



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 155  
Seattle, WA 98101-3188

SUPERFUND &  
EMERGENCY  
MANAGEMENT DIVISION

March 26, 2020

**Via Email**

**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**

Debbie Deetz Silva  
Environmental Specialist  
Evraz, Inc. NA  
14400 N. Rivergate Blvd.  
Portland, Oregon 97203

Re: Portland Harbor Superfund Site; Portland, Oregon; Unilateral Administrative Order for Remedial Design; River Mile 2 East Project Area

Dear Ms. Deetz Silva:

On March 2, 2020, the U.S. Environmental Protection Agency (EPA) invited Evraz, Inc. NA (Evraz) to enter into a Remedial Design Administrative Settlement Agreement and Order on Consent (RD ASAOC). Evraz was given seven days to contact EPA and request Portland Harbor Site-specific model RD ASAOC and Statement of Work (SOW) documents. On March 9, 2020, Evraz requested, and EPA provided, the Portland Harbor Site-specific model RD ASAOC and SOW documents for the River Mile 2 East Project Area. Evraz was given fourteen days, until March 23, 2020, to sign the RD ASAOC and SOW. Evraz did not sign the Portland Harbor Site-specific RD ASAOC and SOW or engage in settlement negotiations during the aforementioned fourteen-day period. Instead, on March 23, 2020, Evraz requested an additional thirty days to sign the RD ASAOC, citing COVID-19 related concerns. EPA does not believe that the COVID-19 pandemic is a basis for failing to agree to enter into an RD ASAOC.

Therefore, EPA Region 10, with support from EPA Headquarters, has determined that it is necessary to issue the enclosed Unilateral Administrative Order (Order) to ensure that remedial design at the River Mile 2 East Project Area proceeds at the Portland Harbor Superfund Site (Site) in a timely manner. The enclosed Order is issued by EPA under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1986, 42 U.S.C. § 9606. This Order requires Evraz to perform remedial design at the River Mile 2 East Project Area shown on Appendix B for the remedy described in the Record of Decision for the Site and in accordance with the SOW attached to the Order.

Please review the enclosed Order and SOW carefully to ascertain the various deadlines established in the Order and the SOW. Field work (and associated travel) will be scheduled through the SOW process. The timing of any field work will appropriately take into account any constraints associated with the COVID-19 pandemic. None of the deadlines in the Order involve field work or travel. If, despite the lack of any associated travel, you cannot meet the deadlines in the Order due to the COVID-19 pandemic, please contact us and we will work with Evraz on appropriate accommodations, if necessary. Please note that Section VII of the Order provides for an opportunity for a conference, if a written request for a conference is received within ten days after issuance of the Order. The conference must

occur within five days of the request. If requested, EPA can conduct the conference via teleconference or via Skype. A Notice of Intent to Comply is required in accordance with Section IX of the Order prior to the Effective Date of the Order.

If you have technical questions regarding the Order, contact Eva DeMaria, Remedial Project Manager, at (206) 553-1970 or email [demaria.eva@epa.gov](mailto:demaria.eva@epa.gov). Legal questions and communications from attorneys should be directed to Stephanie Mairs, Assistant Regional Counsel, at (206) 553-7359 or email [mairs.stephanie@epa.gov](mailto:mairs.stephanie@epa.gov).

Sincerely,

Sheila Fleming  
Acting Director

Enclosures: Unilateral Administrative Order  
Statement of Work

cc and email: w/enclosures

Loren Dunn, Esq.  
Beveridge & Diamond, PC  
Re: Evraz, Inc., NA  
600 University Street, Ste. 1601  
Seattle, Washington 98101  
[LDunn@bdlaw.com](mailto:LDunn@bdlaw.com)