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**DEPT OF ECOLOGY
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STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

ACCESS AGREEMENT

Between the
State of Washington, Department of Ecology,
and
Milton A. Woods

The Washington State Department of Ecology (Ecology) and Milton A. Woods agree to the following terms and conditions of this Access Agreement:

1. Ecology is responsible for the regulation of the Underground Storage Tanks in Washington pursuant to Chapter 90.76 RCW and Chapter 173-360 WAC. Further, Ecology is responsible for the investigation and remediation of hazardous waste sites in Washington pursuant to the Model Toxic 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 a premises or site on which a regulated underground storage tank is located or on which records relevant to the operation of a regulated underground storage tank system are kept. RCW 90.76.060; WAC 173-360-140.
3. Upon reasonable notice (unless an emergency prevents such notice), Ecology or an authorized representative of Ecology, may also exercise the power to enter upon any property to conduct investigations of releases or threatened releases of hazardous substances, and to conduct remedial action to remedy the releases or threatened releases of hazardous substances. RCW 70.105D.030(1)(a) & (b); WAC 173-340-800.
4. Milton A. Woods is the owner/operator of a site or premises on which four former underground storage tanks are located and on which a release or threatened release of hazardous substances has or may occur. The site or premises is known as Cornet bay Marina/Deception Pass Marina and is located at 5191 N. Cornet Bay Rd/200 Cornet Bay Rd, Oak Harbor, WA 98277. The legal description of the property is: PLEASE SEE ATTACHED TAX DESCRIPTION FOR TAX ACCOUNT 45249 AND 438262.
5. By signing this Access Agreement, Milton A. Woods grants full access rights to Ecology and/or any authorized representative of Ecology for the purpose of investigation, removal, and remediation of release from four underground storage tanks. This may include, but is not limited to, inspecting, testing, and sampling soil and groundwater.



6. Ecology or its authorized representative and Milton A. Woods shall comply with all applicable federal and state laws and regulations in carrying out the terms of this Access Agreement. Ecology and Milton A. Woods 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.
7. Ecology and Milton A. Woods may mutually amend this Access Agreement. Any amendments shall not be binding on either party unless such amendments are in writing and signed by an authorized representative of each party.
8. Ecology hereby reserves its right to file an action, if necessary, against any party, including Milton A. Woods or any other "potentially liable party" to recover the costs incurred by Ecology for any investigative and remedial actions at the site or premises. RCW 70.105D.050(3); WAC 173-340-550.
9. The term of this Access Agreement shall be for the time period necessary for Ecology to complete all investigative and remedial actions described in this Agreement.
10. The Access Agreement between Ecology and Milton A. Woods 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.
11. The undersigned representatives for Ecology and Milton A. Woods certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Agreement and to legally bind such party thereto.

DATED this 11 day of August 2011



Milton A. Woods
200 Cornet Bay Rd, Oak Harbor, WA 98277

 8/15/11

Robert W. Warren, P.Hg, MBA
Regional Section Manager
Northwest Regional Office
Toxic Cleanup Program
Department of Ecology