



now



Property:

All Appropriate Inquiry - User Questionnaire

The new All Appropriate Inquiry rule (40 CFR Part 312) requires that certain inquiries be made to the user (prospective purchaser) to help evaluate the environmental conditions of the property. In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the “Brownfields Amendments”), the user/prospective purchaser must provide the following information (if available) to the environmental professional. Failure to provide this information could result in a determination that “all appropriate inquiry” is not complete.

(1) Environmental cleanup liens that are filed against the site (40 CFR 312.25)

Are you aware of any environmental cleanup liens against the property that are filed or recorded under federal, tribal, state or local law? Y N Explain:

(2) Activity and land use limitations (AULs) that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26)

Are you aware of any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state or local law? Y N Explain:

(3) Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28)

As the user of this ESA, do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line business as the current or former occupants of the property or adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business. Y N Explain:

(4) Relationship of the purchase price to the fair market value of the property (40 CFR 312.29)

Does the purchase price being paid for this property reasonably reflect the fair market value of the property? Y N If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property? Y N N/A Explain:

(5) Commonly known or reasonable ascertainable information about the property (40 CFR 312.30)

Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional identify conditions indicative of releases or threatened releases? For example, as the user,

- a) Do you know the past uses of the property? Y N Explain:
- b) Do you know of specific chemicals that are present or once were present at the property or adjacent properties? Y N Explain:
- c) Do you know of spills or other chemical releases that have taken place at the property or adjacent properties? Y N Explain:
- d) Do you know of any environmental cleanups that have taken place at the property or adjacent properties? Y N Explain:

(6) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31)

As the user of this Phase I Environmental Site Assessment report, based on your knowledge and experience related to the property are there any obvious indicators that point to the presence or likely presence of contamination at the property? Y N Explain:

I have completed this questionnaire in good faith and to the best of my knowledge.

Signature: _____ Date: _____

Name: _____

Title: _____

Company: _____

Relationship to the property: _____

If any of these documents exist, please provide copies with this completed questionnaire:

- Site Survey
- Chain-of-title search
- Property Appraisal