



**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

Richard Coffin
President
MMGL LLC
34407 Dupont Blvd., Ste. 6
Frankford, Delaware 19945

Peter B. Saba
Senior VP - General Counsel & Corporate Secretary
Schnitzer Steel Industries, Inc.
299 SW Clay, Ste. 350
Portland, Oregon 97201

Re: Portland Harbor Superfund Site; Portland, Oregon; Unilateral Administrative Order for Remedial Design; River Mile 3.5 East Project Area

Dear Mssrs. Coffin and Saba:

On March 2, 2020, the U.S. Environmental Protection Agency (EPA) invited Schnitzer Steel Industries, Inc. (Schnitzer) and MMGL, LLC (MMGL) to enter into a Remedial Design Administrative Settlement Agreement and Order on Consent (RD ASAOC). Schnitzer and MMGL were 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, Schnitzer and MMGL requested, and EPA provided, the Portland Harbor Site-specific model RD ASAOC and SOW documents for the River Mile 3.5 East Project Area. Schnitzer and MMGL were given fourteen days, until March 23, 2020, to sign the RD ASAOC and SOW. Schnitzer and MMGL 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, Schnitzer and MMGL 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 3.5 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 Schnitzer and MMGL to perform remedial design at the River Mile 3.5 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 Schnitzer and MMGL 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. Legal questions and communications from attorneys should be directed to Stephanie Ebright, Assistant Regional Counsel, at (206) 553-0774 or email ebright.stephanie@epa.gov.

Sincerely,

Sheila Fleming
Acting Director

Enclosures: Unilateral Administrative Order
Statement of Work

cc and email: w/enclosures

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