

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

2009 OCT 20 AM 9:58

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF:
Upper Tenmile Creek Mining Area
Superfund Site
Lewis and Clark, County, Montana,

Kirk and Cathy Eakin,

Respondents.

U.S. EPA Region 8
Docket No. CERCLA-08-2009-0006

Proceeding Under Section 104(e) of the
Comprehensive Environmental Response,
Compensation, and Liability Act, as
amended, 42 U.S.C. § 9604(e)

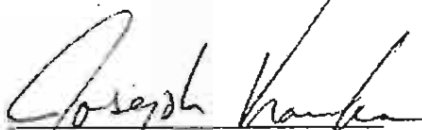
FIRST AMENDMENT TO
ADMINISTRATIVE ORDER DIRECTING COMPLIANCE
WITH REQUEST FOR ACCESS

New information has been received that work to be performed under the Order will not commence until next year, therefore, EPA is amending the Order to include a date certain when the Order will become effective. In addition, Respondent submitted information in response to Section IX. OPPORTUNITY TO CONFER, expressing willingness to try to negotiate an agreement for access. EPA intends to treat Respondent's submission as a request to confer and is commencing a period of negotiation.

Section X. EFFECTIVE DATE; COMPUTATION OF TIME, paragraph 30 is amended as follows:

30. The effective date of this order is January 15, 2010. If modification of the Order is determined by EPA to be necessary, the Order shall become effective upon notification by EPA of such modification. Any EPA notification under this paragraph may, at EPA's discretion, be provided to Respondents by facsimile, electronic mail, or oral communication; provided that if EPA does use such a form of notification, it will also confirm such notification by first class, certified or express mail to Respondents or their legal counsel. Any amendment or modification of this Order by EPA shall be made or confirmed in writing.

SO ORDERED.



Joseph Vranka, Supervisor
Superfund Section
Montana Operations Office, 8MO
U.S. Environmental Protection Agency, Region 8
Federal Building
10 West 15th Street, Suite 3200
Helena, Montana 59626

19 October 2009

Date

AND



Matthew Cohn, Supervisor
Legal Enforcement Program, ENF-L
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

10/20/09

Date

IN THE MATTER OF:

Upper Tenmile Creek Mining Area
Superfund Site
Lewis and Clark County, Montana
Kirk and Cathy Eakin, Respondents

Docket No.

CERTIFICATE OF SERVICE

I certify that the attached FIRST AMENDMENT TO ADMINISTRATIVE ORDER DIRECTING COMPLIANCE WITH REQUEST FOR ACCESS was sent this day in the following manner to the addresses below:

Original and one copy hand-delivered to:

Tina Artemis
Regional Hearing Clerk
U.S. Environmental Protection Agency (8RC)
Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Copy by certified mail, return receipt requested to:

Kirk and Cathy Eakin
2598 Shaman Drive
Helena, Montana 59601

10/20/09

Date

Judith M. McTernan

Name