

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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FILED
EPA REGION VIII
HEARING CI ERK

IN THE MATTER OF:

AMENDMENT TO ADMINISTRATIVE
SETTLEMENT AGREEMENT

Jefferson City Residential Yards Site
Jefferson City, Jefferson County, Montana

U.S. EPA Region 8
CERCLA Docket No.: **CERCLA-08-2018-0001**
CERCLA-08-2013-0003

Montana Tunnels Mining, Inc.,

Respondent.

PROCEEDING UNDER SECTION
122(h)(1) OF CERCLA,
42 U.S.C. § 9622(h)(1)

AMENDMENT TO ADMINISTRATIVE SETTLEMENT AGREEMENT

On July 22, 2013, the U.S. Environmental Protection Agency (EPA) and Montana Tunnels Mining, Inc. (Respondent) entered into an Administrative Settlement Agreement for Ability to Pay Peripheral Parties (AOC) for the Jefferson City Residential Yards Superfund Site, located in Jefferson County, Montana. Section VI of the AOC provides that Respondent shall pay \$380,000 of Response Costs incurred under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et seq.* that are not inconsistent with the National Contingency Plan, 40 C.F.R. part 300.

Pursuant to paragraph 16 of the AOC, Respondent shall pay to EPA \$372,217.14, plus interest, for a total payment of \$380,000. Respondent is to pay in 35 monthly installments of \$2,500.00 with a final balloon payment of \$292,500.00.

Pursuant to paragraph 20, if the Respondent fails to make any required payment by the required due date, all remaining installment payments and all accrued interest shall become due immediately upon such failure. Interest shall continue to accrue on any unpaid amounts until the total amount due has been received. Pursuant to paragraph 21, if any required payment is not paid by the required date, Respondent shall be in violation of the AOC and shall pay to EPA, as a stipulated penalty, in addition to the Interest required, \$500.00 per violation per day that such payment is late.

The following is a summary of the payment history.

Payment Date		Payment Amount	Amount Collected
9/13/2013		\$2,500.00	\$2,500.00
10/5/2013		\$2,500.00	\$5,000.00
11/4/2013		\$2,500.00	\$7,500.00
1/22/2014		\$2,500.00	\$10,000.00
4/7/2014		\$5,000.00	\$15,000.00
5/2/2014		\$2,500.00	\$17,500.00
7/14/2014		\$5,000.00	\$22,500.00
2/9/2015		\$2,500.00	\$25,000.00
3/30/2015		\$2,500.00	\$27,500.00
5/6/2015		\$2,500.00	\$30,000.00
8/10/2015		\$2,500.00	\$32,500.00

The EPA and Respondent hereby amend paragraphs 16 and 18 of Section VI of the AOC as follows:

16. **Payment of Response Costs.** Settling Party shall pay to EPA the amount of \$347,500.00. Payment shall be made in 48 installments of \$4,000.00 with a final balloon payment of \$155,500.00. The first installment payment of \$4,000.00 is due within 30 days after the effective date of this Amendment to the AOC. Installment payments shall be made on the first day of each month thereafter for the next 48 months. The last and final payment of \$155,500.00 is due and payable on the first day of the forty-ninth month after the first installment payment.

18. **Notice of Payment.** At the time of each payment, Settling Party shall also send notice that such payment has been made to:

Shawn McCaffrey
Technical Enforcement Program
U.S. EPA Region 8, 8ENF-L
1595 Wynkoop Street
Denver, Colorado 80202-1129

Region 8 Financial Management Program
U.S. EPA Region 8, 8TMS-FMP
1595 Wynkoop Street
Denver, Colorado 80202-1129

and to the EPA Cincinnati Finance Office by email at acctsreceivable.cinwd@epa.gov or by mail to:

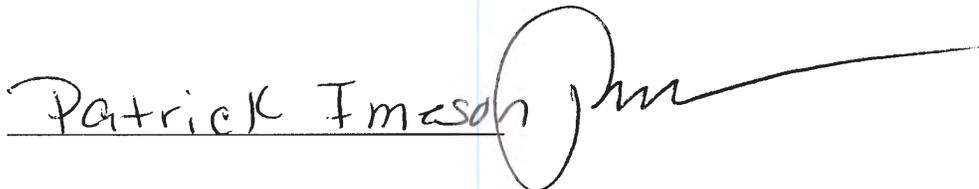
EPA Cincinnati Finance Center
26 Martin Luther King Drive
Cincinnati, Ohio 45268

Such notice shall reference the Site/Spill ID Number and EPA docket number for this action.

All other provisions of the AOC shall remain unchanged.

Agreed this 31 day of Oct, 2017.

For Respondent
Montana Tunnels Mining, Inc.

By: Patrick Imeson 

Title: CEO

It is so ORDERED AND AGREED this 15 day of November, 2017.

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 8

By: 
Suzanne Behan, Assistant Regional Administrator
Office of Enforcement, Compliance & Environmental Justice
U.S. Environmental Protection Agency, Region 8

11/2/17
Date