Confidential Settlement Communication Subject to F.R.E. 408

CERCLA Mine Site Settlements: "Site" definitions that include areas where hazardous substances have come to be located:

1. **Gilt Edge** (*United States v. Cyprus Mines Corp.*, No 5:12-cv-05058-JLV (D.S.D. Oct. 9, 2012)): "Site" shall mean the Gilt Edge Mine Superfund Site, encompassing approximately 1,229 acres, located 4.5 miles southeast of the town of Lead in the northern Black Hills in Lawrence County, South Dakota, and as generally depicted on the map attached hereto as Appendix A. The "Site" also includes off-site areas impacted by hazardous substances released from the Site."

2. **California Gulch** (*United States v. Asarco Inc.*, No. 83-C-2388 (D. Colo. 2008): "Site" shall mean the California Gulch Superfund Site, the Black Cloud Mine, and any other areas where Waste Material from the California Gulch Superfund Site has come to be located. For purposes of the NRD covenants not to sue only, the Site shall mean the California Gulch Superfund Site, the Black Cloud Mine and (a) the 500-year flood plain of Iowa Gulch beginning at the Black Cloud Mine and extending down to the confluence with the Arkansas River, and (b) all areas where releases of hazardous substances from the Yak Tunnel specifically, and the California Gulch Superfund Site generally, have come to be located within the Arkansas River drainage to and including the Pueblo Reservoir."

3. **Rio Tinto** (*United States v. Atlantic Richfield Co.*, No. 3:12-cv-00524 (D. Nev. Sept. 9, 2012)): "Site" shall mean the Rio Tinto Mine and any area where hazardous substances released from the Rio Tinto Mine have come to be located within the State of Nevada."

4. **In re Black Jack and Mac Mine Sites** (Region 9 AOC with Homestake Mining Co., CERCLA Docket No. 2014-06, Aug. 27, 2014): "Sites" shall mean and include the Black Jack Nos. 1 and 2 and Mac Nos. 1 and 2 Mine Areas, including the areas depicted in Appendix A, and other areas where hazardous substances associated with the Black Jack Nos. 1 and 2 and Mac Nos. 1 and 2 Mine Areas have been deposited, stored, disposed of, placed, or otherwise came to be located."

5. **Talache Mine Tailings** (*United States v. Monarch Greenback L.L.C.*, No. CV 02-436-S-EJL, D. Idaho, Sept. 24, 2005): "Site" Shall mean the Talache Mine Tailings Superfund Site, and shall include all lands upon which any hazardous substances, pollutants, or contaminants from the Tailings Impoundments have been released, and all surface water and groundwater bodies within which any hazardous substances, pollutants or contaminants from the Tailings Impoundments have come to be located.

6. **Blackbird Mine** (*Idaho v. M.A. Hanna Co.*, No. 83-4179 (R), April 28, 1995): "Blackbird Mine Site" or "the Site" shall mean, for purposes of this Decree and the BRCP only, all private land, land subject to unpatented mining claims, and federal lands where waste rock, tailings, and other contaminants generated from the Blackbird Mine have come to be located. The Site includes the beds and banks of Blackbird, West Fork

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of Blackbird, Meadow, Bucktail, South Fork of Big Deer, Big Deer and Panther Creeks, in those portions of the Creeks where hazardous substances released form the Mine have come to be located.

7. **Iron Mountain** (*United States v. Iron Mountain Mines, Inc.*, No. S-91-0769 DFL/JFM, E.D. Cal. Dec. 8, 2000): "Site" shall mean, for purposes of this Consent Decree, the Iron Mountain Mine Superfund Site, located in Shasta County, California, approximately 9 miles northwest of the City of Redding, California, including . . . all locations (including without limitation any locations in or beyond the Sacramento River) where Waste Materials from the Iron Mountain Mine Property have spread or migrated by surface water, groundwater, air dispersion or other medium."

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