

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2018 MAY -3 AM 11:59

FILED
EPA REGION VIII
HEARING CLERK

_____))
IN THE MATTER OF:) U.S. EPA Docket No. CERCLA-08-2017-0007
)
Camp Bird Mine Site,)
Ouray County, Colorado)
)
The Bankruptcy Estate of)
Camp Bird Colorado, Inc.,)
)
Respondent.)
)
Proceeding Under Sections 104, 106(a),) **AMENDMENT TO ADMINISTRATIVE**
107 and 122 of the Comprehensive) **SETTLEMENT AGREEMENT AND**
Environmental Response, Compensation) **ORDER ON CONSENT FOR**
and Liability Act, 42 U.S.C. §§ 9604,) **REMOVAL ACTION**
9606(a), 9607 and 9622)
_____)

The Administrative Settlement Agreement and Order on Consent for Removal Action executed by the U.S. Environmental Protection Agency on July 13, 2017, (Settlement) is hereby amended as follows (Amendment):

Paragraph 97 is amended in its entirety to read:

97. Purchaser may draw down from the trust fund up to \$1.2 million for Phase 1 Work performed under the Removal Work Plan by delivering a written request for payment to the trustee of the trust fund and EPA and receiving approval from the trustee and EPA, as provided in the Trust Agreement.

a. \$850,000 of the total will be releasable for billings submitted to and approved under the Trust Agreement as they are submitted.

b. Another \$200,000 of the total \$1.2 million will be releasable for billings submitted to and approved under the Trust after EPA approval of all Phase 1 design deliverables required pursuant to the Work Plan, including identification of the source of necessary cover materials.

c. Another \$150,000 of the total \$1.2 million for billings submitted to and approved under the Trust will be releasable upon EPA approval of that portion of Tasks 1-4 of the Phase 1 Work anticipated to be completed in 2017, as set forth in the Removal Work Plan.

Paragraph 99 is amended in its entirety to read:

99. Additional Financial Assurance and Amendment of Trust Agreement.

a. On or before April 30, 2018, Purchaser may deposit \$700,000 in additional financial assurance for Work at the Site for the benefit of EPA in the trust fund previously established pursuant to Paragraph 96. The first lien on the Property will be released by EPA within 21 days of notice to EPA of the additional \$700,000 financial assurance funding by completing the relevant sections of Appendix D and returning the release form to Purchaser for recording. In the event Purchaser does not fund the \$700,000 in additional financial assurance, the lien will be removed only after EPA certifies as complete the Work undertaken pursuant to this Settlement.

i. In the event Purchaser elects to provide additional financial assurance in accordance with this Paragraph, Purchaser may draw down from the trust fund for Phase 1 Work performed under the Removal Work Plan as amended by delivering a written request for payment to the trustee of the trust fund and EPA and receiving approval from the trustee and EPA, as provided in the Trust Agreement.

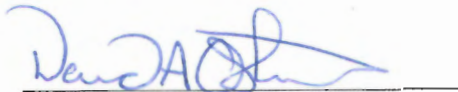
b. Purchaser shall amend Section 4(a) of the Trust Agreement established pursuant to Paragraph 96 as follows: All funds deposited in the Fund will be releasable for billings submitted to and approved under the Trust Agreement as they are submitted.

c. Purchaser shall notify EPA in accordance with Section XXX (Notices and Submissions) of any Trust Agreement amendments.

IT IS SO AGREED AND ORDERED:

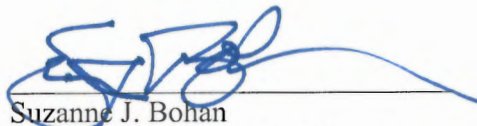
U.S. ENVIRONMENTAL PROTECTION AGENCY:

5/2/2018
Dated



David Ostrander
Director, Preparedness, Assessment and Emergency
Response Program, Region 8

5/2/2018
Dated



Suzanne J. Bohan
Assistant Regional Administrator
Office of Enforcement, Compliance
and Environmental Justice

Signature Page for Settlement Regarding Camp Bird Mine Superfund Site

FOR Caldera Mineral Resources, LLC

4/11/18

Dated

Sturges Karban

Sturges Karban, Managing Member