

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2014 JUL 15 PM 3:50
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:
Johnny M Mine
New Mexico Route 605/San Mateo Road.
San Mateo, McKinley County, New Mexico

Hecla Limited and
New Mexico Land, LLC,

Respondents

SETTLEMENT AGREEMENT AND
ADMINISTRATIVE ORDER ON
CONSENT FOR REMOVAL ACTION

CERCLA Docket No. 06-11-12

Proceeding under Sections 104, 106(a), 107,
and 122 of the Comprehensive
Environmental Response, Compensation,
and Liability Act, as amended, 42 U.S.C.
§§ 9604, 9606(a), 9607 and 9622.

AMENDMENT

In accordance with **Section XXVII. MODIFICATIONS**, Paragraph 92 of CERCLA Docket No. 06-11-12, the last sentence of Paragraph 38 of this Settlement Agreement is hereby amended by agreement of the parties as follows:

38. Engineering Evaluation/Cost Analysis. Respondents shall prepare an EE/CA, consistent with the National Contingency Plan, 40 C.F.R. Part 300, and EPA's "Guidance on Conducting Non-Time-Critical Removal Actions Under CERCLA" (Aug. 1993) (EPA #9360.0-32), based on the then existing data to evaluate response action alternatives for Waste Material at the Site determined to require management, disposal, or both. The EE/CA shall evaluate Waste Material as RCRA "solid waste," except to the extent Waste Material meets the definition of RCRA "hazardous waste," in which case such Waste Material shall be evaluated as RCRA "hazardous waste." Respondents shall submit the EE/CA to EPA within 120 days after *the date that EPA issues its formal memorandum authorizing Respondents to proceed with preparation of the EE/CA (the "EE/CA Approval Memorandum")*.

This Amendment shall be effective upon signature by the Director of the Superfund Division, U.S. EPA Region 6, or his delegate. No other provisions of CERCLA Docket No. 06-11-12 are amended except for Paragraph 38 as amended above.

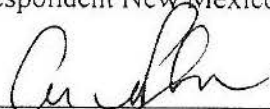
The undersigned representative of each Respondent certifies that he or she is fully authorized to enter into the terms and conditions of this Settlement Agreement and to bind the party he or she represents to this document.

Agreed this ___ day of _____, 2014

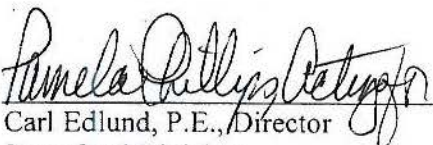
For Respondent Hecla Limited

By: 
James A. Sabala
Vice President & Treasurer

For Respondent New Mexico Land, LLC

By: 
Alan MacPhee
President

IT IS SO ORDERED AND AGREED this 15th day of July, 2014.

By: 
Carl Edlund, P.E., Director
Superfund Division
U.S. Environmental Protection Agency Region 6