THE DOE RUN COMPANY
1801 Park 270 Drive
Suite 300
St. Louis, Missouri 63146

March 23, 2020

Elizabeth Hagenmaier
EPA Project Coordinator
United States Environmental Protection Agency
Region 7
11201 Renner Blvd.
Lenexa, KS 66219

**Re: Coronavirus Disease 2019 as Potential Force Majeure-Consent Decrees, Unilateral Administrative Orders, and Administrative Orders on Consent**

Dear Ms. Hagenmaier:

Present circumstances related to the spread of the Coronavirus Disease 2019 (COVID-19) in this country compel The Doe Run Resources Corporation (Doe Run) to provide written notice of a potential force majeure occurrence under the Consent Decrees, Unilateral Administrative Orders, and Administrative Orders on Consent (Decrees and Orders), as listed in Attachment 1. As required, this notice follows the initial phone calls made Monday, March 23, 2020.

At the present time, Doe Run does not anticipate any delay in fulfilling its obligations under the Decrees and Orders brought about specifically by COVID-19. Under terms of these Decrees and Orders, Doe Run must either claim force majeure upon first knowledge of COVID-19's effects or suffer the loss of its ability to ever do so. Given these unusual circumstances, Doe Run requests an opportunity to discuss this matter in more detail with US Environmental Protection Agency (EPA), before any action is taken in response to this notice.

The force majeure provisions in the Decrees and Orders require:

1. Explanation/description of reasons for delay;
2. Anticipated duration of delay;
3. Actions to prevent/minimize delay;
4. Implementation schedule for measures to prevent/mitigate delay or its effect:
5. Rationale for attributing delay as force majeure; and
6. Doe Run's statement on endangerment to public health, welfare or environment.

Available documentation is also to be provided.

Because the impact of COVID-19 on the Orders and Decrees is so uncertain, Doe Run can only provide general statements on the subjects listed above. If/when future developments increase the likelihood of actual delays, Doe Run will supplement this information.

1. Explanation/Description of Reasons for Delay

The Centers for Disease Control (CDC) suggests the following for US businesses to plan for a possible COVID-19 outbreak:

> The severity of illness or how many people will fall ill from COVID-19 is unknown at this time. If there is evidence of a COVID-19 outbreak in the U.S., employers should plan to be able to respond in a flexible way to varying levels of severity and be prepared to refine their business response plans as needed.

"Interim Guidance for Businesses and Employers, Plan and Respond to Coronavirus Disease 2019", reviewed on March 12, 2020 at:
https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

Fact sheets on COVID-19 from CDC and Missouri Department of Health and Senior Services (DHSS) can be found in the attached Appendix.

2. Anticipated Duration of Delay

At the present time, Doe Run does not anticipate any delay in fulfilling its obligations under the Decrees and Orders. Nonetheless, CDC, DHSS and other health experts remain uncertain as to the extent or severity of COVID-19:

> There is much more to learn about the transmissibility, severity, and other features of COVID-19 and investigations are ongoing.

Interim Guidance for Businesses and Employers, supra.

3. Actions to Prevent/Minimize Delay

Doe Run is presently reviewing data from national, state and local health officials for timely and accurate information on appropriate responses at each location where operations reside. Doe Run understands that the intensity of an outbreak may differ according to geographic location. St. Francois, Washington, Franklin, Iron and Reynolds Counties' health officials will be contacted regularly for guidance specific to their local communities.

4. Schedule for Implementation of Measures to Prevent or Mitigate the Delay or Its Effects.

As noted in a preceding section, Doe Run does not anticipate any delay in fulfilling its obligations under the listed Decrees and Orders. However, if CDC, DHSS and/or local health officials begin to raise concerns over disease severity, impacts in the local communities, and/or possible closures of key facilities, such as schools or retail, Doe Run will contact EPA and take appropriate action to protect its employees and operations.

5. Rationale for Attributing Delay as a Force Majeure Event

Force majeure is an event arising from causes beyond the control of Doe Run, despite Doe Run's best efforts to fulfill the obligation in question. COVID-19's outbreak in China and subsequent spread across the world is clearly beyond the control of Doe Run. Furthermore, as explained above, Doe Run's best efforts will be devoted to assessing the guidance from CDC, DHSS and local health officials in light of its obligations, and providing updates to EPA.

6. Doe Run's Statement on Endangerment to Public Health, Welfare or Environment.

Doe Run believes that a delay due to COVID-19 will not cause or contribute to endangerment to public health, welfare or the environment beyond existing conditions. None of the matters addressed under the Decrees and Orders is so unstable that a delay would significantly alter endangerment at these sites.

In conclusion, Doe Run does not believe that any delay in its obligations under the Decrees and Order will actually occur. However, with so much uncertainty, Doe Run is compelled to now provide this force majeure notice, given the legal consequences for failure to do so. We again request that EPA discuss these unusual circumstances with Doe Run prior to any response on this notice.

If you have any questions or comments, please call me at 314-453-7132.

Sincerely,

Chris C. Neaville

Chris C. Neaville
Asset Development Director

Attachments:
Attachment 1. Consent Decrees and Administrative Orders on Consent
Appendix--COVID-19 Fact Sheets

# Attachment 1. Consent Decrees and Administrative Orders on Consent

| Location | Site Name | Court/Agency | FORCE MAJEURE EPA REGIONS & OTHER AGENCIES | Action | CaseNo. | Date of Order | EPA Contact | State Contact | Trustee Contact |
|---|---|---|---|---|---|---|---|---|---|
| Block P Mill | Block P Tailings Site, Lewis Clark National Forest, Montana | US Dept of Agriculture | US Dept of Agriculture & EPAVIII & MDEQ | UAO-Removal | Block P Mill Tailings Site, Cascade County, Montana | 2/23/2004 | Roger Hoogerheide<br>USEPA Region 8, Montana Office<br>Federal Building, 10 W. 15th Street, Suite 3200<br>Helena, Montana 59626<br>Hoogerheide.Roger@epa.gov<br>406-422-9725 | Keith Large, State Project Officer<br>Montana Department of Environmental Quality (MDEQ)<br>1225 Cedar Street<br>Helena, Montana 59601<br>klarge@mt.gov<br>406-422-9725 | Steve Opp PG, OSC<br>Minerals and Geology Program Manager<br>Forest Service<br>Helena-Lewis and Clark NF<br>p: 406-495-3716<br>james.s.opp@usda.gov<br>2880 Skyway Dr<br>Helena, MT 59602 |
| Block P Mine | Barker-Hughesville Superfund Site Cascade and Judith Basin Counties, Montana | EPA | EPA VIII & MDEQ | AOC-Removal | 08-2011-0010 | 6/16/2011 | Roger Hoogerheide<br>USEPA Region 8, Montana Office<br>Federal Building, 10 W. 15th Street, Suite 3200<br>Helena, Montana 59626<br>Hoogerheide.Roger@epa.gov<br>406-422-9725 | Keith Large, State Project Officer<br>Montana Department of Environmental Quality (MDEQ)<br>1225 Cedar Street<br>Helena, Montana 59601<br>klarge@mt.gov<br>406-422-9725 | N/A |
| Glover | Glover | MDNR | MDNR | Agreement | ASARCO-MDNR, CV594-119CC (1994) ASARCO Bank., 05-21207, S.D.Tex. (2008) | 8/31/2011 | N/A | Christine Kump-Mitchell, P.E.<br>Environmental Engineer-Engineering Section<br>Waste Management Program<br>1730 East Elm Street<br>Jefferson City, Mo 65102<br>christine.kump@dnr.mo.gov<br>(314) 416-2464 | N/A |
| Multi-Media Consent Decree | BRRF<br>Brushy Creek Mine & Mill<br>Buick Mine & Mill<br>Casteel Mine<br>Fletcher Mine & Mill<br>Glover<br>Herculaneum<br>Sweetwater<br>West Fork | U.S. District Court- Eastern District of Missouri | EPA VII & MDNR | Consent Decree | Civil Action #4:10-cv-01895-JCH 1st Amendment 3/4/2013 | 12/21/2011 | Chief, Waste Enforcement and Materials Management Branch:<br>Air and Waste Management Division<br>U.S. Environmental Protection Agency<br>Region 7<br>Facsimile: 913-551-7201 and<br>Office of Regional Counsel<br>U.S. Environmental Protection Agency<br>Region 7<br>Facsimile: 913-551-7925 and<br>With electronic copy to:<br>Sanders.Steven@epa.gov and Lininger.Don@epa.gov | Director, Division of Environmental Quality:<br>Missouri Department of Natural Resources<br>1101 Riverside Drive<br>P.O. Box 899<br>Jefferson City, Missouri 65102<br>Facsimile: (573) 751-9277<br>With electronic copy to:<br>Ed.Galbraith@dnr.mo.gov | N/A |



FOIA EPA-R7-2020-004304_0001226

# Attachment 1. Consent Decrees and Administrative Orders on Consent

| Location | Site Name | Court/Agency | FORCE MAJEURE EPA REGIONS & OTHER AGENCIES | Action | CaseNo. | Date of Order | EPA Contact | State Contact | Trustee Contact |
|---|---|---|---|---|---|---|---|---|---|
| SEMO-Herculaneum | SEMO-NRD | U.S. Dept of Int., acting through the U.S. Fish and Wildlife Service, U.S. Dept. of Agri., acting through the U.S. Forest Service, and State of Missouri | USFWS, USFS & MDNR | Consent Decree | 420-CV-00234 | None - Lodged 02/11/2020 Comment Period closes 04/06/2020 | N/A | N/A | Lead Project Coordinator (USFWS):<br>David Mosby Environmental Contaminants Specialist<br>Ecological Field Services Station<br>U.S. Fish and Wildlife Service<br>101 Park DeVille Drive #A<br>Columbia, Missouri<br>dave_mosby@fws.gov<br>Project Coordinator (MDNR):<br>Eric Gramlich Section Chief<br>CERCLA/OPA NRDAR Section<br>Missouri Department of Natural Resources<br>P.O. Box 176<br>Jefferson City, MO 65102-0176<br>eric.gramlich@dnr.mo.gov<br>Project Coordinator (USFS):<br>Travis Haas Regional Environmental Engineer<br>U.S. Forest Service, Eastern Region<br>626 East Wisconsin Ave.<br>Milwaukee, WI 53202<br>travis.j.haas@usda.gov |
| St. Francois County | St. Francois County Mining Area | EPA | EPA VII | OU-2 AOC-RI/FS | 07-97-F-0002<br>1st Amendment 9/5/2012 | 1/29/1997 | Jason Gunter<br>US EPA Region 7<br>Remedial Project Manager<br>Office: 913-551-7358<br>Cell: 913-302-9144<br>gunter.jason@epa.gov | Johnathan Clark<br>Project Manager<br>Department of Natural Resources<br>DEQ, ERP, Superfund Section<br>Phone: (573) 526-9944<br>Jonathan.Clark@dnr.mo.gov | N/A |
| St. Francois County | St. Francois County Mining Area (SFCMA), aka Big River Mine Tailings Site, St. Francois County, MO | EPA | EPA VII & MDNR | OU-1 Consent Decree | 4:18CV502 RLW | 5/22/2018 | Jason Gunter<br>US EPA Region 7<br>Remedial Project Manager<br>Office: 913-551-7358<br>Cell: 913-302-9144<br>gunter.jason@epa.gov | Johnathan Clark<br>Project Manager<br>Department of Natural Resources<br>DEQ, ERP, Superfund Section<br>Phone: (573) 526-9944<br>Jonathan.Clark@dnr.mo.gov | N/A |
| St. Francois County | Federal Tailings Pile | EPA | EPA VII | Administrative Settlement Agreement & Order on Consent for Removal Action | 07-2009-0012 | 3/23/2011 | Jason Gunter<br>US EPA Region 7<br>Remedial Project Manager<br>Office: 913-551-7358<br>Cell: 913-302-9144<br>gunter.jason@epa.gov | Johnathan Clark<br>Project Manager<br>Department of Natural Resources<br>DEQ, ERP, Superfund Section<br>Phone: (573) 526-9944<br>Jonathan.Clark@dnr.mo.gov | N/A |



FOIA EPA-R7-2020-004304_0001227

# Attachment 1. Consent Decrees and Administrative Orders on Consent

| Location | Site Name | Court/Agency | FORCE MAJEURE EPA REGIONS & OTHER AGENCIES | Action | CaseNo. | Date of Order | EPA Contact | State Contact | Trustee Contact |
|---|---|---|---|---|---|---|---|---|---|
| Transportation AOC | SEMO - Haul Routes | EPA | EPA VII & MDNR | AOC-RCRA | 07-2007-0008 Modification 1/9/2012 | 5/8/2007 | Don Limnger EPA Region 7 913-551-7724 | Carey Bridges, R.G. Deputy Director, Division of Environmental Quality Missouri Department of Natural Resources 1101 Riverside Drive, Jefferson City, Mo 65101 phone: (573) 751-0763 | N/A |
| Tri-State | Jasper County Superfund Site, OU#1 | U.S. District Court- Western District of Missouri | EPA VII & MDNR | RD/RA Consent Decree | 08-5114-CV-SW-GAF | 3/26/2009 | Steve Kemp, RPM LMSE Branch EPA Region 7 11201 Renner Blvd Lenexa, KS 66219 (913) 551-7194 telephone (913) 551-9194 fax | Valerie Wilder Chief, Superfund Site Assessment Unit Missouri Department of Natural Resources Superfund Section 1730 Elm Street, Jefferson City, MO 65102-0176 573-751-7880 valerie.wilder@dnr.mo.gov | N/A |
| Tri-State | Cherokee County Superfund Site | U.S. District Court - District of Kansas | EPA VII & MDNR | RD/RA Consent Decree | CaseNo.6:08-CV-01316-WEB-DWB | 10/20/2008 | Liz Hagenmaier, RPM LMSE Branch EPA Region 7 11201 Renner Blvd Lenexa, KS 66219 (913) 551-7939 telephone (913) 551-9194 fax | Valerie Wilder Chief, Superfund Site Assessment Unit Missouri Department of Natural Resources Superfund Section 1730 Elm Street, Jefferson City, MO 65102-0176 573-751-7880 valerie.wilder@dnr.mo.gov | N/A |
| Viburnum | Sweetwater | U.S. District Court- Eastern District of Missouri | MDNR | Consent Decree | 4:06-cv-00969 CDP | 5/22/2012 | N/A | Valerie Wilder Chief, Superfund Site Assessment Unit Missouri Department of Natural Resources Superfund Section 1730 Elm Street, Jefferson City, MO 65102-0176 573-751-7880 valerie.wilder@dnr.mo.gov and Assistant Attorney General Agriculture and Environment Division State of Missouri Office of Attorney General 207 W. High Street Jefferson City, Missouri 65102 Voice: 573-751-8370 Fax: 573-751-8796 | N/A |



FOIA EPA-R7-2020-004304_0001228

# Attachment 1. Consent Decrees and Administrative Orders on Consent

| Location | Site Name | Court/Agency | FORCE MAJEURE EPA REGIONS & OTHER AGENCIES | Action | Case No. | Date of Order | EPA Contact | State Contact | Trustee Contact |
|---|---|---|---|---|---|---|---|---|---|
| Viburnum - City | St. Joe Minerals Corp-Viburnum Site | EPA | EPA VII | AOC-PrelimAssess/Site Inspection | 07-2005-0339 | 9/30/2005 | PRIMARY<br>Megan Schuette<br>Federal On-Scene Coordinator<br>US EPA Region 7<br>schuette.megan@epa.gov<br>8600 NE Underground Drive, Pillar 253<br>Kansas City, MO 64161<br>11201 Renner Blvd.<br>Lenexa, KS 66219<br>913-551-7630<br>913-375-5182<br>SECONDARY<br>Kirk Mammoliti<br>Federal On-Scene Coordinator<br>US EPA Region 7<br>mammoliti.kirk@epa.gov<br>11201 Renner Blvd.<br>Lenexa, KS 66219<br>(913) 551-7902<br>(636) 591-5258 | N/A | N/A |
| Viburnum - City | St. Joe Minerals Corp-Viburnum Site | EPA | EPA VII & MDNR | AOC-Time Critical | 07-2007-0013 | 5/2/2007 | PRIMARY<br>Megan Schuette<br>Federal On-Scene Coordinator<br>US EPA Region 7<br>schuette.megan@epa.gov<br>8600 NE Underground Drive, Pillar 253<br>Kansas City, MO 64161<br>11201 Renner Blvd.<br>Lenexa, KS 66219<br>913-551-7630<br>913-375-5182<br>SECONDARY<br>Kirk Mammoliti<br>Federal On-Scene Coordinator<br>US EPA Region 7<br>mammoliti.kirk@epa.gov<br>11201 Renner Blvd.<br>Lenexa, KS 66219<br>(913) 551-7902<br>(636) 591-5258 | N/A | N/A |



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