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]
Addresses/Description of properties covered by this Agreement	Property in Sec _17_, T _33S_, R _25E__ Parcel _____
Daytime Phone	

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.

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ENVIRONMENTAL RESPONSE ACTIONS

The environmental response actions to be performed on the referenced property may include the following activities:

1. Excavating and backfilling test pits using a backhoe;
2. Field testing of soil samples for metals contamination;
3. Obtaining samples from Grantor's property;
4. Mobilizing earthmoving equipment to perform excavation and grading activities.
5. Field staking of areas to be remediated.
6. Excavation of mining waste for placement in on-site or off-site disposal areas.
7. Regrading of mining wastes and placement of earthen cover systems.
8. Construction of stormwater management and erosion control structures.
9. Revegetation of areas disturbed by the remedial construction activities

TERM

This access agreement shall be operable for the period of time it takes to complete the environmental response activities. Upon completion of the response actions, all rights and privileges given by the Grantor shall cease on that date, unless extended by subsequent agreement.

AGREEMENT NOT TO INTERFERE

Grantor agrees not to interfere with any of the activities undertaken by Grantees at the Property, tamper with any of Grantees' property, or take any actions regarding the use of the Property which will endanger human health or welfare or the environment, or allow others to use the Property in such a manner during the term of this consent. Grantor agrees to provide notice and a copy of this agreement to prospective purchasers, lessees, assigns, or grantees of the property or any portion of it. Grantor agrees to provide 30-day notice to EPA prior to any transfer of ownership rights to the property.

SAMPLING RESULTS

Grantees agree to provide Grantor with the results of any and all sampling and/or analysis resulting from Grantees' response activities on the property.

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.

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.

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.

[redacted] 9-9-13

Signature (Grantor/s) **Date**

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OK TO SAMPLE w/notice.