



# RIGHT OF ENTRY AGREEMENT

## Shaw Air Force Base, S.C.

A right of entry agreement is a voluntary legal agreement that a property owner signs allowing Air Force workers and contractors to enter private property for specific purposes, such as groundwater testing or conducting environmental cleanup actions. By signing such an agreement, property owners protect their rights, limit the Air Force's actions, and establish the Air Force's responsibilities for its actions.

Agreements are typically short-lived, lasting up to two years. For longer-term access, for example, for long-term monitoring of contamination sites, the Air Force usually uses another real estate instrument called an easement. Easement agreements can be written to last up to 30 years and sometimes include monetary payment depending on various factors.

### WHY IS IT NEEDED?

Since the Air Force started the Environmental Restoration Program at here in 1983, it has discovered groundwater contamination at a few sites that impact off-base residents living on the west side of the base. Contamination at these sites was caused by the handling and disposal of chlorinated solvents (from the on-base dry cleaner and from aircraft and vehicle maintenance) on base before 1986, resulting in three trichloroethylene and/or perchloroethylene plumes in groundwater located 50 to 150 feet below the ground surface. There is also a relatively small, stable plume of the pesticide dieldrin west of the base, which may be traced to the land's original use as a cotton field before the Air Force bought it, more than 50 years ago.

Testing and cleanup at these sites is well underway and \$77 million has been spent here since 1986 to thoroughly investigate all Environmental Restoration Program sites and install treatment systems to restore groundwater to clean drinking water standards. Another \$19.7 million is programmed to be spent on investigation and cleanup over the next five years at Shaw.

Most residents living above these plumes gets clean drinking water from High Hills Rural Water Company or other safe sources. The South Carolina Department of Health and Environmental Control oversees the program.

Even though much progress has been made, more testing and monitoring needs to be done. Access to private off-base property through rights of entry agreements ensures that the Air Force can continue to protect human health and keep cleanup on track.

### WHAT HAPPENS IF THE PROPERTY OWNER DOES NOT SIGN THE ENTRY AGREEMENT?

Signing a right of entry agreement is voluntary, but it is important that property owners understand how critical it is for the Air Force to access property in order to conduct and continue to monitor cleanup.

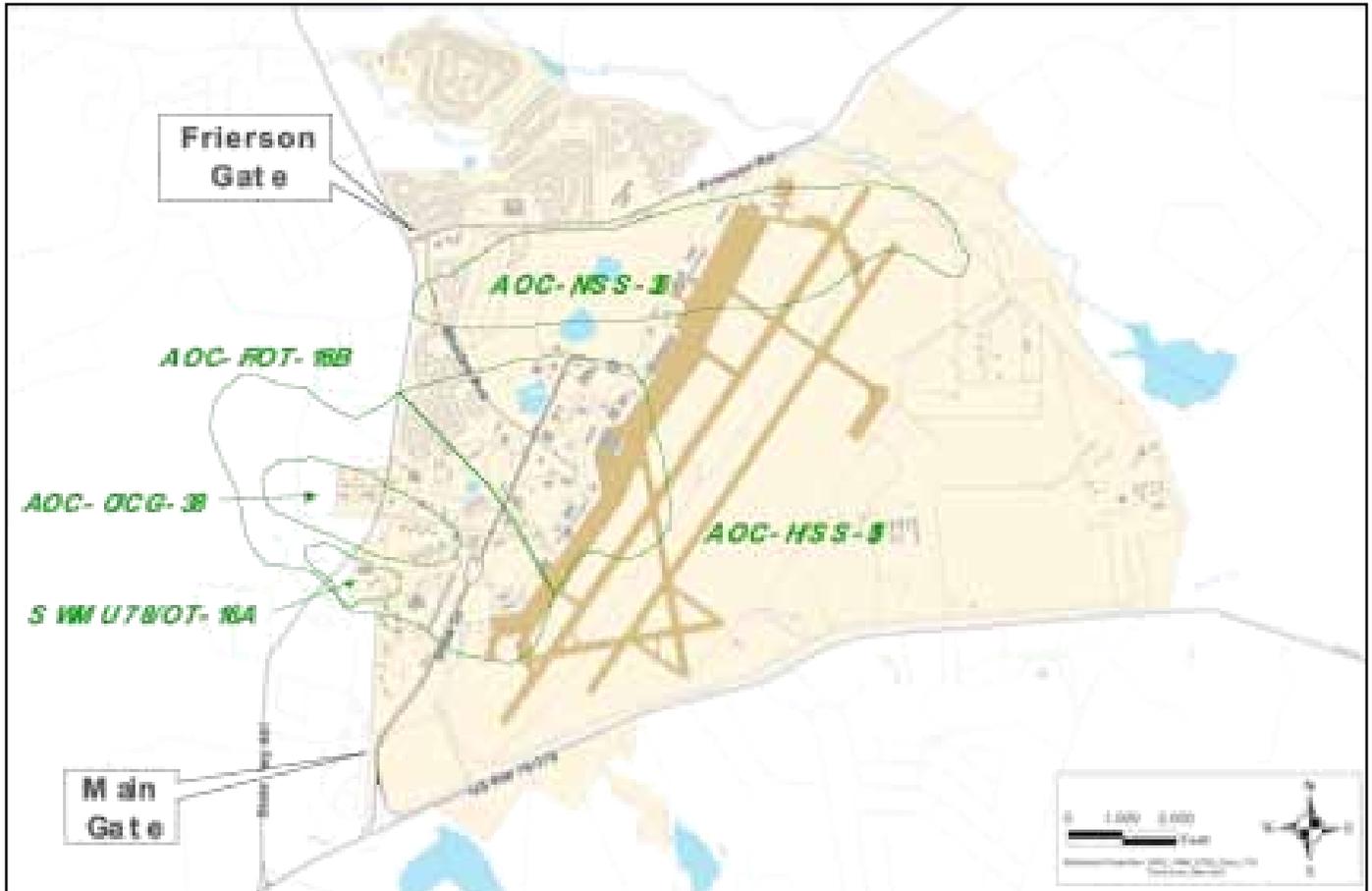
If a property owner refuses to sign an agreement and there is a known or suspected threat to human health or the environment, the matter may be turned over to a regulatory agency or the U.S. Department of Justice. In such circumstances, it is very important to gain access to a property to assess the situation and preclude migration of contaminants that pose a threat to public health or may cause environmental damage. Your Air Force strives to be a good neighbor to local residents and prefers to work out right of entry agreements that are acceptable to everyone involved.

### WHAT HAPPENS IF PROPERTY OWNERS SIGN THE AGREEMENT AND THEN CHANGE THEIR MINDS?

The first thing a property owner should do is contact Shaw to see if arrangements can be worked out. The ROE is a voluntary legal agreement upon which the Air Force and the property owner rely. Your Air Force is committed to resolving problems as quickly as possible. It is important, as taxpayer dollars are being expended, that both parties live up to the agreement.

### DO PROPERTY OWNERS NEED TO BE HOME TO LET THE AIR FORCE ON THE PROPERTY?

Homeowners do not need to be present when Air Force workers access their property for testing. However, if a homeowner wants work done only when he or she is present, arrangements can be made. The Air Force makes every effort to work with the landowner so there is as little disruption to the individual's property and time as possible.



*This map depicts four plumes impacting off-base land parcels. The Air Force is asking some off-base property owners to grant rights of entry so the Air Force can conduct cleanup activities.*

**POINTS OF CONTACT**

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**FOR MORE INFORMATION**

U.S. Environmental Protection Agency: [www.epa.gov](http://www.epa.gov)  
 South Carolina Department of Health & Environmental Control: [www.scdhec.gov](http://www.scdhec.gov)

