

5/10/2022

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UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

IN THE MATTER OF:  
US Magnesium Site  
Rowley, Utah

U.S. EPA Region 8  
CERCLA Docket No. 08-2011-0013

US Magnesium LLC,  
  
Respondent.

Proceeding Under Sections 104, 107 and  
122 of the Comprehensive Environmental  
Response, Compensation, and Liability Act,  
as amended, 42 U.S.C. §§ 9604, 9607 and  
9622.

**SECOND ADEMDMENT TO  
ADMINISTRATIVE SETTLEMENT AGREEMENT AND ORDER ON CONSENT  
FOR REMEDIAL INVESTIGATION/FEASIBILITY STUDY  
FOR THE US MAGNESIUM SITE**

The Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study for the US Magnesium Superfund Site dated August 4, 2011, as amended on September 8, 2016 (AOC), is hereby amended as follows.

**WHEREAS**, the United States on behalf of the U.S. Environmental Protection Agency (EPA) has entered into a Consent Decree in the matter captioned *US v Magnesium Corporation of America, et al.*, Case No. 2:01CV0040B in the United States District Court for the District of Utah resolving, among other things, claims asserted against US Magnesium LLC (Respondent) arising under the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 *et seq.*, and concerning the US Magnesium Superfund Site (Consent Decree);

**WHEREAS**, the United States on behalf of EPA has also entered into a Settlement Agreement in the Chapter 7 bankruptcy cases of Magnesium Corporation of America (MagCorp) and Renco Metals, Inc., (Metals) in the United States Bankruptcy Court for the Southern District of New York, Case No. 01-14312, resolving, among other things, claims asserted against the MagCorp and Metals bankruptcy estates by the United States and the Respondent among others (Bankruptcy Settlement);

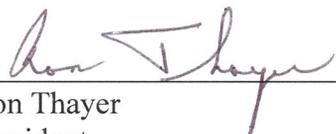
**WHEREAS**, EPA and Respondent seek to modify the AOC to incorporate applicable terms and conditions of the Consent Decree and the Bankruptcy Settlement.

NOW, THEREFORE, pursuant to Paragraph 100 of the AOC and with the consent of the Respondent, the AOC is amended as follows.

- I. Definitions. Terms used in this Amendment that are defined in the AOC, Consent Decree and the Bankruptcy Settlement shall have the meaning assigned to them in such agreements.
- II. Section IX (Work to be Performed) of the AOC is amended as follows.
  - a. Respondent shall complete the Site-wide Remedial Investigation for the Site and submit the Site-Wide Remedial Investigation report to EPA in accordance with Section X (EPA Approval of Plans and Other Submissions) of the AOC.
  - b. The Feasibility Study to be conducted by Respondent shall be limited to the areas of the Site outside the operating Facility boundary and outside the boundary of the Retrofitted Waste Pond (defined as the “Facility Closing Area” in the Consent Decree) as depicted on the map attached hereto as Appendix 1 (Map).
- III. Except as modified herein, the AOC remains unchanged and in full force and effect.

Agreed this 26<sup>th</sup> day of April, 2022.

For Respondent  
US Magnesium LLC

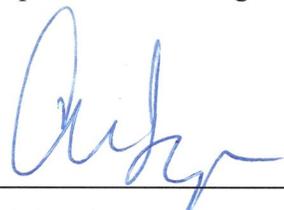
By:   
Ron Thayer  
President

Date: 4/26/22

It is so ORDERED AND AGREED this 10 day of May, 2022.

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

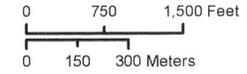
By:  Date: 5/10/22  
Betsy Smidinger  
Division Director  
Superfund and Emergency Management Division

By:  Date: 5/10/22  
Christopher Thompson  
Associate Regional Counsel for Enforcement  
Office of Regional Counsel

**US Magnesium Facility, Rowley, Utah**  
**Appendix 1**

**Key**

 Facility Closing Area (approximate)



Map Projection: UTM, Meters, Zone 12N, NAD 83



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community