**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**REGION 7**
11201 Renner Boulevard
Lenexa, Kansas 66219

**JUN 2 2 2017**

[redacted]
7648 Southeast Messer Road
Galena, Kansas 66739

Dear [redacted]:

The purpose of this correspondence is to transmit a copy of the signed access agreement of your property, Parcel 011-119-29-0-00-00-002.00-0, as part of the ongoing work at the Cherokee County Superfund site.

If you have questions, please contact me at (913) 551-7939.

Sincerely,

Elizabeth Hagenmaier
Remedial Project Manager
Lead, Mining, and Special Emphasis Branch
Superfund Division

Enclosure

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Superfund
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# Consent for Access to Property

RIGHT OF ENTRY TO PREMISES

Grantor (the property owner), consents to and authorizes the United States Environmental Protection Agency (USEPA) or its authorized representatives, to enter and perform environmental response activities upon the following described premises:

| | |
|---|---|
| **Owner's Name** | [redacted]<br>7648 SE Messer Rd<br>Galena, KS 66739 |
| **Addresses/Description of properties covered by this Agreement** | Parcel 011-119-29-0-00-00-002.00-0 |
| **Daytime Phone/Email Address** | |

Grantor understands that this grant does not limit EPA's right of access under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USC. § 9601-9675, or any other law.

PURPOSE OF ACCESS

The purpose of the response activities is to remediate existing mining waste materials on the referenced property. Remediation may include excavation of the mining waste for disposal in existing pits/ponds, excavation and off-site disposal of waste materials, regrading of the waste and construction of earthen cover systems, regrading and revegetation of areas disturbed by the remedial activities, and construction of temporary and permanent storm water management structures. The initial response actions will involve collecting field information for use during design of the remedial systems. The initial field activities may include excavation of test pits to document the location, thickness and characteristics of mining wastes on the referenced property. Field testing of soil samples from the test pit excavations may be performed to evaluate metals contamination. Additionally, temporary survey stakes/monuments may be installed to establish ground control for aerial photography and development of topographic information. Once the remedial design is completed, the construction phase will begin when funding is available. During this phase, earthmoving equipment will be mobilized to the referenced property to remediate the mining waste materials. The response activities during the construction phase are summarized below.

PRIOR CONDITIONS AGREEMENT

The Grantor agrees to the condition of the property prior to start of the initial response actions including excavating test pits and testing of waste materials and soils.

* See conditions below for test pits. [redacted] 4/17/17

RESTORATION OF PROPERTY

The Grantees agree to take reasonable precautions to minimize disturbance of existing vegetation to obtain access to the test pit locations. Test pits shall be promptly backfilled with the excavated material materials when field testing at the individual test pit location is completed. Backfill will be placed flush with the ground surface to restore the ground surface to its pre-excavation elevation. No seeding or sodding of areas disturbed by the field activities is planned. Field stakes/lath/monuments may be used to mark the test pits and ground control locations for future reference. During the implementation of the remedial design, Grantor understands that areas of mining waste will be removed or covered, resulting in significant land disturbance. The Grantees will take reasonable precautions to manage stormwater and erosion during the construction activities. When construction is completed, the Grantees will undertake reasonable efforts to regrade the disturbed areas to provide positive surface drainage and to revegetate the areas affected by the construction activities.

* See conditions below for restoration/remediation [redacted] 4/17/17

I have read the foregoing document and understand that it is an agreement granting permission to the Grantees to enter the above described premises for the purpose of remediating existing mining waste, and I agree to its terms and conditions.

Note- the abandoned railroad bed provides an all-weather access road to the fields and pastures in the back portion of the farm. The railroad bed is used for checking cattle in the back pastures daily or every other day. The remediation plan and schedule must be agreed to by land owner before the start of remediation so overall impact can be planned for.

The following items are owner requested conditions to move forward with the remediation process:

Test holes

The test hole shall be filled and tamped so that it provides solid surface for farm equipment support.

The access gate is locked for security purposes and arrangements must be made 24 hours prior to access to ensure that the gate is unlocked on the day needed to dig the test pit.

Test pit is to be made on the south side of the second set of gates across the railroad bed

If remediation of the railroad bed is undertaken:

The access gate must be locked at the end of each day.

Railroad bed must be remediated back to an all-weather roadbed to support farm equipment including loaded stock trailers during wet conditions

Permanent, secure access gates for a 32' opening are to be provided and installed at the access location to replace the current gates

[redacted] 4/17/17

Signature (Grantor's) Date

[redacted] 6/22/17