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

March 23, 2020

Steven Sanders
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 7
11201 Renner Blvd.
Lenexa, Kansas 66219

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

Dear Mr. Sanders:

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 USEPA Region 8, Montana Office Federal Building, 10 W. 15th Street, Suite 3200 Helena, Montana 59626 Hoogerheide.Roger@epa.gov 406-422-9725	Keith Large, State Project Officer Montana Department of Environmental Quality (MDEQ) 1225 Cedar Street Helena, Montana 59601 klarge@mt.gov 406-422-9725	Steve Opp PG, OSC Minerals and Geology Program Manager Forest Service Helena-Lewis and Clark NF p: 406-495-3716 james.s.opp@usda.gov 2880 Skyway Dr 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 USEPA Region 8, Montana Office Federal Building, 10 W. 15th Street, Suite 3200 Helena, Montana 59626 Hoogerheide.Roger@epa.gov 406-422-9725	Keith Large, State Project Officer Montana Department of Environmental Quality (MDEQ) 1225 Cedar Street Helena, Montana 59601 klarge@mt.gov 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. Environmental Engineer-Engineering Section Waste Management Program 1730 East Elm Street Jefferson City, Mo 65102 christine.kump@dnr.mo.gov (314) 416-2464	N/A
Multi-Media Consent Decree	BRRF Brushy Creek Mine & Mill Buick Mine & Mill Casteel Mine Fletcher Mine & Mill Glover Herculaneum Sweetwater 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: Air and Waste Management Division U.S. Environmental Protection Agency Region 7 Facsimile: 913-551-7201 and Office of Regional Counsel U.S. Environmental Protection Agency Region 7 Facsimile: 913-551-7925 and With electronic copy to: Sanders.Steven@epa.gov and Lininger.Don@epa.gov	Director, Division of Environmental Quality: Missouri Department of Natural Resources 1101 Riverside Drive P.O. Box 899 Jefferson City, Missouri 65102 Facsimile: (573) 751-9277 With electronic copy to: Ed.Galbraith@dnr.mo.gov	N/A

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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): David Mosby Environmental Contaminants Specialist Ecological Field Services Station U.S. Fish and Wildlife Service 101 Park DeVille Drive #A Columbia, Missouri dave_mosby@fws.gov Project Coordinator (MDNR): Eric Gramlich Section Chief CERCLA/OPA NRDAR Section Missouri Department of Natural Resources P.O. Box 176 Jefferson City, MO 65102-0176 eric.gramlich@dnr.mo.gov Project Coordinator (USFS): Travis Haas Regional Environmental Engineer U.S. Forest Service, Eastern Region 626 East Wisconsin Ave. Milwaukee, WI 53202 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 1st Amendment 9/5/2012	1/29/1997	Jason Gunter US EPA Region 7 Remedial Project Manager Office: 913-551-7358 Cell: 913-302-9144 gunter.jason@epa.gov	Johnathan Clark Project Manager Department of Natural Resources DEQ, ERP, Superfund Section Phone: (573) 526-9944 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 US EPA Region 7 Remedial Project Manager Office: 913-551-7358 Cell: 913-302-9144 gunter.jason@epa.gov	Johnathan Clark Project Manager Department of Natural Resources DEQ, ERP, Superfund Section Phone: (573) 526-9944 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 US EPA Region 7 Remedial Project Manager Office: 913-551-7358 Cell: 913-302-9144 gunter.jason@epa.gov	Johnathan Clark Project Manager Department of Natural Resources DEQ, ERP, Superfund Section Phone: (573) 526-9944 Jonathan.Clark@dnr.mo.gov	N/A

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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 Lininger 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

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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-PrelimAsses s/Site Inspection	07-2005-0339	9/30/2005	PRIMARY Megan Schuette Federal On-Scene Coordinator US EPA Region 7 schuette.megan@epa.gov 8600 NE Underground Drive, Pillar 253 Kansas City, MO 64161 11201 Renner Blvd. Lenexa, KS 66219 913-551-7630 913-375-5182 SECONDARY Kirk Mammoliti Federal On-Scene Coordinator US EPA Region 7 mammoliti.kirk@epa.gov 11201 Renner Blvd. Lenexa, KS 66219 (913) 551-7902 (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 Megan Schuette Federal On-Scene Coordinator US EPA Region 7 schuette.megan@epa.gov 8600 NE Underground Drive, Pillar 253 Kansas City, MO 64161 11201 Renner Blvd. Lenexa, KS 66219 913-551-7630 913-375-5182 SECONDARY Kirk Mammoliti Federal On-Scene Coordinator US EPA Region 7 mammoliti.kirk@epa.gov 11201 Renner Blvd. Lenexa, KS 66219 (913) 551-7902 (636) 591-5258	N/A	N/A

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