

DNR Remediation & Redevelopment
RR-110, Guidance: Site Access Permission Agreement for Wisconsin Assessment Monies (WAM)
Contractor Services Awards
January 2021

PURPOSE: Agreement WAM applicants must submit to the DNR granting DNR staff, authorized representatives, agents and contractors permission to access the property(ies) for which the WAM grant monies will be used to assess. The agreement must be signed by the property owner or authorized representative.

INSTRUCTIONS:

Grey highlighted text contains areas where users need to insert basic information, make a selection from options, or use the language supplied only if applicable.

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

**Wisconsin Department of Natural Resources Site Access Permission Assignment
for Wisconsin Assessment Monies (WAM) Contractor Services Awards**

I, name, as owner or authorized representative of the property owner (the “owner”) of the property located at street address, city, also described as insert legal description or parcel number(s), County, Wisconsin, referred to herein as the “Property,” hereby assign permission to the Wisconsin Department of Natural Resources (the “department”) and its employees, duly authorized representatives, agents and contractors, to enter upon and have access at reasonable times to the Property so that the department may, based on awarded contractor services, perform activities including but not limited to the following:

- (1) *Conduct a site visit to complete a Phase I Environmental Site Assessment*
- (2) *Conduct a Phase II Environmental Site Assessment*
- (3) *Conduct a Limited NR 716 Site Investigation*
- (4) *Install soil borings*
- (5) *Install and maintain permanent or temporary groundwater monitoring wells*
- (6) *Collect soil samples and water samples*
- (7) *Install and maintain sub-slab vapor probes, collect sub-slab vapor samples and abandon sub-slab vapor probes*
- (8) *Collect indoor air samples*
- (9) *Abandon the groundwater monitoring wells installed by the department when the wells are no longer needed.*

The permission that is granted herein is effective beginning the date the Permission Agreement is signed and shall remain in effect for one calendar year. If, after six months from the effective date, I wish to withdraw permission for continued access, I shall notify the department of that fact in writing. The department shall, within 90 days after receiving such notice, either cease/finalize activities on the property or obtain a court order to allow continued access.

I understand that the investigation activities may result in the generation of waste soil, groundwater or other materials collectively known as investigative derived waste. The department and its representatives, agents or contractors will ensure that the investigative derived waste is properly containerized and transported by a licensed waste hauler to the appropriate disposal or treatment facility. I agree that the investigative derived waste may be temporarily stored on the Property at a location agreed upon by me and the department until the investigative activities are complete or access under this Permission Assignment ends, whichever is earlier. I agree to not move or tamper with the investigative derived waste temporarily stored on the Property. I agree to sign, as the generator of the investigative derived waste, any waste characterization forms, waste manifests or other documentation required for proper transport and disposal of the investigative derived waste. I will sign these forms prior to the time the department removes the investigative derived waste from the Property or at the time I withdraw my permission for continued access, whichever is earlier.

The department will report all sampling results to me and occupants, as appropriate, within 10 business days of receiving the sample results. When soil, water, sediment or vapor samples are collected on the Property, split samples will be provided to the me if I request split samples and if I provide sample containers to the department before the samples are collected.

I am the owner of the Property or have authorization to sign on behalf of the owner entity and execute this Permission Assignment.

I agree to inform occupants of the Property (e.g., tenants), if any, of the requirements of this Permission Assignment and to provide occupants with a copy of the executed Permission Assignment.

I agree to not damage or interfere with soil, water, vapor, air or other sampling equipment that is installed as permitted under this Permission Assignment. I agree to notify third parties who plan to conduct any activity on the Property that monitoring wells have been installed on the Property. If the activity could result in damage to monitoring wells, I will instruct the third parties to contact the department regarding the location of the monitoring wells and to discuss how damage may be prevented. I understand that I am responsible for any damage to monitoring wells if I or any of my agents or representatives cause that damage.

I understand that the department, in the course of conducting investigation, may find that a hazardous substance discharge or environmental pollution exists on the Property. If this occurs, these findings must be reported to the department under Wis. Stat. § 292.11(2).

I understand that if the department discovers a hazardous substance discharge or environmental pollution on the Property, any current owner of this Property, along with any identifiable causer of the contamination, may be required to take additional response actions pursuant to Wis. Stat. § 292.11(3), to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, lands or waters of this state. Exemptions may apply under Wis. Stat. § 292.11(9)(e), 292.13, 292.15 or 292.21.

I have read this entire Permission Assignment and understand its contents. I have had the opportunity to discuss the Permission Assignment with the department and ask questions about its content.

[Insert entry notification requirements here, if applicable. For example: The department and/or the department's contractor shall notify the owner of the Property by telephone or email of any planned activity on the Property at least 48 hours in advance of entering the Property.]

Signature Page to follow.

IN WITNESS WHEREOF:

Property Owner (Print)

Signature of Property Owner or Authorized Representative

Date

Mailing Address

Email Address

Phone Number

Contact information for occupants, tenants or lessees (if different than owner):

Name of Occupant

Email Address

Phone Number