

MEMORANDUM

TO: File

DATE: July 11, 2026

SUBJECT: Emergency Procurement – Retention of Kevin Hannon / Singleton Schreiber, LLP to Provide CERCLA Advisory Support for FFSL

The purpose of this memorandum is to document the emergency procurement of outside counsel under Utah Code § 63G-6a-803 (emergency procurement) and Utah Admin. Code R105-1 and R33-108-401 for the Utah Division of Forestry, Fire and State Lands (“FFSL”). The emergency procurement concerns legal advice and CERCLA-related guidance necessary to support the State’s interests at the US Magnesium Superfund site.

Section 63G-6a-803 allows the Attorney General to authorize an emergency procurement without using a standard procurement process if the procurement is necessary to mitigate a negative impact on public health, safety, welfare, or property, or to protect the legal interests of a public entity. In making that authorization, the Attorney General must ensure that the procurement is made with as much competition as reasonably practicable while protecting those interests, and must make publicly available, within 14 days, a written description of the emergency, the name of the highest-ranking government official who approved the procurement, and each written contract related to the procurement. R33-108-401 also requires written documentation of the basis for the emergency and the procurement selection to be maintained in the contract file.

Basis for Emergency. In late April 2026, FFSL identified immediate CERCLA-related legal questions requiring specialized expertise, including potential cost-recovery implications, evaluation of historic contamination, and coordination related to ongoing agency actions. These matters required prompt analysis to protect the State’s natural resources and ensure that FFSL maintained compliance with federal CERCLA requirements.

The Office of the Attorney General determined that outside counsel with extensive CERCLA and complex environmental-litigation expertise was required. No in-house Assistant Attorneys General possess the level of specialized CERCLA litigation and advisory experience needed to evaluate these issues on an urgent timeline.

Basis for selection of procurement item. The Office evaluated multiple candidates offering strong environmental credentials, including teams with substantial Utah-specific experience and others with broad national environmental practices. Although several groups demonstrated meaningful expertise, some projected costs that were considerably higher than competing proposals, and others disclosed conflicts that would have required resolution before representation could begin. Additional regional candidates were contacted, but they either declined to participate, did not submit full proposals, or lacked the specialized CERCLA-focused capabilities necessary for this matter. As a result, none of these firms were selected for engagement.

After consultation with FFSL leadership and review of available firms, Kevin S. Hannon of Singleton Schreiber, LLP was identified as the most qualified available counsel. Mr. Hannon possesses extensive CERCLA, Superfund, and environmental-litigation experience, including complex contamination matters involving entities associated with the site. Singleton Schreiber reported no conflicts and proposed competitive hourly rates.

Selection. The appointment of Singleton Schreiber, LLP is in the best interests of the State due to the firm's CERCLA practice, Mr. Hannon's environmental experience, and the firm's ability to staff the matter immediately and meet appropriate timelines. Singleton Schreiber, LLP has reported no conflicts regarding the parties involved and presented hourly rates favorable in light of the complexity and urgency of the proceedings.

A copy of the written contract is attached.

Dated July 11, 2026.

Mark E. Burns

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Burns
Date: 2026.07.11 09:11:21
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Utah Attorney General or designee

