

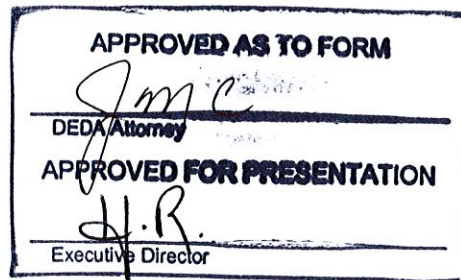
**RESOLUTION 16D-06**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN ACCESS LETTER RELATING TO ENVIRONMENTAL ASSESSMENT ACTIVITIES AT THE FORMER UNITED ATLAS CEMENT PLANT SITE**

RESOLVED, by the Duluth Economic Development Authority ("DEDA") that the Executive Director is hereby authorized to execute an Access Letter, substantially in the form of that attached hereto (Contract No. \_\_\_\_\_), with the Environmental Protection Agency related to environmental assessment activities at the former United Atlas Cement Plant site.

Approved by the Duluth Economic Development Authority this 27th day of January, 2016.

ATTEST:



\_\_\_\_\_  
Executive Director

STATEMENT OF PURPOSE: This resolution provides access of this site to the EPA and its contractors for the purpose of data collection to support the design and engineering of a water management system that would reduce and/or eliminate the generation of pH water.

Since DEDA's 2003 acquisition of the former Universal Atlas Cement Plant ("Atlas") property, staff and its environmental and civil engineering partners have incrementally identified and resolved a wide variety of redevelopment challenges. One lingering environmental issue is the presence of localized high pH water, especially during the spring and heavy-rain events. The desired outcome of a remedy is that it be effective, long-term and without ongoing operating and maintenance obligations.

EPA Region 5 staff recently traveled to Duluth from their Chicago headquarters. City staff convened a meeting of the EPA and members of Barr Engineering to discuss such a long-term water management solution. Subsequent to that discussion, Region 5 has indicated that it is interested in providing DEDA with assistance from one of EPA's consultants, Tetra tech, to do additional onsite data collection and to then provide design and engineering for such a water management system. It is estimated that the value of this technical assistance is in excess of \$100,000.

This resolution authorizes site access at Atlas for the EPA and its contractors for the express purpose of providing technical assistance to DEDA in support of its ongoing redevelopment effort.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590**

**CONSENT FOR ACCESS TO PROPERTY**

NAME OF PROPERTY OWNER:

PROPERTY ADDRESS:

TYPE OF PROPERTY:

I hereby consent to officers, employees, authorized representatives of the United States Environmental Protection Agency (EPA) and their contractors, subcontractors and consultants the right to enter the property and continued access and use of by, through, and on the property for the following purposes:

1. The taking of samples, surface and subsurface, including but not limited to soil, sediments, water, and air, and other solids or liquids stored or disposed of at the property as may be determined to be necessary;
2. The documenting of scientific and engineering observations, including, but not limited to taking notes, recordings, photographs and surveying;
3. The drilling and finishing of boreholes for the purposes of collecting soil and groundwater samples without limitation;
4. Other inquiry actions at the property as may be necessary to determine nature, extent and potential threat to human health and the environment; and

I am the property owner or an individual having the authority or the authorization of the property owner to sign this access agreement. I give this written permission voluntarily with the full knowledge of my right to refuse and without threats or promises of any kind.

Please indicate if you are granting access by signing this document, and providing your address and telephone number(s) so that you may be reached by mail or telephone.

**ACCESS GRANTED:**  YES  NO

Name (Printed): \_\_\_\_\_ Date: \_\_\_\_\_

Name (Signature): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Number(s): Work: \_\_\_\_\_ Alternate: \_\_\_\_\_

Email: \_\_\_\_\_