

**Consent for Access to Property for the
Lakes Region Planning Commission (LRPC)
Brownfields Assessment Program**

As an applicant to the Lakes Region Planning Commission Brownfields Assessment Program, LRPC requires site access to perform the requested Phase I and Phase II Environmental Site Assessments (ESA). As such, LRPC requires the signature of the property owner on the attached Consent for Access to Property form. Your application will be considered complete and ready for EPA review once LRPC receives the signed Consent for Access to Property form. Below is a brief description of Phase I and Phase II site assessments.

Brownfields Assessment Background and General Scope of Phase I and Phase II Work

LRPC's Brownfields Assessment program helps our local municipalities minimize the uncertainties of contamination often associated with brownfield sites. This program supplements other efforts under the Brownfields Program to promote the cleanup and redevelopment of brownfield sites. TBAs (Targeted Brownfields Assessments) are conducted by an EPA contractor on behalf of an eligible entity. Services include site assessments, cleanup options and cost estimates, and community outreach.

A TBA may encompass one or more of the following activities:

- An ASTM Phase I environmental site assessment, which includes a background and historical investigation and site inspection;
- An ASTM Phase II full environmental site assessment, which includes sampling activities to identify types and concentrations of contaminants and any areas of contamination;
- A Hazardous Material Survey, which includes an inspection for presence of asbestos-containing building materials, chlorinated biphenyls in caulk, and lead-based paint; and
- The determination of how much more investigation is needed and/or the establishment of cleanup options and cost estimates based on future uses and redevelopment plans.

TBAs are considered a grant of services and are conducted by environmental consultants currently under contract with LRPC. It is also important to note that LRPC's program does not provide assistance to conduct site cleanup or building demolition activities.

CONSENT for ACCESS to PROPERTY FORM for
Lakes Region Planning Commission Brownfields Assessment Program

1. Property Owner(s): _____

2. Property Description:

Site Property Address: _____

Street Address: _____

City, State, Zip Code: _____

Assessor's Parcel Number (if applicable): _____

3. Right of Entry:

I am the owner or the representative of the owner, of the Property described above. I hereby consent to and authorize the City/Town of _____, _____, Lakes Region Planning Commission, Nobis Group, and their representatives, employees, agents and contractors (collectively, Agencies) to enter upon such Property, and perform and carry out Phase I and Phase II Environmental Assessments and associated investigation and sampling pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §§ 9601-9675. The duration of TBA-related activities shall be determined and agreed upon before initiation of work, with anticipation of work being completed within a year.

4. Scope of Access:

A. I consent to provide the Agencies access to the above-described Property for the purpose of performing environmental assessments, including obtaining samples (soil, subsurface soil, air, water, groundwater and other substances) and locating utilities and/or equipment on the Property in preparation for, and in the course of, such environmental assessments.

B. I agree not to take any actions with respect to the Property that might endanger the quality of the samples or the health and safety of any person taking such samples.

C. I understand that the Agencies may need to return for additional samples, and I agree that this consent will extend to any such additional access. The Agencies will provide at least forty-eight hour notice of the need for re-entry if follow-up samples are needed.

D. I understand that in some cases, monitoring wells may need to be installed and monitored for a period of time. If the Agencies determine that monitoring wells are required, I consent to grant a temporary access easement to install, maintain and monitor the wells until it is determined by the Agency that the need for monitoring no longer exists.

- E. The Agencies will remove material and equipment utilized by the Agencies from the Property upon the completion of the environmental assessment activities. If upon cessation of the need for monitoring, the Agencies may abandon the monitoring wells by plugging the wells or by other methods approved by the EPA.

Following removal of its equipment and materials, the Agencies will take all reasonable efforts to restore the property to its original state and condition as it existed immediately preceding the beginning of the TBA. Excepted from this obligation is the separate obligation to safely plug monitoring wells.

5. Insurance:

I agree to maintain general commercial liability insurance and/or property insurance on the property in an amount of \$1 M per occurrence and \$2M aggregate. LRPC requires its contractors to maintain comprehensive vehicle liability insurance, and comprehensive general liability insurance for bodily injury, death, and loss or damage to property or third persons arising from their activities. I also understand that LRPC's liability for damages to the property or injuries to persons which result from or are caused by its activities on the property shall be limited to the extent such claims are permitted by the Federal Tort Claims Act (28 U.S.C. §§ 1346(b), 2671 - 2680) and the Federal Employee's Compensation Act (5 U.S.C. §§ 8101 - 8151).

6. Term of Consent:

This consent granted hereby will terminate within one year of my execution of this consent form or until the need to monitor any monitoring wells is completed, whichever is later.

I have read this consent form and understand that it grants permission to the City/Town of _____, _____, Lakes Region Planning Commission, Nobis Group, and their officials, representatives, employees, contractors, and agents, to enter the above-described Property for purposes of conducting environmental assessment activities and agree to its terms and conditions. I have given this written permission voluntarily and without threats or promises of any kind. By my signature I acknowledge that I am authorized to grant the access provided for herein.

Property Owner Signature: _____

Property Owner Printed Name: _____

Date: _____ Phone No: _____ Email Address: _____

Name of EPA Targeted Brownfields Assessment:

LRPC:

Lakes Region Planning Commission

By: _____
Shanna B. Saunders, Executive Director

Date: _____