



This First Amendment (“Amendment”) to the Administrative Order on Consent, EPA Docket No. CERCLA-08-2007-0002 (“Order”), is entered into voluntarily by the United States Environmental Protection Agency (“EPA”) and Your Valet Cleaners, Inc. (“Respondent”). This Amendment to the Order provides for: (1) an adjustment to the amount of Future Response Costs sought in EPA’s April 23, 2010 billing letter; and, (2) suspends all future billings.

WHEREAS, Respondent entered into the Order, which became effective on January 3, 2007, whereby it agreed to pay the sum of \$10,000 in partial payment of Past Response Costs and all Future Response Costs;

WHEREAS, EPA issued its initial billing for Future Response Costs covering the period of 1/1/06-9/30/08 on April 15, 2009 in the amount of \$29,950.15 (“FY08 Billing”);

WHEREAS, Respondent claimed an inability to pay all of the Future Response Costs in the FY08 Billing due to cash-flow difficulties and provided financial documentation to support its claim;

WHEREAS, Respondent and EPA entered into a Letter Agreement on June 9, 2009, wherein Respondent agreed to make monthly payments in the amount of \$1,276.06 on the 1<sup>st</sup> day of each month until the full principal amount in the FY08 Billing, and all accrued interest thereon, are paid in full;

WHEREAS, EPA issued its second billing for Future Response Costs covering the period of 10/1/08-9/30/09 on April 23, 2010 in the amount of \$3,102.21 (“FY09 Billing”);

WHEREAS, Respondent has requested an adjustment to the costs in the FY09 Billing due to a financial hardship;

WHEREAS, Respondent has diligently paid, and continues to pay the monthly installment payments designated in the June 9, 2009 Letter Agreement;

WHEREAS, the Removal Action conducted at the Your Valet Cleaners property was completed on March 17, 2008.

WHEREAS, EPA has reviewed the financial information supplied by Your Valet Cleaners and has concluded based on that information that Your Valet Cleaners has an inability to pay all of the Future Response Costs that have been incurred or may be incurred pursuant to the Order;

THEREFORE, Section XV-Payment of Response Costs, Paragraph 45-Payments for Future Response Costs of the Order shall be replaced in its entirety with the following:

45. Payments for Future Response Costs

a. For Future Response Costs incurred before 10/01/2008, Respondent shall continue to pay those costs pursuant to the terms of the June 9, 2009 Letter Agreement.

b. EPA agrees to accept \$500.00 as full payment for all Future Response Costs incurred on or after 10/01/2008.

c. Respondent agrees to pay the \$500.00 within 60 days of the Effective Date of this Amendment via the terms set forth in this Paragraph.

d. The Effective Date of this Amendment shall be the date it is signed by EPA's Regional Administrator or his/her delegates.

e. Respondent shall make the \$500.00 payment required by this Paragraph by a certified or cashier's check or checks made payable to "EPA Hazardous Substance Superfund," referencing the name and address of the party making payment, the Site name (Bountiful 5 Points PCE Plume Site), the EPA Site/Spill ID number (SSID #08-GP), the EPA docket number for this action (referenced on the cover page of this Amendment), and shall specify "FY09 Future Response Costs" on the front of the check. Respondent shall send the check(s) to:

Since the Order was originally entered into, the addresses where payments should be sent have changed. For certified or cashier's checks, payment must be received by 11:00 AM Eastern Time for same day credit and should be forwarded to one of the following addresses:

Regular Mail: U.S. Environmental Protection Agency  
Superfund Payments  
Cincinnati Finance Center  
PO Box 979076  
St. Louis, MO 63197-9000

Overnight Mail: U.S. Bank  
Government Lockbox 979076  
US EPA Superfund Payments  
1005 Convention Plaza  
SL-M0-C2-GL  
St. Louis, MO 63101

To ensure that your payment is properly recorded by EPA, the following information must be included on the face of your payment check (for the FY09 Response Costs):

Your Valet Cleaners, Inc.  
Bountiful 5 Points PCE Plume Site  
Site#: 08-GP  
CERCLA-08-2007-0002  
AR#: 2781026S025  
FY09 Response Costs

At the time of payment. Respondent shall send notice that payment has been made to the following individuals:

Carol Pokomy (8ENF-RC)  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202-1129

Martha Walker, FMO (8TMS-FMP)  
U.S. Environmental Protection Agency  
1595 Wynkoop Street  
Denver, CO 80202-1129

f. If Respondent fails to make the \$500.00 payment within 60 days of the Effective Date, then interest shall accrue on the unpaid principal at the rate determined by the Department of Treasury until said principal and accrued interest is paid in full.

g. There shall be no further billings issued for Future Oversight Costs incurred under the Order after April 23, 2010.

h. The original terms of the Order also designated that all payments made by Your Valet Cleaners, Inc. were to be deposited into the Bountiful 5 Points PCE Plume Site Special Account (08-GP). However, as all work at this site has been completed, on May 14, 2009, EPA established a new Special Account for the Five Points PCE Plume NPL Site with the permission of Your Valet Cleaners, Inc. All future payments made by Your Valet Cleaners, Inc. shall be deposited into the Five Points PCE Plume NPL Site Special Account (08-NA), to be retained and used to conduct or finance response actions at or in connection with the National Priorities List site, or to be transferred by EPA to the EPA Hazardous Substance Superfund.

**It is so Agreed:**

**FOR RESPONDENT YOUR VALET CLEANERS, INC.:**

By: \_\_\_\_\_

James Patterson, President  
Your Valet Cleaners, Inc.

\_\_\_\_\_  
Date

**It is so ORDERED and Agreed:**

**FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY:**

By: David Ostrander 12/16/10  
Date  
David Ostrander, Director  
Site Assessment, Emergency Response  
and Preparedness Program  
U.S. Environmental Protection Agency, Region 8

By: Matt Cohn 12/16/10  
Date  
Matt Cohn, Supervisory Attorney  
Legal Enforcement Program  
U.S. Environmental Protection Agency, Region 8

By: Kelcey Land 12/16/10  
Date  
Kelcey Land, Director  
Technical Enforcement Program  
U.S. Environmental Protection Agency, Region 8