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DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

ACCESS AGREEMENT
Between the
State of Washington, Department of Ecology
and
Daniel Dawson

The Washington State Department of Ecology (Ecology) and Daniel Dawson, the owner of the, vacant land south of the Cabin Grill with a Property ID 6713, agree to the following terms and conditions of this Access Agreement:

1. Ecology is responsible for the regulation of Underground Storage Tanks in Washington under Chapter 90.76 RCW and Chapter 173-360 WAC. Further, Ecology is responsible for the investigation and remediation of hazardous waste sites in Washington under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW and Chapter 173-340 WAC.

2. Upon reasonable notice, unless an emergency prevents such notice, Ecology or an authorized representative of Ecology, may exercise the power to enter upon any property, including a site or premise subject to regulation under Chapter 90.76 RCW and Chapter 173-360 WAC to conduct investigations of releases or threatened releases of hazardous substances, and to conduct remedial actions to remedy the releases or threatened releases of hazardous substances. *See* RCW 70.105D.030 (1) (a), (b); RCW 90.76.060; WAC 173-340-800; WAC 173-360-140. For purposes of this section, "upon reasonable notice" must include an attempt by Ecology to call Ms. Cheryl Winther at telephone number (509) 442-2278 at least 24 hours in advance of entry on the site; to notify Ms. Winther in person at least 24 hours before entry; or written notice sent to Ms. Winther through the United States Postal Service at least three days before entry. *See* WAC 173-340-800 (1)(a), (b).

3. Mr. Daniel Dawson is the owner of the vacant property ID 6713 located south of the Cabin Grill Restaurant near the intersection of Highway 31 and Dewitt Road in Ione, WA. The site includes approximately 8.33 acres of land. Mr. Daniel Dawson is the owner of a site or premise on which a release of hazardous substances has or may occur. The vacant land is located approximately 2 miles south of the Town of Ione, Pend Oreille County, WA. The legal description of the property includes the following parcel: 3-70 F2 C3 Lot 2 Revised by BLA 05-19 Heaton/Pratt with a geographic ID # 433718510002.

4. By signing this Access Agreement, Mr. Dawson grants full access rights to Ecology or any authorized representative of Ecology, including contractors hired by Ecology to conduct remedial action, for the purpose of investigating and remediating the release or threatened release of hazardous substances on the site or premise. This may include, but is not limited to, inspecting, testing, and sampling soil and groundwater and removal and disposal of contaminated soils. After completion of the remedial investigation, Ecology must provide a copy of the completed report to Mr. Dawson.

5. Ecology and its authorized representatives, including contractors, and Mr. Daniel Dawson must comply with all applicable federal and state laws and regulations in carrying out the terms of this Access Agreement. Ecology and Mr. Daniel Dawson shall defend, protect, and hold harmless the other party from and against all claims, suits, or actions arising from the negligent acts or omissions of their respective employees and/or authorized representatives while performing under the terms of this Access Agreement.

6. Ecology and Mr. Daniel Dawson may mutually amend this Access Agreement. Any amendments will not be binding on either party unless such amendments are in writing and signed by an authorized representative of each party.

7. Ecology hereby reserves its right to file an action, if necessary, against any party, including Mr. Daniel Dawson, or any other "potentially liable party," to recover the costs incurred by Ecology for any investigative and remedial actions at the site or premises. *See* RCW 70.105D.050 (3); WAC 173-340-550. Additionally, Ecology may file a lien against contaminated property to recover the costs incurred by Ecology for any investigative and remedial actions at the site or premises. *See* RCW 70.105D.055.

8. The term of this Access Agreement will be for the time period necessary for Ecology to complete all investigative and remedial actions involving the release or threatened release of hazardous substances on this site or premise. This may include, but is not limited to inspecting, testing, soil and groundwater sampling, removal of petroleum-contaminated soils from the premise, and proper disposal of said soils.

9. This Access Agreement between Ecology and Mr. Daniel Dawson owner of real property ID 6713 in Pend Oreille County, WA contains all the terms and conditions agreed upon by and between the parties. No other understandings, verbal or otherwise, regarding the subject matter of this agreement shall be enforceable on any of the parties.

DATED this 14th day of ~~October~~ Nov, 2011.

Michael A. Hibbler
Eastern Region Section Manager
Toxics Cleanup Program
Washington Department of Ecology

Mr. Daniel Dawson
Property ID 6713, Ione WA
Owner