



# Oregon

Kate Brown, Governor

Department of Environmental Quality

Northwest Region

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TTY 711

August 21, 2018

To: NW Metals Inc. Operator &  
FHA Holdings LLC., Property owner

**Re: Warning Letter with Opportunity to Correct WL-NWR-CU-08-90  
Removal Action Order, OERS# 2018-0553, NW Metals Fire Incident**

On March 28, 2018, the Department of Environmental Quality (DEQ) issued NW Metals Inc., Operator & FHA Holdings LLC., Property owner (the Respondents) a Removal Action Order, OERS # 2018-0553 (the RAO) related to the release of a hazardous substances at a facility located at 7600 NE Killingsworth street in Portland. Pursuant to the RAO, on July 12, 2018, DEQ approved a Work Plan, including conditions for clearing fire debris and soil sampling at the facility.

Section V, Paragraph 3 of the RAO requires Respondents to implement the removal of fire debris within five days of the approval of the Work Plan. In addition, the RAO requires Respondents to complete soil sampling within 10 days of approval of the Work Plan. At this time, Respondents have not implemented the removal of the cars and husks to facilitate on-site activities and have not completed soil sample collection. Therefore, Respondents have violated the requirements of the RAO.

#### VIOLATION:

Failing to comply with a department order. Specifically, Respondent failed to implement removal of fire debris within five days of the approval of the Work Plan and failed to implement and complete soil sampling within ten days of the approval of the Work Plan. This is a Class I violation, pursuant to OAR 340-012-0053(1)(a).

Class I violations are considered to be the most serious violations; Class III violations are the least serious.

#### OPPORTUNITY TO CORRECT:

DEQ is setting forth the following time schedule for an opportunity to correct the above cited violations of the RAO:

- By close of business on September 7, 2018, clear all cars, husks and other materials (tires, etc.) from the southern portion of the site in order to provide access for fire debris removal and sample collection.

- By close of business on September 14, 2018, clear the southern portion of the site of fire debris and complete all soil sample collection.

This notice is a warning letter. DEQ does not intend to take formal enforcement action at this time. However, should you repeat the violation, or fail to meet the schedule for the opportunity to correct above, the matter may be referred to DEQ's Office of Compliance and Enforcement for formal enforcement action, including assessment of civil penalties.

Should you have any questions about this Warning Letter please feel free to contact me at 503-229-5153.

Sincerely,



Michael Greenburg  
State On-Scene Coordinator  
Oregon Department of Environmental Quality

Cc: Office of Compliance and Enforcement, DEQ Headquarters  
DEQ Site File  
Managers, Northwest Region  
Bruce Gilles, DEQ HQ  
Gary Vrooman, DOJ