree moved the Court for an order continuing jurisdiction. Therefore, the Consent Decree has been terminated following submission of the final report certifying completion of the Chase Creek and Gold Gulch flood control systems.

WHAT ARE FREEPORT-MCMORAN MORENCI, INC'S REQUIREMENTS ASSOCIATED WITH THE CONSENT DECREE?

Morenci is responsible for maintaining the verification and documentation of the Consent Decree termination and ensuring compliance with those parts of the Consent Decree that do not terminate. Items that did not terminate include the following:

- Operation and maintenance of the Chase Creek and Gold Gulch flood control facilities is required pursuant to Paragraph VI of the Consent Decree, which prohibits a "Discharge of Pollutants" from the Morenci Mining complex.
- Operations of the flood control facilities require that an alarm system for Gold Gulch be installed and operated to signal when all process waters and runoff generated by storm events reach a critical level behind the dams.
- Each flood control facility is to be operated such that the reservoirs are emptied following a flood event to maximize available capacity.
- Provisions are to be made to ensure that process water and runoff is captured at both flood control facilities such that waters will not migrate past either facility through soil into downstream waters of the U.S.
- Seepage is controlled through the use of interceptor wells in the lower Chase Creek drainage.

- Morenci must provide written notice of the Consent Decree and its obligations to any successors in interest prior to any transfer or assignment of ownership or operation of the Morenci mining complex. Additionally, Morenci must provide written notice of any such transfer or assignment to EPA and Arizona Department of Environmental Quality (ADEQ).

QUESTIONS OR NEED HELP?

Contact your Environmental Representative or Environmental Services at (928) 865-6000

Revision Date	Revision No.	Revision Description	Reviewer	Final Approver
4/9/2021	0	Original Document		
6/13/2023	1	Updated to current template	KRK	KRK
6/2/2025	2	2025 Review No changes	SS	DG