

## SOILS ACCEPTANCE AGREEMENT

This Agreement is made this **xx** day of **xx** by and between **xx** ("Contractor"), and **xx** ("Property Owner").

WHEREAS, **xx** desires to transport and place excess soil ("Materials") from Hakalau Stream Bridge Bent #8 Scour Repair Project Site to **xx**.

NOW THEREFORE, in consideration of **xx** Dollars (\$**xx.xx**), the receipt of which is hereby acknowledged by **xx**, and the mutual covenants, agreements, and conditions contained herein, **xx** and **xx** agree as follows:

1. **xx** warrants and covenants that it owns, is lawfully seized and has title to real property located in the State of Hawaii, and more particularly is identified as (**include address and TMK**), hereinafter referred to as the "Property". The Property is zoned **xx** and used for **xx**.
2. **xx** hereby gives and grants to **xx**, permission to transport and deposit soil from the Hakalau Stream Bridge Bent #8 Scour Repair Project to the Property, provided that the Materials are free of any contamination above HDOH HEER Office Tier 1 EALs.
3. All Materials deposited by **xx** on the Property shall become the property of **xx** upon delivery of the Materials at the Property except that any material that is not accepted will be immediately removed and returned to **xx**. Any rejection or objection to accepting the Material based upon contamination above HDOH HEER Office Tier 1 EALs will be made prior to a load leaving the Hakalau Stream Bridge Bent #8 Scour Repair Project Site. Any other rejection or objection to acceptance due to other material deficiencies with the import fill material will be made immediately such that it can be reloaded before being embanked.
4. This Agreement shall remain in effect for a period of **xx (xx)** months from the date hereof.
5. Each party represents that it has the good and lawful right to enter into this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the

date first above written.

CONTRACTOR:

Signature: \_\_\_\_\_

By: \_\_\_\_\_

PROPERTY OWNER:

Signature: \_\_\_\_\_

By: \_\_\_\_\_