



# United States Department of the Interior

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## ENVIRONMENTAL COMPLIANCE MEMORANDUM NO. ECM 10-2

To: Heads of Bureaus and Offices

From: Willie R. Taylor, Director  
Office of Environmental Policy and Compliance

Subject: Pre-Acquisition Environmental Assessment Guidance for Federal Land Transactions (Final)

The Office of Environmental Policy and Compliance (OEP) is issuing this Environmental Compliance Memorandum (ECM) under the authority provided by 381 Departmental Manual 4.5B to convey instructions and guidance through the ECM series. The ECM is available at: <http://www.doi.gov/oepc/ememoranda.html>. Additional guidance can be found in 602 DM2.

This ECM sets forth Pre-Acquisition Environmental Assessment Guidance for Federal Land Transactions. This ECM was jointly developed by DOI and the U.S. Department of Agriculture in accordance with U.S. Environmental Protection Agency's regulations at 40 CFR 312 and U.S. Coast Guard's regulations at 33 CFR 137, known as the All Appropriate Inquiry (AAI) regulations. The AAI regulations establish the steps that must be taken by a Federal Land Manager when acquiring an interest in real property to help provide protections from liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Oil Pollution Act (OPA).

The ECM is meant to provide an overview of the AAI regulations, to assist the bureaus and agencies in identifying environmental conditions associated with real property, and to enable them to secure, to the extent possible, the protections of the liability defenses set forth in CERCLA and OPA.

ECM09-3, dated April 24, 2009, is superseded.

Attachments

cc: Regional Environmental Officers

# PRE-ACQUISITION ENVIRONMENTAL ASSESSMENT GUIDANCE FOR FEDERAL LAND TRANSACTIONS



# **PRE-ACQUISITION ENVIRONMENTAL ASSESSMENT GUIDANCE FOR FEDERAL LAND TRANSACTIONS**

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## **PURPOSE**

Both the United States Department of the Interior (DOI) and the United States Department of Agriculture (USDA) have established policies to minimize environmental liability by not acquiring contaminated real property. Consistent with those policies, both departments require that the nature and extent of any potential liability resulting from hazardous substances or other environmental problems associated with such real property be determined prior to acquisition. This guidance provides a coordinated approach for the Federal Land Managing agencies (FLMs) to use in the development of pre-acquisition environmental site assessments to meet the requirements of departmental policy, as well as secure to the extent possible the protections of the liability defenses set forth in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Oil Pollution Act (OPA). The Department of the Interior provides additional guidance in the Departmental Manual (602 DM 2).

## **BACKGROUND**

As two of the principal public land holders in the nation, DOI and USDA together prepare more than 4,500 pre-acquisition environmental site assessments annually. These pre-acquisition environmental site assessments are primarily prepared using in-house expertise and staff and are intended to identify liabilities associated with real property prior to acquisition by the Federal agencies.

Although environmental site assessments have, for many years, been required elements of Federal real property transactions, FLMs have not always employed standard practices and protocols in conducting such assessments. The importance of such assessments, and the need for consistency in their application, was heightened by the Small Business Liability Relief and Brownfields Revitalization Act of 2002, PL 107-118 (Brownfields Amendments) which amended CERCLA to clarify and expand the liability protections afforded certain landowners from CERCLA liability. At the same time, the Brownfields Amendments directed the U.S. Environmental Protection Agency (EPA) to promulgate regulations establishing Federal standards and practices for the conduct of environmental site assessments or, using the phrase in the statute, for the conduct of “all appropriate inquiries,” necessary to claim these defenses to environmental liability. With the participation of USDA, DOI, other Federal agencies, and a variety of interested parties, EPA ultimately issued its final rule, entitled “Standards and Practices for All Appropriate Inquiries,” 70 Fed. Reg. 66070 (Nov. 1, 2005). Subsequently, the U.S. Coast Guard issued a final rule, 73 Fed. Reg. 2146 (January 14, 2008) addressing all appropriate inquiry requirements to clarify the standards and practices necessary to claim the protection of the innocent landowner defense to liability under OPA.

Following publication of these rules, the FLMs and other Federal agencies involved in land transactions convened a working group to develop implementation guidance for use by their agencies in conducting all appropriate inquiries. The FLMs and other agencies met on numerous occasions over the course of two years to develop this guidance. It addresses environmental site assessment activities for CERCLA hazardous substances, as well as non-CERCLA environmental concerns, such as petroleum products, asbestos, lead-based paint, and invasive species that FLMs routinely consider during real property transfers because of the liability

concerns they raise or their-potential impacts on land management activities. The intent of this guidance is to provide an overview of the All Appropriate Inquiries (AAI) regulations, to assist the agencies in implementing the regulations so as to identify environmental conditions associated with real property, identify during the acquisition process the impacts of past land use on the mission suitability and future land use, and to enable the agencies to secure, to the extent possible, the protections of the liability defenses set forth in CERCLA and OPA.

## “ALL APPROPRIATE INQUIRIES” REGULATIONS

On November 1, 2005, the EPA promulgated the AAI regulation (40 CFR 312), as required by the Brownfields Amendments to CERCLA. The regulation establishes specific requirements and standards for conducting AAI into the previous ownership and uses of a property for the purpose of qualifying for the landowner liability protections of CERCLA. A party to commercial land transactions completed on or after November 1, 2006, must comply with 40 CFR 312 and satisfy other statutory requirements in order to claim protection from liability under CERCLA as an innocent landowner, a bona fide prospective purchaser, or a contiguous property owner. Grantees under the EPA’s Brownfields Grant program to assess and characterize properties must also comply with the AAI standards. Additionally, the Coast Guard and Maritime Transportation Act of 2004, PL 108-293, amended OPA to create a new “innocent landowner” defense to liability. It also required the U.S. Coast Guard to promulgate AAI regulations to establish standards and practices for claiming this defense to liability for oil discharges. On January 14, 2008, the U.S. Coast Guard published final regulations (73 Fed. Reg. 2146) for AAI at facilities that are the source of a discharge or a substantial threat of a discharge of oil into the navigable waters or adjoining shorelines, or the exclusive economic zone (33 CFR 137). The U.S. Coast Guard rule is consistent with the EPA rule.

In order to claim the protections from liability provided under CERCLA or OPA, a pre-acquisition environmental site assessment, consistent with the new AAI regulations, must be conducted by those acquiring the property. Assessments or reports prepared by the seller, or other third parties, without review and oversight on the part of the FLM are not acceptable as they do not meet the requirements of the regulations. This guidance highlights AAI provisions of most relevance to FLMs. For example, it discusses the qualification of individuals, known as

40 CFR § 312.1 (c)(1)

Persons seeking to establish one of the liability protections ... must conduct investigations ...

33 CFR § 137.1 (a)

If that person can demonstrate...that they did not know and had no reason to know at the time of their acquisition...the person may be eligible for the innocent landowner defense to liability

environmental professionals, who may conduct and oversee the conduct of the pre-acquisition environmental site assessment, discusses contracting of the pre-acquisition environmental site assessment, provides a sample outline for the final report, and a model statement of work for contracting the assessment. The guidance also includes sample checklists and questions for the

records review, site visit and owner/operator/occupant interviews portions of the site assessment.

Pre-acquisition environmental site assessments are usually conducted in phases. The first phase of assessment typically involves gathering information from a records review, interviews with owners/operators/occupants, and a site visit. A second phase, if necessary, may involve

environmental sampling and analysis. Most pre-acquisition environmental site assessments are conducted using a team approach involving agency personnel or contractors who collectively possess the qualifications and experience necessary to evaluate environmental conditions associated with a particular area or property type, or familiarity with the kinds of concerns warranting evaluation. Ordinarily, a single individual will not possess all of the expertise required to prepare the pre-acquisition environmental site assessment. The team is usually multi-disciplinary and may include realty specialists, environmental compliance specialists, geologists, biologists, environmental engineers, and archeologists. The skills of a particular team, however, vary with the nature and history of the site. Additionally, information collected during the preparation of the pre-acquisition environmental site assessment may overlap with information collected to meet other existing requirements. Agencies should review acquisition procedures to ensure efficient collection and dissemination of required information.

40 CFR §312.10(b):  
*Date of acquisition or purchase date*  
means: the date on which a person  
acquires title to the property.

This guidance applies to fee simple<sup>1</sup> and less than fee simple acquisitions to which liability may attach. Agencies should review programs involving the acquisition of interests that are less than fee simple, such as easement programs, to determine if liability may attach. Agencies must consult with counsel with respect to the applicability of this guidance to transactions involving the acquisition of less than fee simple interests. When making determinations on applicability, agencies should consider the requirements of CERCLA and OPA, as well as the Chief Financial Officer's Act requirements for reporting of environmental liabilities.<sup>2</sup>

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<sup>1</sup> "fee simple" is "the most complete ownership interest that can be had in real property" -- "absolute ownership of real property." For purposes of environmental law, it is an interest in real property that would carry with it environmental liability attached to the property. (For example, CERCLA and most state mini-CERCLA statutes impose liability on the current or past owner, even if the owner did not cause or contribute to the contamination. In contrast, environmental liability does not always attach statutorily to other interests, such as leasehold, easements, rights-of-way etc.

With respect to acquisitions involving interests that are less than a fee simple (i.e., less than ownership of the property), we would examine the type of interests to be acquired closely to determine whether environmental liability might be imposed. For example, for conservation easements (easements held by the United States that simply prohibit the owner from building, or removing vegetation), the United States as the holder of the easement would not ordinarily incur any environmental liability because it will not itself engage in any activities on the property. For leases, on the other hand, the United States as tenant may well incur environmental liability, because it could conduct activities that cause or contribute to on-site contamination. (In that event, the United States would want to conduct a pre-acquisition environmental site assessment to ensure that it understands conditions on the property at the day of the lease (baseline).

In essence, environmental site assessments would, of course, always be required when the United States acquires an ownership interest (fee simple interest in the property). For other interests, the likelihood of liability (and thus the need for a site assessment) depends on the degree of control the United States will have on the property and whether the United States' activities may cause, contribute to, or aggravate pre-existing contamination.

## <sup>2</sup>Applicable Standards and Guidance

The reporting of contingent environmental liabilities must conform to specific governmental-accounting practices including:

- Statement of Federal Financial Accounting Standards (SFFAS) Number (No.) 5, *Accounting for Liabilities of the Federal Government*, as amended, issued by the Federal Accounting Standards Advisory Board.

40 CFR § 312.20 All appropriate inquiries.

(a) “All appropriate inquiries” pursuant to CERCLA section 101(35)(B) must be conducted within one year prior to the date of acquisition of the subject property . . .

(b) Notwithstanding paragraph (a) of this section, the following components of the all appropriate inquiries must be conducted or updated within 180 days of and prior to the date of acquisition of the subject property:

- (1) Interviews with past and present owners, operators, and occupants (see § 312.23);
- (2) Searches for recorded environmental cleanup liens (see § 312.25);
- (3) Reviews of federal, tribal, state, and local government records (see § 312.26);
- (4) Visual inspections of the facility and of adjoining properties (see § 312.27); and
- (5) The declaration by the environmental professional (see § 312.21(d)).

33 CFR § 137.33 General all appropriate inquiries requirements

(a) All appropriate inquiries must be conducted within 1 year before the date of acquisition. . .

(b) The following components of the all appropriate inquiries must be conducted or updated within 180 days before the date of acquisition. . .

- (1) Interviews with past and present owners, operators, and occupants. See § 137.45.
- (2) Searches for recorded environmental cleanup liens. See § 137.55.
- (3) Reviews of Federal, State, tribal, and local government records. See § 137.60.
- (4) Visual inspections of the facility, the real property on which the facility is located, and adjoining properties. See § 137.65.
- (5) The declaration by the environmental professional. See § 137.35(d).

A pre-acquisition environmental site assessment meeting the requirements of the regulations must be prepared within one year before the date of acquisition. However, the regulations provide that specific elements of the pre-acquisition environmental site assessment must be conducted, or updated, within 180 days of the date of acquisition. These elements are the site interviews, the site visit, the record review, searches for recorded environmental cleanup liens, and the declaration of the environmental professional that all appropriate inquiries into the previous ownership and uses of the property, consistent with Federal regulations, have been conducted.

Both EPA and the U.S. Coast Guard agree that the ASTM International E1527-05, E2247-08, and E1903-97, “Standard Practice for Environmental Site Assessments,” are consistent with the regulations. Federal agencies, however, must be careful to comply with applicable copyright laws as well as the Federal Acquisition Regulations regarding non-competitive procurements. Additionally, the ASTM standard does not cover the breadth of non-scope issues of regular concern to FLMs. The joint working group developed an extensive checklist contained in Appendix A for three broad areas: records review, site interviews, and site inspections. The

- Statement of Federal Financial Accounting Standards No. 6, *Accounting for Property, Plant, and Equipment* as amended, issued by the Federal Accounting Standards Advisory Board
- *Chief Financial Officers Act of 1990*, Public Law 101-576 101<sup>st</sup> Congress-Second Session
- *Financial Reporting Requirements*, OMB Circular A-136, issued by the Office of Management and Budget, revised annually.

Additional guidance developed to facilitate contingent environmental liabilities identification, cost estimating and reporting requirements include:

- *Determining Probable and Reasonably Estimable For Environmental Liabilities in the Federal Government*, Federal Financial Accounting and Auditing, Technical Release Number 2 (Technical Release No.2), issued by the Accounting and Auditing Policy Committee (AAPC).

checklists are provided for agency use and are designed to collect the information necessary for developing the final report. The checklists contain information necessary to meet the requirements of 40 CFR 312 and 33 CFR 137, as well as frequently encountered non-scope items of interest to the FLMs. These checklists were developed from existing checklists used by the DOI Bureaus and the USDA Forest Service. Agencies may have additional mission-specific needs that may require the inclusion of additional questions or the collection of additional information. We encourage tailoring of the checklists to agency specific needs. Tailoring of the worksheets should be done using professional judgment and agency specific requirements.

## QUALIFICATIONS OF AN ENVIRONMENTAL PROFESSIONAL

The pre-acquisition environmental site assessment is developed and conducted by an environmental professional meeting the requirements of 40 CFR 312 and 33 CFR 137. Such a person can exercise professional judgment to identify past and/or current practices or operations at the property that may have caused the release of hazardous substances or petroleum products, and to determine the likelihood and significance of such releases. Additionally, the pre-acquisition environmental site assessment may be developed and conducted by an individual or individuals under the supervision or “responsible charge” of an environmental professional.

40 CFR § 312.21 Results of inquiry by an environmental professional.

(a) Persons identified under § 312.1(b) must undertake an inquiry, as defined in paragraph (b) of this section, by an environmental professional, or conducted under the supervision or responsible charge of, an environmental professional, as defined in § 312.10. Such inquiry is hereafter referred to as “the inquiry of the environmental professional.”

33 CFR § 137.35 Inquiries by an environmental professional.

(a) Inquiries by an environmental professional must be conducted either by the environmental professional or by a person under the supervision or responsible charge of an environmental professional.



As defined in 40 CFR 312 and 33 CFR 137, there are several ways to meet the required combination of specific education, training, and full-time relevant experience. The requirements are specified in Section 312.10(b) of the EPA regulation and in Section 137.25 of the U.S. Coast

40 CFR § 312.10(b):

*Environmental professional means:*

(1) a person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases (see § 312.1(c)) on, at, in, or to a property, sufficient to meet the objectives and performance factors in § 312.20(e) and (f).

(2) Such a person must:

(i) Hold a current Professional Engineer's or Professional Geologist's license or registration from a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of three (3) years of full-time relevant experience; or

(ii) Be licensed or certified by the federal government, a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries as defined in § 312.21 and have the equivalent of three (3) years of full-time relevant experience; or

(iii) Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five (5) years of full-time relevant experience; or

(iv) Have the equivalent of ten (10) years of full-time relevant experience.

(3) An environmental professional should remain current in his or her field through participation in continuing education or other activities.

(4) The definition of environmental professional provided above does not preempt state professional licensing or registration requirements such as those for a professional geologist, engineer, or site remediation professional. Before commencing work, a person should determine the applicability of state professional licensing or registration laws to the activities to be undertaken as part of the inquiry identified in § 312.21(b).

33 CFR §137.25 Qualification of the environmental professional

(a) An environmental professional is an individual who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of the presence or likely presence of oil at a facility and the real property on which the facility is located sufficient to meet the objectives and performance factors in § 137.30(a) and (b).

(1) Such a person must:

(i) Hold a current Professional Engineer's or Professional Geologist's license or registration from a State, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of 3 years of full-time relevant experience;

(ii) Be licensed or certified by the federal government, a State, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries under §137.35 and have the equivalent of 3 years of full-time relevant experience;

(iii) Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of 5 years of full-time relevant experience;

(iv) Have the equivalent of 10 years of full-time relevant experience.

(2) An environmental professional should remain current in his or her field through participation in continuing education or other activities.

(3) The requirements for an environmental professional in this section do not preempt State professional licensing or registration requirements such as those for a professional geologist, engineer, or site-remediation professional. Before commencing work, a person should determine the applicability of State professional licensing or registration laws to the activities to be undertaken as part of an inquiry identified in § 137.35(b).

Guard regulation. During the notice and comment period commenters requested additional guidance on the definition of "full-time relevant experience."

In its “Response to Comment Document” released with the final AAI rule, EPA defined “full-time relevant experience” as follows:

“The use of the phrase ‘full-time’ within the definition of environmental professional and the definition of relevant experience is meant to require that an individual has accumulated the equivalent of 3, 5, or 10 years of experience. An individual may accumulate such experience over a longer length of time than the 3, 5, or 10 years, as long as the total time of accumulated experience would be the equivalent of 3, 5, or 10 years of full-time experience. Even after an individual accumulates the required number of years of full-time experience, that individual does not have to conduct environmental site assessments, or all appropriate inquiries investigations, on a full-time basis to qualify as an environmental professional.”

#### RELEVANT EXPERIENCE FOR AN ENVIRONMENTAL PROFESSIONAL

This guidance addresses the following three categories of experience:

- (1) Phase I or Phase II environmental site assessment experience, as described below, is always relevant;
- (2) CERCLA Preliminary Assessment and Site Inspection experience, usually is relevant; and
- (3) Other environmental experience, or similar experience under other Federal cleanup laws (the Resource Conservation and Recovery Act, OPA) and similar State cleanup laws, with equivalent underlying processes of conducting environmental site assessments, must be evaluated for relevancy on a case-by-case basis.

40 CFR §312.10(b)

*Relevant experience*, as used in the definition of environmental professional in this section, means: participation in the performance of all appropriate inquiries investigations, environmental site assessments, or other site investigations that may include environmental analyses, investigations, and remediation which involve the understanding of surface and subsurface environmental conditions and the processes used to evaluate these conditions and for which professional judgment was used to develop opinions regarding conditions indicative of releases or threatened releases (see § 312.10(c)) to the subject property.

33 CFR §137.10(b)

*Relevant experience* means participation in the performance of all appropriate inquiries investigations, environmental site assessments, or other site investigations that may include environmental analyses, investigations, and remediation which involve the understanding of surface and subsurface environmental conditions and the processes used to evaluate these conditions and for which professional judgment was used to develop opinions regarding conditions indicative of the presence or likely presence of oil at the facility and the real property on which the facility is located.

(1) The most direct relevant experience an individual can possess to qualify as an environmental professional under 40 CFR 312 and 33 CFR 137 is from either conducting, reviewing, and/or making recommendations to approve or disapprove, Phase I and/or Phase II environmental site assessments. ASTM International Standards E1527-05

(“Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process”) and E1903-97 (2002) (“Standard Guide for Environmental Site Assessments: Phase II Environmental Site Assessment Process”) describe Phase I and Phase II environmental site

assessments. Except as described below, Phase I and/or Phase II experience is relevant experience for purposes of qualifying as an environmental professional within the meaning of the AAI regulations. All Phase I experience is relevant. That portion of Phase II experience associated with planning the investigation, evaluating data, drawing conclusions, preparing a written report, and reviewing or making recommendations about approval of the report is relevant. By contrast, actual sample collection, such as that typically conducted by a field technician is not relevant by itself, as it does not involve the exercise of professional judgment regarding potential releases of hazardous substances or petroleum products.

An environmental professional's specific Phase I or Phase II experience should be considered when assigning the environmental professional to a particular AAI assignment. For example, a person with 20 years of experience conducting Phase I environmental site assessments at residential and commercial properties would clearly qualify as an environmental professional. However, that same person may lack the specific expertise to solely conduct an AAI investigation at a property with a history of industrial manufacturing or mining operations. Similarly, agencies should consider selecting an environmental professional with both Phase I and II environmental site assessment experience at a property where the agency anticipates that Phase II work may be needed.

(2) Experience conducting or reviewing and making recommendations to approve or disapprove Preliminary Assessments (PAs) and Site Inspections (SIs) as part of the CERCLA response planning process is similar to Phase I and II environmental site assessment experience and ordinarily would be considered relevant experience. Such experience is typically relevant experience for purposes of conducting AAI. In some situations, however, the sources of potential contamination at a site undergoing PAs are already well known. In such cases, the investigator likely will not gain experience in discovering and identifying potential releases of hazardous substances and petroleum products. In determining the extent to which PA/SI experience is relevant, FLMs should ensure that personnel have experience in discovering and identifying potential releases or sources of contamination.

(3) Other types of environmental experience may be relevant to qualify an individual as an environmental professional if such experience is equivalent to the underlying processes of conducting environmental site assessments. For example, experience conducting or making recommendations regarding investigations for purposes of compliance with other Federal cleanup laws, such as the Resource Conservation and Recovery Act and OPA, may also be similar to Phase I and Phase II environmental site assessments. Many State cleanup laws, such as State "mini-CERCLA" statutes and voluntary cleanup programs also involve work that is similar in scope and purpose to Phase I and Phase II environmental site assessments. Additionally, analyses undertaken to meet the requirements of the National Environmental Policy Act (NEPA) to identify and evaluate potential environmental impacts of proposed Federal projects likely would be relevant experience. If these projects involve evaluating properties at which releases of hazardous substances or petroleum products may have occurred, the environmental portion (as distinct from the socioeconomic portion) of NEPA-related experience may be relevant. Alternatively, the planning process for developing an environmental management system at a facility frequently involves identifying environmental aspects of facility operation and evaluating the impacts of those aspects. If the facility handles or has handled

hazardous substances or petroleum products, the environmental management systems experience may be “relevant full-time experience.” The FLMs will need to evaluate such experience on a case-by-case basis to determine if it is relevant to qualify an individual as an environmental professional.

### Documenting Qualifications

In order to facilitate the approval of an environmental professional, Appendix B contains a questionnaire that helps document the qualifications and experience of the environmental professional. Agencies may tailor the questionnaire to specific programmatic requirements as necessary.

### Training and Continuing Education

Many public and private sources offer courses applicable to preparing pre-acquisition environmental site assessments. Environmental professionals can take these for “continuing education” to meet the regulatory qualifications. Additionally, some of these courses may qualify as relevant experience by those personnel developing additional experience to qualify as environmental professionals. Individuals should discuss the courses with his/her supervisor and include the courses in annual individual development plans. An employee and his/her supervisor should use professional judgment to ensure that courses expand the employee’s knowledge, skills and abilities. Environmental professionals should assist employees in tailoring training to the particular issues likely to be found in the field. Appendix C contains a list of courses that may be relevant to environmental professionals conducting pre-acquisition environmental site assessments.

## **SUPERVISION OR RESPONSIBLE CHARGE OF ASSISTANTS**

### 40 CFR §312.10(b)

A person who does not qualify as an environmental professional under the foregoing definition may assist in the conduct of all appropriate inquiries in accordance with this part if such person is under the supervision or responsible charge of a person meeting the definition of an environmental professional provided above when conducting such activities.

### 33 CFR § 137.25 (a)(4)

A person who does not qualify as an environmental professional under this section may assist in the conduct of all appropriate inquiries according to this part if the person is under the supervision or responsible charge of an environmental professional meeting the requirements of this section when conducting the inquiries.

An individual meeting the regulatory definition of environmental professional does not have to personally undertake all aspects of the pre-acquisition environmental site assessment. The AAI regulations allow individuals who do not meet the education/training/experience requirements for environmental professionals to undertake activities under the “supervision or responsible charge” of an environmental professional. The AAI rules’ preambles specifically endorse a team approach for preparing pre-acquisition environmental site assessments. At least one team member, however, must qualify under the regulation as an environmental professional. A team should include individuals who collectively have the qualifications and experience suitable for a

particular area or property type, or familiarity with the concerns warranting evaluation.

Generally, one person will not have all the expertise required to prepare the pre-acquisition environmental site assessment. The team is usually multi-disciplinary and may include realty specialists, environmental compliance specialists, geologists, biologists, environmental engineers, and archeologists. The skills of a particular team, however, may vary with the nature and history of the site. Either the environmental professional or an individual or individuals under the supervision or responsible charge of the environmental professional must undertake the assigned tasks associated with a pre-acquisition environmental site assessment.

Equally important to ensuring that the pre-acquisition site assessment complies with AAI regulations is developing a cadre of environmental professionals. Whenever possible, environmental staff should carefully document their AAI work experiences, including time spent and activities undertaken, so that they can demonstrate that they qualify as an environmental professional.

An agency should evaluate whether an environmental professional meets supervision or responsible charge requirements for a person or persons participating in the assessment. An environmental professional who signs and makes recommendations regarding the property's environmental condition must be able to answer questions about the pre-acquisition environmental site assessment in sufficient detail as to leave little doubt as to the environmental professional's proficiency for and control over the work performed. The environmental professional need not be prepared to defend decisions as in an adversarial situation, but rather must be prepared to demonstrate that the environmental professional has sufficient knowledge of the project to make decisions. For example, the environmental professional should be able to answer questions about the scope of work, methods of analysis, selection of materials and systems, economics of alternate solutions, and environmental considerations. The environmental professional should be able to clearly define the degree of control exercised over other participants and how it was exercised to demonstrate that other individuals involved in the conduct of the work were answerable within the degree of control necessary for the pre-acquisition environmental site assessment work.

Individuals assisting the environmental professional in the conduct of a pre-acquisition environmental site assessment *must* be under the supervision or responsible charge of the environmental professional. "Supervision" typically refers to the day to day oversight of an individual's activities and performance. In the Federal government this usually includes those in the immediate chain of command that directly assign, review and approve work products.

"Under the responsible charge of the environmental professional" refers to the degree of direct control an environmental professional must maintain over the pre-acquisition environmental site assessment decisions made personally or by others over which the environmental professional exercises supervisory oversight and control authority for that pre-acquisition environmental site assessment.

#### A. Responsible Charge Requirements

1. Project oversight and control/direction of the work.
  - (a) Oversight

- (i) Responsible charge does not require the environmental professional to be the direct supervisor of the individual, but does mean that the environmental professional must be able to impact the scope, performance and ultimate quality of the work.
- (ii) The environmental professional must review and approve the scope of the pre-acquisition environmental site assessment.
- (iii) The environmental professional must possess the authority to require changes to the work and direct the manner and methods by which the work is conducted, or the scope of involvement by the individual even over the individual's objections without negative effects on the environmental professional's job status, advancement, or compensation.

(b) Control/Direction

- (i) The environmental professional is familiar with the capabilities and methods of the individual undertaking the work and the individual's ability to perform the tasks.
- (ii) The environmental professional personally makes decisions during the performance of the pre-acquisition environmental site assessment as well as personally reviewing and accepting the work.
- (iii) The environmental professional shall be physically present or available to the personnel doing the work through the use of communication devices.
- (iv) The environmental professional judges the validity and applicability of recommendations and the qualifications of those making the recommendations before incorporating those recommendations into the work.
- (v) The environmental professional is actively involved from start to finish as the personnel perform the work.

B. An environmental professional who adopts, signs, and certifies to the accuracy of previous work previously undertaken by others must sufficiently review the work ensuring that all standards of practice are met. This includes satisfying the relevant criteria stated in paragraphs (a) and (b) above, and assuming professional responsibility for documents signed under his or her responsible charge.

C. The pre-acquisition environmental site assessment is a representation of the known and identifiable facts regarding the environmental condition of the property at the time the report is prepared and is only one piece of the overall information provided to real property acquisition officials for use in the decision-making process.

## **CONTRACTING FOR PRE-ACQUISITION ENVIRONMENTAL SITE ASSESSMENTS**

EPA and Coast Guard regulations at 40 CFR 312 and 33 CFR 137 require that an environmental professional, or an individual or individuals under the supervision or responsible charge of an

environmental professional, conduct the pre-acquisition environmental site assessments. Given these new requirements and the specific education/training/experience standards set forth in the rules, some FLMs may discover that they lack the resources and/or qualified staff to conduct in-house pre-acquisition environmental site assessments. In these cases, agencies may need to hire a qualified environmental consultant as the environmental professional to perform the pre-acquisition environmental site assessment.

When an agency decides to hire an environmental consultant to conduct the pre-acquisition environmental site assessment, the agency must ensure that the contracting officer technical representative (COTR) or equivalent who is assigned to oversee and manage the contract(s) possess adequate training and qualifications.<sup>3</sup>

The COTR is responsible for establishing and approving the scope of work for the contractor-performed pre-acquisition environmental site assessment. These staff also ensure that the contractors hired to conduct a pre-acquisition environmental site assessment are qualified, provide the contractors with guidance on any additional agency-specific requirements relevant to the scope and performance of the assessment, and coordinate contractor site visits. The COTR also ensures that the pre-acquisition environmental site assessment report meets the technical requirements of the scope of work. The COTR must have sufficient technical knowledge and understanding of the site assessment process to successfully oversee these tasks.

In addition to having the required acquisition and contract management training, agency COTRs who oversee and/or review pre-acquisition environmental site assessments prepared by contractors must, at a minimum, meet the following requirements:

- A. (1) Have successfully completed at least 40 hours of classroom training in environmental due diligence (e.g., BLM/NTC 1703-13 Environmental Site Assessment or NCTC Land Environmental Site Assessment Level Procedures) or an equivalent pre-acquisition environmental site assessment program that is approved by an agency or recognized by industry, and (2) received on-the-job training from a qualified environmental professional by conducting or reviewing five or more pre-acquisition environmental site assessment reports; or
- B. Have a degree in a scientific discipline relevant to the pre-acquisition environmental site assessment process (e.g., environmental science, geology, chemistry, biology, forestry, or engineering); 40-hours of pre-acquisition environmental site assessment training as described in A (1) above; and a thorough understanding of how a pre-acquisition environmental site assessment is researched and the report compiled.

When hiring an environmental consultant to conduct a pre-acquisition environmental site assessment, an agency must ensure that the contractor qualifies as an environmental professional. To assist in hiring a qualified contractor, Appendix D includes EPA guidance on hiring an environmental professional.

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<sup>3</sup> In some agencies, personnel with duties equivalent to a COTR may be called technical representatives or some other title.

In determining the scope of work for an environmental consultant to conduct a pre-acquisition environmental site assessment, it is important to note that unless otherwise specified, most contractors will conduct the pre-acquisition environmental site assessments consistent with established industry standards, usually the ASTM E1527-05 standard. Agency COTRs must be familiar with the standards proposed and their inherent limitations. For example, the ASTM standard practices for environmental site assessments do not address every environmental concern that could be encountered and that are of interest to FLMs.

A Phase I assessment conducted according to the ASTM standard will focus on identifying "recognized environmental conditions." ASTM E1527-05 defines the term *recognized environmental conditions* to mean that "the presence or likely presence of any *hazardous substances* or *petroleum products* on a *property* under conditions that indicate an existing release, a past release, or a *material threat* of a release of any *hazardous substances* or *petroleum products* into structures on the *property* or into the ground, ground water, or surface water of the *property*." Other environmental issues and conditions are typically considered as "Non-Scope Considerations" issues under the ASTM Standard. "Non-Scope Considerations" issues include asbestos-containing materials, radon, lead-based paint, non-hazardous solid waste disposal areas, waste water disposal systems, drinking water systems, drinking water and/or other wells, ecological resources, and endangered species. FLMs should modify the contractor scope of work, as appropriate, to ensure that the contractor addresses these "Non-Scope Considerations" issues and agency-specific concerns. The checklists contained in Appendix A cover many of the non-scope items.

In the event an agency contracts for the pre-acquisition environmental site assessment, Appendix E includes a model statement of work that can be tailored to specific agency needs. The model statement of work includes provisions that may be used if the agency also needs to hire a qualified environmental consultant as the environmental professional.

## **REPORT CONTENT AND RECOMMENDED FORMAT**

The AAI rules require that the results of an AAI investigation be documented in a written report. While the rules do not require any specific format, length, or structure for a written pre-acquisition environmental site assessment report, they do specify four documentation requirements that must be included in every report, as follows.

- A. An *opinion* by the environmental professional as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property.
- B. An identification of *data gaps* (as defined in §312.10) in the information collected for the inquiry that affect the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to the subject property, as well as comments regarding the significance of these data gaps.
- C. *Qualifications* and *signature* of the environmental professional(s). The environmental professional must place the following statements in the document and sign and date the



document:

“[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of environmental professional as defined in § 312.10 of this part.”

“[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.”

“[I, We] declare that, to the best of [my, our] professional knowledge, [I, we] meet the requirements under 33 CFR 137.25 for an environmental professional.”

“[I, We] have the specific qualifications based on education, training, and experience to assess the nature, history, and setting of a facility and the real property on which it is located. [I, We] have developed and conducted all appropriate inquiries according to the standards and practices in 33 CFR part 137.”

- D. The environmental professional must include an *opinion regarding additional appropriate investigation* in the final report if the environmental professional has such an opinion.

The model report outline in Appendix F addresses the requirements of the AAI regulations including the four key documentation items explained above. The model final report outline also includes the “non-scope considerations” required by the Chief Financial Officers Act and Departmental policy and guidance.

The worksheets in Appendix A help agencies complete the land acquisition assessment process and prepare the pre-acquisition environmental site assessment report. Completed worksheets and reports provide agencies with important tools for making informed land acquisition decisions.

## **APPENDIX A: LAND ACQUISITION SCREENING PROCESS WORKSHEETS**

Agencies must do the land acquisition screening process for all proposed real property acquisitions to determine whether there may be any hazardous substances or other environmental problems on the real property. The purpose of the process is to help ensure that Federal agencies do not unknowingly acquire contaminated property and to limit exposure to environmental liability.

The following worksheets are required but may be accomplished in any order:

1. Worksheet 1: Records Search. Review maps, photographs, and records
2. Worksheet 2: Questionnaire for Interview. Conduct interviews of individuals familiar with the property and its history
3. Worksheet 3: Site Visit Survey. Visit site and inspect thoroughly

The completed worksheets contain information required for the land acquisition screening process. In addition to these worksheets, Bureaus may require additional questionnaires for specific land transactions. This information may also be used to complete the pre-acquisition environmental site assessment report. The worksheets are useful guides, but alone do not meet all the requirements for the CERCLA defenses. For example, the worksheets do not include the four documentation requirements that must be included in the report. Additionally, in order to meet the statutory requirements for any of the defenses to liability following acquisition, a landowner must meet certain threshold requirements and satisfy continuing obligations not addressed in this guidance. The worksheets are not exhaustive and should be tailored based on professional judgment and site conditions.

Some questions may not be applicable for the property. All questions noted as incomplete, data gaps or “not applicable” should be documented. Documenting these determinations is required in the report.

All Appropriate Inquiry - Land Acquisition Screening  
**Worksheet 1: RECORDS SEARCH<sup>1</sup>**

This worksheet should help agencies complete the “Records Search” portion of the All Appropriate Inquiry land acquisition screening. While this worksheet should be a useful guide, by itself a completed worksheet does not meet all the requirements for the CERCLA defenses. For example, the worksheets do not include the four documentation requirements that must be included in the report. Additionally, in order to meet the statutory requirements for any of the defenses to liability following acquisition, a landowner must meet certain threshold requirements and satisfy continuing obligations not addressed in this guidance. The worksheets are not exhaustive and should be tailored based on professional judgment and site conditions.

**I. Gathering Existent Records.**

1. The AAI rule requires a review of historical sources to determine previous uses and occupancies of the real property since the property was first developed using sources such as those listed below. If “not available” explain in Question #3.
  - a. Site Description (address, site map, property boundaries, contact information) Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - b. Chain of Title Documents (i.e., deeds, deed restrictions, liens, institutional and/or engineering controls, and other documentation of ownership) Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - c. Aerial Photographs Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - d. Building Department Records Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - e. Land Use Records Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - f. Sanborn Fire Insurance Maps Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - g. Topographic Maps Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - h. Local Fire Department Records Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - i. Easements Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - j. Leases (attach copies of contract(s)) Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - k. Concessions (attach copies of contract(s)) Not Available \_\_\_\_\_ Attached \_\_\_\_\_
  - l. Well Permits Not Available \_\_\_\_\_ Attached \_\_\_\_\_

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<sup>1</sup> “Historical documents and records reviewed must cover a period of time as far back in the history of the subject property as it can be shown that the property contained structures or from the time the property was first used for residential, agricultural, commercial, industrial, or governmental purposes.” (40 CFR 312.24(b)) “Historical documents and records reviewed must cover a period of time as far back in the history of the real property to when the first structure was built or when it was first used for residential, agricultural, commercial, industrial, or governmental purposes.” (33 CFR 137.50 (b))

- |  |                     |                |
|--|---------------------|----------------|
| m. Oil Records                                     | Not Available _____ | Attached _____ |
| n. Gas Records                                     | Not Available _____ | Attached _____ |
| o. Other Mineral Records                           | Not Available _____ | Attached _____ |
| p. Waste Water Permits                             | Not Available _____ | Attached _____ |
| q. Lead Based Paint Survey Records                 | Not Available _____ | Attached _____ |
| r. Asbestos Survey Records                         | Not Available _____ | Attached _____ |
| s. Polychlorinated Biphenyls (PCBs) Survey Records | Not Available _____ | Attached _____ |
| t. Drinking Water Systems                          | Not Available _____ | Attached _____ |

2. The AAI rule requires a review of Federal, State, Tribal and local government records. Is the property listed under any of the categories below? If yes, attach documentation. If no, explain in Question #3. Many of these databases may be queried through EPA's Environfacts website at <http://www.epa.gov/enviro/>

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|---|-------------------------|
| a. CERCLA Information System (CERCLIS) or Docket List   | No _____ Attached _____ |
| b. Critical Habitat   | No _____ Attached _____ |
| c. DOT Hazardous Materials Information Reporting System (HMIRS)   | No _____ Attached _____ |
| d. EPA Aerometric Information Retrieval System (AIRS)   | No _____ Attached _____ |
| e. EPA Emergency Response Notification System (ERNS) Database   | No _____ Attached _____ |
| f. EPA FIFRA/TSCA Tracking System (FTTS)  | No _____ Attached _____ |
| g. EPA National Priorities List (NPL)   | No _____ Attached _____ |
| h. EPA No Further Remedial Action Planned (NFRAP) Database  | No _____ Attached _____ |
| i. EPA NPDES  | No _____ Attached _____ |
| j. EPA PCB Activity Database (PADs)   | No _____ Attached _____ |
| k. EPA PCB Transformer Registration Database  | No _____ Attached _____ |
| l. EPA Permit Compliance System (PCS)   | No _____ Attached _____ |
| m. EPA RCRA Corrective Action Report (CORRACTS) Database  | No _____ Attached _____ |
| n. EPA RCRA Information System (RCRIS) Database   | No _____ Attached _____ |
| o. EPA Safe Drinking Water Information System (SDWIS)   | No _____ Attached _____ |
| p. EPA Toxics Release Inventory (TRI) Database  | No _____ Attached _____ |
| q. EPA or State Resource Conservation and Recovery Act (RCRA), treatment, storage, or disposal (TSD) facility | No _____ Attached _____ |
| r. Federal Emergency Management Agency (FEMA) Flood Map   | No _____ Attached _____ |
| s. Federal, State, Tribal Permitted and Closed Solid Waste Landfill or Management Facilities                  | No _____ Attached _____ |
| t. Local Zoning and Land Use Records  | No _____ Attached _____ |
| u. State environmental agency equivalent of an NPL site or a CERCLIS site                                     | No _____ Attached _____ |
| v. State Leaking Underground Storage Tanks (LUSTs)  | No _____ Attached _____ |
| w. State Registered Aboveground Storage Tanks (ASTs)  | No _____ Attached _____ |
| x. State Registered Underground Storage Tanks (USTs)  | No _____ Attached _____ |
| y. State, Local, Tribal Environmental Liens, Deeds, and Land Use Restriction Records                          | No _____ Attached _____ |
| z. State Local, Tribal Hazardous Materials Management Records (e.g., Business Plan, Contingency Plan.)        | No _____ Attached _____ |
| aa. Oil, gas or other mineral records   | No _____ Attached _____ |
| bb. Waste Water Systems   | No _____ Attached _____ |
| cc. Wetlands Inventory  | No _____ Attached _____ |

3. What information sources were used in attempts to find records that could not be found? List information sources, locations where they are found and date the source was used.

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4. Any other relevant records provided by owner(s) or others? No \_\_\_\_\_ Attached \_\_\_\_\_  
List:

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**II. Records Review (Subject Property).** The purpose of the records review is to obtain and review records and to help agencies identify conditions indicative of releases and threatened releases of hazardous substances on, at, or in the subject property. This section will help agencies develop a chronology of the site use(s).

**A. Property Use(s)**

1. Is there any information in the chain of title that indicates commercial or industrial use of the property? If yes, describe current and previous property use(s) and provide information sources such as Title insurance company, abstract company, and County deed records. Yes \_\_\_ No \_\_\_

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2. Are there other records indicating commercial or industrial activities on the property? Examples of such activities include warehouses, vehicle maintenance, mixing, handling, or disposal of chemicals, paints, pesticides (e.g., insecticides, herbicides, and fungicides), petroleum products or wastes. If yes, describe site activities and document and provide information sources such as records, aerial photographs, and maps. Identify the location(s) on the property where the activities occurred and the timeframe when they occurred. Yes \_\_\_ No \_\_\_

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3. Are there records indicating current or previous agricultural use? Examples of such use include pesticide use, drainage history, surface or subsurface drains, livestock, nurseries, crops, and livestock dip tanks. If yes, describe the agricultural use and identify when the use occurred and where on the property. Provide information sources such as records, aerial photographs, and maps). Yes \_\_\_ No \_\_\_

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4. Have there been any special use permits, leases, Plans of Operation, or concessionaire contracts associated with the property. Examples of such activities and uses include rights-of-way, easements, mining, landfills, solid waste transfer facilities, log transfer facilities, small arms ranges, silviculture, lodges, resorts, and campgrounds. If yes, describe the permitted activities and provide information sources such as permits, records, aerial photographs, and maps). Yes \_\_\_ No \_\_\_

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**B. Hazardous Substances**

1. Are there records, such as State and EPA hazardous site lists, of the storage, release, or disposal of hazardous substances or petroleum products on the property? If yes, attach a list describing the type(s), quantities involved, approximate locations and dates.  
Yes \_\_\_ No \_\_\_

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2. Has anyone ever done an environmental investigation of the property?  
Yes \_\_\_ No \_\_\_ Unknown \_\_\_(If yes, answer the following questions.)

Indicated the release of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_

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Recommended further assessment of the property? If yes, explain and provide the information sources such as State hazardous site lists or acquisition files). Yes \_\_\_ No\_\_\_ Not Applicable \_\_\_

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3. If an environmental investigation identified contamination of the property, is there information indicating that response actions have remained uninitiated or been ineffective in reducing or eliminating the contamination? Explain and provide information sources such as State hazardous site data). Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_

If yes, has any response action been taken? Describe the response actions taken, who did them, and what lead regulatory agency oversaw the response action.

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If no, is there a cost estimate for the response actions? If a cost estimate has been provided, indicate the source of the estimate.

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Has remediation been completed? If yes, indicate if a no-further action (NFA) determination has been issued by the lead regulatory agency. Also indicate if contamination still remains. Provide supporting documentation.

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If remediation is completed, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements? If yes, describe and provide supporting documentation, including costs and durations for monitoring and operations and maintenance.

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4. If acquiring land from another Federal agency, has the disposing agency notified the acquiring agency of the past or current presence of any hazardous substance, **used and stored**, at the property? If yes, describe the location(s), types, and quantities of the hazardous substances and the timeframes for use and storage. Provide supporting documentation. Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_

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5. If acquiring land from another Federal agency, has the disposing agency notified the acquiring agency of the past or current presence of any hazardous substance **release or disposal** at the property? If yes, describe the date, location(s), types, and quantities of the hazardous substances release and/or disposal. Provide supporting documentation. Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_

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6. Are there any records that indicate the past or present existence of transformers, capacitors, or hydraulic equipment containing Polychlorinated Biphenyls (PCBs); use, storage or disposal of PCB-containing equipment; or contaminated soils? If yes, indicate date of manufacture, size, location(s), and owner and provide information sources (e.g., EPA PCB Activity Database, local electric utility).  
Yes \_\_\_ No \_\_\_

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**C. Water and Wastewater**

1. Are there any records indicating operating or abandoned water wells on the property? If yes, indicate locations, constructed dates, well construction details, and capacities. If any well was abandoned, indicate if it was abandoned according to applicable regulatory standards? Provide abandonment date and information sources such as State water well registry.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_

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2. Are there any records indicating the presence of a drinking water system on the property? If yes, describe the location, size, and age of the water system. Yes \_\_\_ No \_\_\_

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3. If the property is served by an on-site water supply well, are there any records indicating whether anyone has ever identified contamination in the well? If yes, identify the contaminants, timeframe when contamination was detected, and contaminant levels. Also, indicate the source of the contamination and any mitigation measure implemented. Provide information sources such as State water well registry and water quality data). Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_

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4. Are there any records indicating the presence of an on-site waste water disposal system, including septic systems? If yes, describe the system and provide age and location. Provide information sources Yes \_\_\_ No \_\_\_

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**D. Compliance and Permits**

Attach documentation if information is found. If information is **not** found, list information sources that were checked, include the location, contact name and telephone number.

1. Are there any permits or plans related to activities such air or water discharges; mining; oil or gas exploration or development; hazardous substance use or storage; or solid or hazardous waste treatment, storage, or disposal? If yes, describe the location(s), types of discharges and materials, and timeframe of activities. Identify information sources. Yes \_\_\_ No \_\_\_

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2. Have there been any compliance or environmental notices issued? If yes, explain and provide information sources such as State hazardous substances office or EPA Region). Yes \_\_\_ No \_\_\_

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3. Is there any information indicating recurrent violations of environmental laws with respect to the property and current and past on-site operations and activities? If yes, describe the violations and when they occurred and provide sources. Yes \_\_\_ No \_\_\_

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4. Is there any information indicating an environmental lien against the property? If yes, describe the lien and its effect on property use and provide information sources (e.g., County deed records and court judgments). Yes \_\_\_ No \_\_\_

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5. Is there evidence of any past, threatened, or pending lawsuits, administrative or judicial proceedings, consent agreements or related actions concerning a release or threatened release of any hazardous substance or petroleum product involving the property by any current or previous owner or occupant of the property? If yes, explain and provide sources. Yes \_\_\_ No \_\_\_

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6. Have there ever been any registered or unregistered storage tanks (above or underground) on the property, particularly for storage of hazardous substances or petroleum products? If yes, describe and list location(s), material stored, installation date, removal date, and Federal and State identification numbers and provide information sources (e.g., State UST and LUST records, aerial photographs, and maps). Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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7. Have there ever been any registered or unregistered non-water supply wells (e.g., underground injection, monitoring, oil and gas)? Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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**E. Other**

1. Have there been any public complaints about the property regarding dumping, burning, or odors? If yes, explain and provide information sources (e.g., State hazardous substance sites list.) If no, list resources that were checked, including the location, contact name, and telephone number. Yes \_\_\_ No \_\_\_

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2. Are there any other records or historical uses that might indicate existing or potential environmental problems on the property? If yes, explain and identify information sources. If no, list resources that were checked, including the location, contact name, and telephone number.

Yes \_\_\_ No \_\_\_

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**III. Site Chronology.** Develop site chronology of site uses and activities, including construction date and upgrades. Attach additional sheets, as needed. 40 CFR 312.24 requires review of historical records as far back in time as the property was first used for residential, agricultural, commercial, industrial, or governmental purposes.

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Name, title and signature of person conducting records review: \_\_\_\_\_

Date(s) of Searches \_\_\_\_\_

**IV. Records Review (Adjacent and Surrounding Properties)**

1. The AAI rule requires a review of Federal, State, and local government records. Is the adjacent property listed under any of the categories below? If yes, attach documentation.
- |   |                         |
|---|-------------------------|
| a. CERCLA Information System (CERCLIS) or Docket List   | No _____ Attached _____ |
| b. Critical Habitat   | No _____ Attached _____ |
| c. DOT Hazardous Materials Information Reporting System (HMIRS)   | No _____ Attached _____ |
| d. EPA Aerometric Information Retrieval System (AIRS)   | No _____ Attached _____ |
| e. EPA Emergency Response Notification System (ERNS) Database   | No _____ Attached _____ |
| f. EPA FIFRA/TSCA Tracking System (FTTS)  | No _____ Attached _____ |
| g. EPA National Priorities List (NPL)   | No _____ Attached _____ |
| h. EPA No Further Remedial Action Planned (NFRAP) Database  | No _____ Attached _____ |
| i. EPA NPDES  | No _____ Attached _____ |
| j. EPA PCB Activity Database (PADs)   | No _____ Attached _____ |
| k. EPA PCB Transformer Registration Database  | No _____ Attached _____ |
| l. EPA Permit Compliance System (PCS)   | No _____ Attached _____ |
| m. EPA RCRA Corrective Action Report (CORRACTS) Database  | No _____ Attached _____ |
| n. EPA RCRA Information System (RCRIS) Database   | No _____ Attached _____ |
| o. EPA Safe Drinking Water Information System (SDWIS)   | No _____ Attached _____ |
| p. EPA Toxics Release Inventory (TRI) Database  | No _____ Attached _____ |
| q. EPA or State Resource Conservation and Recovery Act (RCRA), treatment, storage, or disposal (TSD) facility | No _____ Attached _____ |
| r. Federal Emergency Management Agency (FEMA) Flood Map   | No _____ Attached _____ |
| s. Federal, State, Tribal Permitted and Closed Solid Waste Landfill or Management Facilities                  | No _____ Attached _____ |
| t. Local Zoning and Land Use Records  | No _____ Attached _____ |
| u. State environmental agency equivalent of an NPL site or a CERCLIS site                                     | No _____ Attached _____ |
| v. State Leaking Underground Storage Tanks (LUSTs)  | No _____ Attached _____ |
| w. State Registered Aboveground Storage Tanks (ASTs)  | No _____ Attached _____ |
| x. State Registered Underground Storage Tanks (USTs)  | No _____ Attached _____ |
| y. State, Local, Tribal Environmental Liens, Deeds, and Land Use Restriction Records                          | No _____ Attached _____ |
| z. State Local, Tribal Hazardous Materials Management Records (e.g., Business Plan, Contingency Plan.)        | No _____ Attached _____ |
| aa. Oil, gas or other mineral records   | No _____ Attached _____ |
| bb. Waste Water Systems   | No _____ Attached _____ |
| cc. Wetlands Inventory  | No _____ Attached _____ |

2. The AAI rule requires a review of Federal, State, and local government records of the surrounding properties and specifies a minimum search distance on some records. Are the surrounding properties listed under any of the categories below within the specified search radius? If yes, attach documentation. If no, explain in Question #3.

Records / Sources	Minimum Search Distance miles (kilometers)	No _____ Attached _____
a. Federal NPL Site Database	1.0 (1.6)	No _____ Attached _____
b. State- and Tribal-Equivalent NPL Sites	1.0 (1.6)	No _____ Attached _____
c. EPA Deleted NPL Site List	0.5 (0.8)	No _____ Attached _____
d. Former CERCLIS Sites w/No Further Remedial Action Planned	0.5 (0.8)	No _____ Attached _____
e. EPA RCRA CORRACTS Facilities List	1.0 (1.6)	No _____ Attached _____
f. Registries or Publicly Available Lists of Engineering Controls	0.5 (0.8)	No _____ Attached _____
g. Federal, State, Tribal Permitted and Closed Solid Waste Landfill or Management Facilities	0.5 (0.8)	No _____ Attached _____
h. Federally or State-Registered, or State-Permitted, Hazardous Waste Sites Identified for Investigation or Remediation	0.5 (0.8)	No _____ Attached _____
i. EPA RCRA non-CORRACTS TSD Facilities List	0.5 (0.8)	No _____ Attached _____
ii. State- and Tribal-equivalent CERCLIS	0.5 (0.8)	No _____ Attached _____
iii. EPA CERCLIS List	0.5 (0.8)	No _____ Attached _____
iv. Federal, State, Tribal Leaking Underground Storage Tank	0.5 (0.8)	No _____ Attached _____
v. State and Tribal Voluntary Cleanup Sites	0.5 (0.8)	No _____ Attached _____
vi. State and Tribal Brownfield Sites	0.5 (0.8)	No _____ Attached _____

3. What information sources were used in attempts to find records that could not be found? List information sources, locations where they are found and date the source was used.

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4. Any other relevant records provided by owner(s) or others? No \_\_\_\_\_ Attached \_\_\_\_\_

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5. On the basis of a review of available records, is there any indication of the release or threatened release of hazardous substances at/on adjacent and nearby properties? Properties considered to be “nearby” may vary depending on the area’s geology and topography and the nature of the threat. If yes, describe the release or threatened release and provide the location(s) and relative distance to the property, indicate whether it is up stream or up gradient of the property, identify the types and quantities of hazardous substances, and dates. Provide information sources (e.g., local fire department and environmental data base search services). Yes \_\_\_ No \_\_\_

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If yes, has the release or threatened release been mitigated? If yes, describe the mitigation and identify the regulatory agency that oversaw the mitigation measures and provide the sources of the information. Yes \_\_\_ No\_\_\_ Not Applicable \_\_\_

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If yes, do adjacent or nearby properties have contamination residual contamination that poses a threat or may pose a future threat to the property? If yes, describe the threat or potential threat and provide the sources of the information. Yes \_\_\_ No\_\_\_ Not Applicable \_\_\_

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6. Are there other nearby land uses or activities, especially upstream or up-gradient that might have had a legal or illegal waste or dump site? For example, are there upstream or up-gradient active or abandoned mine sites that may adversely affect the property? Properties considered to be “nearby” may vary depending on the area’s geology and topography and the nature of the threat. If yes, describe the land use or activity, distance to the property, and potential threat. Provide the information sources. Yes \_\_\_ No \_\_\_

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Name, title, and signature of person conducting records review: \_\_\_\_\_

Date(s) of Searches \_\_\_\_\_

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## **All Appropriate Inquiry - Land Acquisition Screening**

### **Worksheet 2: INTERVIEWS WITH PAST and PRESENT OWNERS, OPERATORS, and OCCUPANTS**

This worksheet should help agencies complete of the “Interview” portion of the All Appropriate Inquiry land acquisition screening. While the worksheet should be a useful guide, it is not all inclusive and does not meet all the requirements for CERCLA defenses. For example, the worksheets do not include the four documentation requirements that must be included in the report. Additionally, in order to meet the statutory requirements for any of the defenses to liability following acquisition, a landowner must meet certain threshold requirements and satisfy continuing obligations not addressed in this guidance. The worksheets are not exhaustive and should be tailored based on professional judgment and site conditions.

The AAI rule requires interviews with the current owner and occupant of the subject property. If the property has multiple occupants, the inquiry of the environmental professional should include interviewing major occupants, as well as those occupants likely to use, store, treat, handle or dispose of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances, or those who have likely done so in the past. Additionally, if the current owner is a third party holding company who obtained title to the property with the sole intent of selling it to the Federal government, it is suggested that the previous owner also be interviewed. In either case, at least one of the following individuals should also be interviewed.

- Representative of the local fire department that serves the property;
- Representative of the State and/or local health agency or local/regional office of state health agency serving the area in which the property is located;
- Representative of the State and/or local agency or local/regional office of state agency having jurisdiction over hazardous waste disposal or other environmental matters in the area in which the property is located; or
- Representatives of Local agencies responsible for the issuance of building permits or groundwater use permits that document the presence of AULs that may identify issues of concern in the area in which the property is located.
- Current and past facility managers with relevant knowledge of uses and physical characteristics of the property;
- Past owners, occupants, or operators of the property; or
- Employees of current and past occupants of the property.

In the case of inquiries done at “abandoned properties,” where there is evidence of potential unauthorized uses of the subject property or evidence of uncontrolled access to the subject property, the inquiry must include interviewing one or more (as necessary) owners or occupants of neighboring or nearby properties from which it appears possible to have observed uses of, or releases at, such abandoned properties.

(Separate questionnaires must be completed for each interview)

Name of person interviewed: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Affiliation with Property: \_\_\_\_\_  
(E.g., Owner, operator, caretaker, previous owner, or neighbor)

Time frame affiliated with Property: \_\_\_\_\_

*“To the Best of Your Knowledge...”*

**A. Property Use(s)**

1. Do you have or know of the existence of any of the following records related to the property? If yes, please provide copies or make them available. Yes \_\_\_ No \_\_\_ Unknown \_\_\_
- |   |   |
|---|---|
| a. Radon, Asbestos, or Lead-Based Paint Surveys   | No ___ Copy/s Attached ___ No copy avail. ___ |
| b. Environmental Compliance Audit Reports   | No ___ Copy/s Attached ___ No copy avail. ___ |
| c. Environmental Permits Related to Current or Previous Site Activities<br>(e.g., waste disposal permits, wastewater permits, NPDES permits)                | No ___ Copy/s Attached ___ No copy avail. ___ |
| d. Registrations for underground and above-ground storage tanks.  | No ___ Copy/s Attached ___ No copy avail. ___ |
| e. Hazardous Materials Management Plans (Emergency Planning and Community<br>Right-To-Know Act (EPCRA))   | No ___ Copy/s Attached ___ No copy avail. ___ |
| f. Facility safety plans  | No ___ Copy/s Attached ___ No copy avail. ___ |
| g. Preparedness and prevention plans  | No ___ Copy/s Attached ___ No copy avail. ___ |
| h. Spill Prevention, Control, and Countermeasure (SPCC) plans   | No ___ Copy/s Attached ___ No copy avail. ___ |
| i. Hydrogeologic and geotechnical reports on the property or surrounding area.  | No ___ Copy/s Attached ___ No copy avail. ___ |
| j. Notices or other correspondence from any government agency relating to past or<br>current violations of environmental laws with respect to the property. | No ___ Copy/s Attached ___ No copy avail. ___ |
| k. Notices or other correspondence from any government agency relating to<br>environmental liens encumbering the property.                                  | No ___ Copy/s Attached ___ No copy avail. ___ |
| l. Hazardous waste generator notices or reports.  | No ___ Copy/s Attached ___ No copy avail. ___ |
| m. Risk assessments   | No ___ Copy/s Attached ___ No copy avail. ___ |
| n. Recorded deed or environmental land use restrictions   | No ___ Copy/s Attached ___ No copy avail. ___ |
| o. Other environmental studies or investigations  | No ___ Copy/s Attached ___ No copy avail. ___ |

2. Has the property ever been used for an industrial or commercial use (e.g., official and unofficial shooting ranges; processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products, such as a gasoline station, motor repair facility, commercial printing facility, dry cleaners, photographic developing laboratory, methamphetamine laboratory, junkyard, bone yard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility). If yes, describe the activities and provide the time frame, types, location(s) and quantities of hazardous substance use and storage. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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3. Has there ever been permitted or planned mining activity or oil and gas exploration or development on the property? If yes, describe the activities and provide the time frame, location(s), and scope of operations. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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4. Has the property ever been used for agricultural purposes, such as livestock or crops? If yes, describe the operations and indicate the location(s) and time frames involved. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, did the operation involve the use or storage of chemicals such as pesticides, fertilizers, and or solvents? If yes, describe and provide location(s) and the type, quantity, duration of use, and management practices. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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6. Other Questions as necessary based on the records review:

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**B. Hazardous Materials and Substances**

1. Do the **current** operations on the property involve the use and storage of chemicals? If yes, please describe the operations and indicate the location(s), type, and quantities of materials used. Describe locations of chemical storage, mixing, and loading. Discuss any use, storage, mixing, or disposal of automotive or other batteries, pesticides (e.g., insecticides, herbicides, and fungicides), paints, solvents, or other chemicals on fence lines, rights-of-way, or other structures such as airstrips, heliports, or crop duster operations.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with **current** operations? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances. This includes staining or soils and floors in areas utilized for the use and storage of hazardous materials.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If there had been a spill or release of hazardous substances or petroleum products, did someone report the incident to the National Response Center or a local or State emergency response authority? If yes, identify the agency.

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If a spill or release of hazardous substances or petroleum products has occurred, has the release been mitigated? If yes, describe the mitigation, identify the lead regulatory agency that oversaw the mitigation and indicate if the lead regulatory agency issued a no-further action (NFA) determination. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If remediation is completed, does the property have contamination or residual contamination? If yes, are there any institutional controls/land use restrictions in place or long term monitoring and maintenance requirements?

Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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2. Are there any **past operations** at the property that involved the use or storage of hazardous materials and substances? If yes, describe the operations and the location(s), types, and quantities of materials. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, has there been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with **past operations** or tenants? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If a spill or release of hazardous substances or petroleum products had occurred, was it reported to the National Response Center or a local or State emergency response authority? If yes, identify the agency. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If a release of hazardous substances or petroleum products had occurred, was the release been mitigated? If yes, describe the mitigation, identify the regulatory agency that oversaw the mitigation and indicate if the lead regulatory agency issued a no-further action (NFA) determination. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If remediation is completed, does the property now have contamination or residual contamination present? If yes, are there any institutional controls or land use restrictions in place or long-term monitoring and maintenance requirements? Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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3. Have there ever been any easements, rights-of-way, pipelines, utility lines, railways, entry or exit ports and associated structures, either buried or overhead, crossing the property? If yes, please describe and indicate the location(s), approximate construction date, and the owner's identity. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If yes, are you aware of any spills or releases associated with these features? If yes, please describe the spills and releases and indicate the date, type and quantities of materials involved. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If a spill or release has occurred, are you aware if the release has been mitigated? If yes, who did the mitigation and what regulatory agency oversaw the mitigation? If known, indicate whether the lead regulatory agency issued a no-further action (NFA) determination. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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If remediation is completed, are you aware if there the property still has contamination or residual contamination? If yes, are there any institutional controls or land use restrictions in place or long-term monitoring and maintenance requirements? Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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4. Are you aware if the property's topography has been altered or if the property has any unnatural topographic features present? If yes, please describe the topographic alterations or unnatural features. Indicate their location(s) on the property and, if known, when the alterations occurred and by whom. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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5. Has fill material ever been brought onto the property that originated from a contaminated site or that was of an unknown origin? If yes, describe the date and quantity of material brought to the property, indicate the location where the material was placed.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If fill material came from a contaminated site, identify the fill's origin and describe the contamination.

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6. Is there any evidence that waste materials were dumped above grade, buried, or burned, either currently or previously, on the property? Examples include hazardous materials, petroleum products, labeled or unlabeled drums or containers, pesticide containers, household and farm debris, automotive or industrial batteries, building demolition debris, or other waste materials. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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7. Are there any floor drains in the on-site structures or areas where chemicals (e.g., waste oil, antifreeze, solvents, and pesticides) were used or stored? If yes, indicate the location(s) of the structures and the types, quantities, and time frames related to the associated chemical use or storage. For each area or structure, also indicate the discharge location for the floor drains.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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8. Do the walls, floors, or ceilings of the structures used to store hazardous materials have any chemical stains? If yes, indicate the areas in each structure that has chemical staining. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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9. Are there or have there been any floors, drains, walls, or ceilings stained by substances other than water or that are emitting foul or unnatural odors (e.g., mold, mildew, algae)? If yes, describe the location(s) and the nature of the past and current site operations.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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10. Are there electrical transmission lines, transformers, capacitors, lighting ballast, or hydraulic equipment (e.g., elevators, presses, lifts, or doors) on the property? If yes, identify the location(s) and approximate age of the equipment.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the site has electrical transmission lines, transformers, capacitors, lighting ballast, or hydraulic equipment, has testing been done to determine the presence of polychlorinated biphenyls (PCBs) or has any on-site equipment contained PCBs? If yes, indicate the location(s), type of equipment, and dates. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the site has or had PCBs, are you aware of any release of PCBs that have occurred? If yes, describe the release and indicate the date, location(s) and whether the release was mitigated. Yes \_\_\_ No \_\_\_ N/A \_\_\_ Unknown \_\_\_

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11. Has there ever been any mercury-containing equipment (e.g., switches, thermostats, thermometers, manometers, or sink traps) on the property? If yes, indicate the location(s) and type of equipment and dates. Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

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12. Are you aware of any radon, asbestos-containing materials, or lead-based paint on the property? If yes, indicate the type, locations and dates. Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_

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If yes, has anyone done any radon, asbestos-containing materials, or lead-based paint surveys on the property? If yes, indicate whether radon, asbestos-containing materials, or lead-based paint has been identified in any on-site buildings. Identify the dates of the surveys, the structures, the results, and condition of the materials. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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13. Is there current or past use of above-ground or underground storage tanks, including drums or other fuel containers, on the property? If yes, identify the tanks locations, installation dates, and the types and quantities of materials stored. If the tanks were removed, indicate

the removal date and whether the lead regulatory agency issued a closure certification notice. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If above-ground or underground storage tanks are or were used on the property, was there ever a spill or release of hazardous substances associated with the tank system? If yes, indicate the date and nature of the spill or release. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If a spill or release has occurred related to an on-site tank system, was it mitigated to the satisfaction of the lead regulatory agency? If no, describe further actions that must be undertaken to address the spill or release. Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Unknown \_\_\_

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14. Are you aware of any hazardous substance or pollutant or contaminant spill or release, or other potential environmental problems on any **adjacent or nearby properties**? If yes, please describe (if known) the location(s) of the release, the type and quantities of materials involved, and the approximate dates. If known, also indicate the owner of the property where the release occurred.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If there was a release of hazardous substances, petroleum products on any **adjacent or nearby properties** are you aware if the release was mitigated? Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Unknown \_\_\_

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15. Are you aware of contamination or residual contamination on **adjacent or nearby properties** that poses a threat or may pose a future threat to the property? If yes, describe the threat or potential threat.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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16. Are you aware of any institutional controls, land use restrictions, long-term monitoring, or maintenance requirements in place on **adjacent or nearby properties** that affect the property? If yes, please describe and identify the adjacent or nearby property and the property owner. Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Unknown \_\_\_

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17. Other Questions as necessary based on the records review:

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**C. Water and Wastewater**

1. Does the property currently or has it ever been supplied by an on-site drinking water supply well? If yes, provide the well location(s) and construction dates. Yes \_\_\_ No \_\_\_ Unknown \_\_\_



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Have contaminants ever been identified in the on-site drinking water well or the water system that exceeded acceptable levels? If yes, describe the contamination and indicate the dates, contaminant levels and the source of the contamination, if known.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Unknown \_\_\_

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If an on-site drinking water well is no longer used, has it been properly abandoned according to applicable regulatory requirements? If yes, indicate the date the well was abandoned. Yes \_\_\_ No\_\_\_ Not Applicable\_\_\_ Unknown \_\_\_

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2. Has the property ever had an on-site wastewater treatment and disposal systems (e.g., septic systems or sewage lagoons). If yes, please describe of the system, including the location(s), size, date constructed, and which buildings discharge to the system.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the on-site wastewater treatment and disposal system is no longer used, has it been closed? If yes, describe method of closure and date closed. Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Unknown \_\_\_

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3. Does the property have any monitoring wells? If yes, explain the purpose of the wells and provide the location(s), dates of construction, and any analytical results. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the monitoring wells are no longer used, were they properly abandoned according to applicable regulatory requirements? If yes, indicate the date the well was abandoned. Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Unknown \_\_\_

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4. Does the property have surface water (e.g., pits, ponds, lagoons, rivers, creeks, or oceans)? If yes, describe the location(s) and type of surface water. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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If the property has surface water, are you aware of any unnatural characteristics such as color, sheens, odors, or sterility? If yes, please describe and indicate whether the situation is new or pre-existing.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Unknown \_\_\_

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5. Has the property ever discharged industrial or other wastewater (excluding storm water runoff or sanitary wastewater discharges from restrooms, kitchens, or other household-type uses) onto or adjacent to the property? If yes, describe the discharge and indicate the location(s) and dates. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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6. Other Questions as necessary based on the records review:

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**D. Compliance/Permits**

1. Have there been any environmental permits or licenses issued for current or past operations associated with the property (e.g., air quality, water discharge, or landfills)? If yes, describe the permitted operations, indicate the permitting agency, date the permit was issued, and whether the permit is still effective. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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2. Are you aware of any environmental liens against the property that were filed or recorded under Federal, Tribal, State or local law? If yes, describe the lien and indicate the date and effect on the current and future use of the property.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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3. Are you aware of any activity and land use limitations that are in place on the property or that were filed or recorded under Federal, Tribal, State or local environmental laws? If yes, describe the land use restrictions, identify the party that issued the restrictions and the date.

Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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4. Are you aware of any compliance/enforcement notices relating to past or current-violations of environmental laws with respect to the property or any facility on the property? If yes, describe the violations and the dates involved. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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5. Are you aware if any environmental site assessment, or other environmental investigations, of the property, or any other property or site records ever indicated the presence of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, describe the report and findings. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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6. Are you aware of any environmental site assessment, or other environmental investigations, of the property, or any other property or site records that recommended further assessment of the property? If yes, identify the report and indicate if the further assessment was done. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

7. Are you aware of any past, threatened, or pending lawsuits or administrative proceedings concerning a release or threatened release of any hazardous substances or petroleum products on the real property? If yes, describe the action and identify the party that is initiating the action. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

8. Other Questions as necessary based on the records review:

**E. Other**

1. Are you aware any past or current occurrences of anomalous vegetation (e.g., stressed or dead) on the property? If yes, indicate the location(s) and approximate dates. Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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2. Are you aware of the presence of invasive or non-native plants on the property? If yes, please indicate the location/s and name (e.g., kudzu, *Phragmites*, cheatgrass), if known, and approximate area covered by the plants. Yes\_\_\_ No\_\_\_ Unknown\_\_\_

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If yes, has there been any attempt to remove or eradicate the invasive species? If yes, explain what was attempted and if it was successful? Yes\_\_\_ No\_\_\_ Unknown\_\_\_

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Have any vegetative control programs (e.g., along transmission lines, fence lines, rights-of-ways, or pipelines) been done on the property? If yes, describe the program and types of activities. Yes\_\_\_ No\_\_\_ Unknown\_\_\_

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3. If not mentioned above, is there anything else that could indicate the presence of hazardous substances, petroleum products or other environmental conditions that may affect the property? Yes \_\_\_ No \_\_\_ Unknown \_\_\_

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Name, Title, and signature of person conducting interview: \_\_\_\_\_

Date of interview: \_\_\_\_\_

**All Appropriate Inquiry - Land Acquisition Screening**  
**Worksheet 3: SITE VISIT SURVEY-VISUAL ON-SITE INSPECTION OF THE PROPERTY AND OF ADJOINING PROPERTIES**

This worksheet should help agencies to complete the “Site Visit Survey” portion of the AAI land acquisition screening. The AAI Rule requires a visual on-site inspection of the subject property and facilities and improvements on the subject property, including a visual inspection of the areas where hazardous substances may be or may have been used, stored, treated, handled, or disposed. This includes a visual inspection of adjoining properties, from the subject property line, public rights-of-way, or other vantage point (e.g., aerial photography), including a visual inspection of areas where hazardous substances may be or may have been stored, treated, handled or disposed. The visual inspection to adjoining properties would not apply to those properties already managed by the Federal agency planning to acquire the property being investigated. In the unusual circumstance where personnel cannot do an on-site visual inspection of the subject property because of physical limitations, remote and inaccessible location(s), or other inability to obtain access to the property, provided good faith (as defined in § 312.10) efforts have been taken to obtain such access, an on-site inspection will not be required. EPA has specified that the mere refusal of a voluntary seller to provide access to the subject property does not constitute an unusual circumstance.

The site inspection should be completed when the ground surface is visible, (e.g., no snow cover) and surface water is not frozen. If there are concerns that this requirement would result in the site visit not being conducted within 180 days of acquisition, complete the site inspection when the ground surface is visible, and then, follow-up with a confirmatory site visit when conditions are less favorable, e.g., when the property is covered by snow.

In such unusual circumstances where the agency cannot do an on-site visual inspection, the AAI inquiry must include (1) visually inspecting the subject property using another method (e.g., aerial imagery for large properties), or visually inspecting the subject property from the nearest accessible vantage point (e.g., property line or public road for small properties); and (2) documenting efforts undertaken to obtain access and an explanation of why such efforts were unsuccessful. If an agency cannot do an on-site visual inspection, the final report must include an assessment and comments by the environmental professional on the significance of the failure to conduct a visual on-site inspection of the subject property with regard to the ability to identify conditions indicative of releases or threatened releases on, at, in, or to the subject property, if any.

In conducting the on-site visual inspection, the personnel conducting the visit must maintain a photograph log and property or site map that identifies the locations of photographs taken and approximate direction of view.

To the extent that the property and on-site structures and improvements are not obstructed by water, adjacent buildings and/or structures, or other physical obstructions, the following are key areas that personnel must note and observe while conducting the on-site visual inspection:



- Inspect and observe the property's periphery.
- To the extent possible, observe the adjacent and surrounding properties during the site visit, so as to determine current, and if possible, past uses that may help indicate environmental conditions of the adjoining and surrounding properties or the property.
- Walk or drive along all roads or paths to determine whether these roads or paths were used as an avenue for the illegal disposal of solid and hazardous wastes or petroleum products.
- Inspect the periphery and interior of all structures on the property. This includes the accessible common areas in the structures that are expected to be used by occupants or the public, maintenance and repair areas, and the occupant spaces. Guidance states inside of all structures should be inspected. Occasionally, there are old structures that are unsafe to enter. In such cases, look through windows or openings if possible, but do not go inside. Document the inability to enter the structure on the worksheet.
- Inspect all current and previous areas likely to involve, or have involved, the use, treatment, storage, disposal, or generation of hazardous substances or petroleum products.
- Observe and note the topographic conditions of the property and the general topography of the surrounding property that can be observed from the subject property's periphery.
- Observe all sewage disposal systems (e.g., on-site septic systems, and cesspools).
- Observe above-ground storage tanks, underground storage tanks, vent pipes, fill pipes, and access ways indicating the presence of underground storage tanks.
- Note strong, pungent, or noxious odors detected during the on-site inspection.
- Describe in the written report all drains, pools or sumps containing liquids likely to be hazardous substances or petroleum products to the extent that one observed these features or learned of them through interviews or records review.
- Describe in the written report all electrical or hydraulic equipment known or suspected to contain PCBs.
- Inspect stains or corrosion on floors, walls, ceilings, soils or concrete except for staining from water.
- Observe pits, ponds, and lagoons, particularly if they were used in connection with waste disposal or waste treatment. To the extent possible, observe pits, ponds, or lagoons on properties adjoining the subject property.
- Observe all wells (including dry wells, irrigation wells, drinking water supply wells, injection wells, abandoned wells, or other wells).
- Observe known or suspected areas of on-site waste disposal.

Please note that while it is intended as a useful guide, it is not all inclusive and does not meet all the requirements for the AAI rule. For example, the worksheets do not include the four documentation requirements that must be included in the report. Additionally, in order to meet the statutory requirements for any of the defenses to liability following acquisition, a landowner must meet certain threshold requirements and satisfy continuing obligations not addressed in this guidance. The worksheets are not exhaustive and should be tailored based on professional judgment and site conditions.

**A. Property Use(s)**

1. Are there currently structures and improvements on the property? If yes, provide a physical description of all structures and improvements, including their condition and location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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2. Is there evidence that there were past structures and improvements on the property? If yes, provide a physical description of all evidence of structures and improvements, including their condition and location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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3. Is there evidence of past or current agricultural use such as livestock, crop raising, nurseries, or agricultural drainage, including surface, and subsurface drains? If yes, describe the operations. Provide physical description of operations and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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4. Is there evidence of current or past oil or gas exploration or development? If yes, describe the operations. Provide physical description of the activities and list out and identify the associated structures and improvements and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If yes, does the property have any oil or gas drilling pads, holding ponds, or conveyance pipelines and structures? If yes, describe the operations and improvements and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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Is there evidence of current or past spills or releases of hazardous substances or pollutants, contaminants, petroleum and petroleum products related to the oil or gas exploration and development? If yes, describe and provide the location(s) of the potential spills and releases on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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5. Is there any evidence of current or past strip mining, hard rock mining, placer mining ,piles or other extractive mineral activities? If yes, describe the operations. Provide physical description of the activities and list the associated structures and improvements (e.g., waste rock piles, mill sites, and mill tailings) and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If there is evidence of current or past minerals extraction operations, are there indications of the use, storage, or release of chemicals (e.g., fuel storage tanks, cyanide or chemical use at mill sites). If yes, describe the operations and provide physical description of the evidence and provide the location(s) on the property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If there is evidence of current or past minerals extraction operations, are there other potential environmental concerns such as draining adits or acid mine drainage, waste rock or mill tailings in or adjacent to streams and surface waters? If yes, provide physical description and provide the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Log Identification Number(s): \_\_\_\_\_  
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\_\_\_\_\_  
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If there is evidence of current or past minerals extraction operations, are there physical safety hazards such as open adits, vertical shafts, or heavy equipment? If yes, provide physical description of the hazards and the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_  
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If the areas of current or past mineral extraction activities (e.g., mine sites or mill sites) are not accessible for inspection, describe the reason for the inaccessibility.  
\_\_\_\_\_  
\_\_\_\_\_  
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6. Describe and note the topographic conditions of the property and the general topography of the area surrounding the property that can be observed from the subject property's periphery. Identify and locate on a property or site map any key topographic features that may relate to off-site or on-site contaminant migration. Photographic Log Identification Number(s): \_\_\_\_\_  
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7. Is there evidence of modified topography or unnatural topographic features such as fill dirt brought onto the property, cover for dumps, mounds, fill areas, or depressions? If yes, provide a physical description and provide the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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8. Is there any evidence of dumping, burying, or burning of waste materials on the property? Such evidence can include drums, industrial waste, petroleum products, labeled or unlabeled drums or other containers, pesticide containers, household and farm debris, automotive or industrial batteries, and building demolition debris. If yes, describe the evidence and provide information relating to the waste materials and disposal areas and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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9. Are there roads and/or paths on the property? If yes, provide a description and indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the property has roads and/or paths, is there evidence of illegal or unauthorized dumping activities? If yes, describe the dumping and waste materials. Based on observations, indicate the approximate age of the wastes and the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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**B. Hazardous Materials and Substances**

1. Is there evidence that current operations on the property involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (e.g., official or unofficial shooting ranges; gasoline station; equipment or vehicle repair; printing facility; dry cleaners; photographic developing laboratory; analytical laboratory; junkyard; bone yard; landfill; or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations and provide information relating to the chemical use and storage and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If yes, is there evidence that there has been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with **current operations**? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances and identify the location(s) on a property or site map. This includes staining of soils and floors in areas utilized for the use and/or storage of hazardous materials.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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2. Is there evidence that **previous operations** on the property involved the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products,(e.g., official or unofficial shooting ranges, gasoline station, equipment or vehicle repair, printing facility, dry cleaners, photographic developing laboratory, analytical laboratory, junkyard, bone yard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations and provide information relating to the chemical use and storage and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If yes, is there evidence that there has been a spill or release of hazardous substances, petroleum products, or other potential environmental problems on the property associated with **past operations or tenants**? If yes, describe the nature and location(s) of the release and the quantities and types of hazardous substances and identify the location(s) on a property or site map. This includes staining or soils and floors in areas utilized for the use and storage of hazardous materials.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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3. Is there evidence that the property has ever been used for any form of illegal activities that may involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (e.g., illegal drug laboratories, marijuana farms, stills, waste disposal sites)? (Any illegal activities may present very dangerous safety, chemical, or explosive hazards. LEAVE the area immediately and report to appropriate law enforcement officials.) If yes, describe the activities and provide information relating to the chemical use and storage and identify the location(s) on the property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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4. Is there evidence of use, storage, mixing, or disposal of industrial drums (typically 55 gallons) or sacks of chemicals, automotive or industrial batteries, pesticides (e.g., herbicides, insecticides, and fungicides), paints, solvents, or other chemicals at the property? If yes, describe and indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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5. Are there any unidentified substance containers on the property? If yes, describe the size, quantity, and condition of the containers. Indicate their location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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6. Is there evidence of use of chemicals, automotive or industrial batteries, pesticides (e.g., herbicides, fungicides, and insecticides) paints, solvents, or other, on fence lines, rights-of-way, airstrips, heliports, or crop duster operations? If yes, describe the evidence and indicate location(s) on a property or site map. Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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7. Is there evidence of oiled roads, oil seeps and slicks, staining on the soil and/or cracked concrete, asphalt, adjacent to stormwater drains, or other surfaces? If yes, describe and indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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8. Does the property have any above-ground or underground storage tanks or indications of the presence of abandoned above-ground or underground storage tanks, such as any vent pipes, fill pipes, access ways indicating a fill pipe, concrete or asphalt pads or patches, fill stands, islands, or dispensers? If yes, describe and identify what materials the tanks hold or held and identify the tank locations.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the property has above-ground or underground storage, is there any evidence of spill or releases. If yes, describe and indicate the location(s) on a property or site map. Yes \_\_\_ No \_\_\_ N/A\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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9. Is there evidence or any indications that an above-ground or underground storage tank had been installed on the property in the **past**? Indications can include the presence of tank pads, vent pipes, fill pipes, access ways indicating a fill pipe, or dispensers on the property or adjacent to any structure on the property. If yes, describe the evidence and identify the tank location(s). If known, provide the dates of tanks removal.

Yes\_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If above-ground or underground storage were previously present, is there any evidence of spill or releases. If yes, describe and indicate the location(s) on a property or site map. Yes \_\_\_ No \_\_\_ N/A\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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10. Does the property have any electric transmission lines, transformers, capacitors, or any hydraulic equipment such as elevators, presses, lifts, or doors? If yes, describe the equipment. Indicate whether any of the equipment is labeled as either containing PCBs or free of PCBs. Record information from any identification tags and indicate the location(s) on a property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the property has electrical transmission lines, transformers, capacitors, or hydraulic equipment, is there any evidence of leakage, or the presence of PCBs? If yes, describe and indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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11. Is there any evidence that, in the **past**, the property had electric transmission lines, transformers, capacitors, or any hydraulic equipment such as elevators, presses, lifts, or doors? If yes, describe the evidence and indicate, if known, when and what type of equipment was present. If known, indicate whether any of the equipment contained PCBs and indicate the former location(s) on a property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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12. Does the property have potential mercury-containing materials such as fluorescent lights, button batteries, thermostats, thermometers, manometers, medical devices, pressure gauges, switches, relays, sink traps, and medical waste? If yes, identify the materials. Include the quantity and a description of the condition of the equipment and identify the location(s) on a property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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13. Is there evidence of any pipelines, utility lines, railways, entry or exit ports and associated structures, either buried or overhead, or crossing the property? If yes, describe the structures and indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

If yes, is there any evidence of any spills or releases associated with them? If yes, describe the evidence and indicate the location(s) on a property or site map. Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

14. Is there any evidence of contamination (e.g., hazardous substances or petroleum products) or other materials (e.g., soil or rock) migrating from adjacent or nearby properties onto the site? If yes, describe and indicate the location(s) on a property or site map. Also indicate if the migration appears to be current or pre-existing. Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

15. Is there any evidence of any drains, pools or sumps that contain liquids likely to be hazardous substances or petroleum products? If yes, describe and indicate the location(s) on a property or site map. If known indicate what structure or site operations may be associated with the drains, pools or sumps. Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

16. Does the property have structures (e.g., buildings, water towers, or lead smelters) or soils surrounding structures on site that might indicate the presence of possible lead in dust, old paint (e.g., peeling, chipping, chalking, or cracking lead-based paint), or that were built before 1978 (or of unknown construction dates)? If yes, identify the structures. Include a description of the lead and the location(s) (interior or exterior of structures) and identify the location(s) on a property or site map. If the property has possible lead-based paint, also indicate whether the paint is peeling and whether there is evidence of paint chips on the ground surrounding the structures.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If a structure contains lead, is there any indication of the structure's intended use, or is it to be demolished? Provide a description of the intended use and the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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17. Does the property have structures containing known asbestos-containing materials (ACMs) or suspected ACMs (e.g., fire proofing, acoustical plaster, siding, floor tiles, roofing shingles, mastic, insulation, or vermiculate)? If yes, describe the structure and the ACMs. Indicate the condition of the ACMs and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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18. Does the property have floor drains in any structures or areas where hazardous materials are or were used or stored? If yes, provide a description including the current and previous use of the structure (if known) and observed operations and types of hazardous materials. Also indicate the location(s) of the floor drains in the structures, the structures on a property or site map and where the floor drain discharges to. Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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In the areas with floor drains, is there evidence of any chemical stains present on the walls or floors of the structures where hazardous materials are or were used or stored? If yes, indicate those areas or structures with chemical staining and the location(s) on a property or site map. Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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19. Are there any floors, drains, ceilings, or walls stained by substances other than water or that are emitting foul or unnatural odors (e.g., mold or mildew)? If yes, describe the current and past site operations and indicate the location(s) on a property or site map. Yes \_\_\_ No\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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20. If there are structures on the property, is there indication of how the structures are heated and cooled? If yes, describe the refrigeration or cooling systems and indicate whether they may contain Freon and other regulated substances. For the heating systems, identify the heating and fuel source (e.g., heating oil, gas, electric, radiators from steam boiler fueled by gas). Locate the major components of the heating and/or cooling system(s) on a property or site map. Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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**C. Water/Waste Water**

1. Does the property have surface water such as pits, ponds, lagoons, rivers, creeks, or ocean? If yes, describe the type of surface water and its location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the property has surface water (e.g., pits, ponds, or lagoons), is there evidence of any unnatural characteristics (e.g., color, sheens, odors, sterile). If yes, describe and indicate the location(s) on a property or site map. If known, indicate whether the unnatural characteristics are associated with an activity related to the property and whether the situation is new or pre-existing.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the property has surface water, is there evidence of activities that may have resulted in hazardous materials dumping in water bodies (e.g., used for agricultural, commercial or industrial purposes, marinas, or docks)? If yes, describe and indicate if this is a current or past activity. Indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If property has surface water, is there any evidence of unusual or unexpected bank erosion or other unusual characteristics in running water bodies such as rivers, streams, or drain channels? If yes, describe and indicate if this is a current or past activity. Indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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2. Is there evidence that the property has ever been served by an on-site drinking water supply well? If yes, describe the well and its condition and provide the location(s) on a property or site map. If the well is no longer used, indicate whether it has been properly abandoned. If no, indicate whether the property is supplied by an off-site water source.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the property has a well, is there evidence of any contamination of the water supply or of the nearby soils? If yes, describe the contamination.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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3. Is there evidence that the property has ever been served by one or more non-potable water system(s) (e.g., agricultural well, livestock troughs, fire suppression, process water, irrigation, cooling). If yes, describe each system including the condition and provide the location(s) on a property or site map. If the system is no longer used indicate whether it has been properly abandoned.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the property has a non-potable well, is there evidence of any contamination of the water supply or of the nearby soils? If yes, describe the contamination. Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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4. Other than stormwater or sanitary wastewater discharges from restrooms, kitchens, or other household-type uses, is there evidence of industrial or other wastewater discharges on or adjacent to the property? If yes, describe the discharge and indicate if it is an ongoing or past activity. Indicate the location(s) on a property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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5. Is there evidence that the property has ever had an on-site sanitary wastewater treatment and disposal systems such as septic systems, sewage lagoons, or public sewer connection? If yes, describe the system and indicate those structures and operations that discharged to the system. Provide the location(s) of the system on a property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the on-site waste water treatment and disposal system is no longer used, is there evidence that it has been closed? If yes, describe the closure method. Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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6. Is there evidence that the property discharged other waste water to an off-site facility? If yes, provide a description.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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7. Is there evidence of other wastewater treatment or disposal facilities (e.g., oil water separators, ponds, pits, or lagoons) on the property that may have been used for waste disposal? If yes, describe and provide the location(s) on a property or site map and identify the property or site operations that may have discharged to the systems.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s) \_\_\_\_\_

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8. Is there evidence of any other existent discharges, drains, or grates? If yes, describe and indicate the location(s) on a property or site map.  
Yes\_\_\_ No\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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**D. Other**

1. Is there any evidence that any monitoring wells on the property? If yes, describe and explain the purpose of the wells, if known, and indicate the location(s) on a property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If the monitoring wells were installed and are no longer used, is there evidence that the wells were properly abandoned according to applicable regulatory requirements. If yes, describe and indicate, if known, the date(s) of well abandonment.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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2. Is there evidence of stressed vegetation on the property (e.g., bare ground, distressed vegetation, dead vegetation, or unusually lush vegetation) that is not associated with insufficient or too much water? If yes, describe the evidence and indicate the location(s) on a property or site map and any current or past site activities or operations in the area, if known.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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3. Are there invasive or non-native plants on the property? If yes, please indicate the location(s) and name(s), if known (e.g., kudzu, *Phragmites*, cheatgrass), and approximate area covered by the plants. Also indicate the location(s) on a property or site map.

Yes\_\_\_ No\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If yes, is there any indication of an attempt(s) to remove or eradicate the invasive or non-native species? If yes, describe the actions taken and indicate the location(s) on a property or site map and any current or past site activities or operations in the area, if known.

Yes\_\_\_ No\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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Are there indications of any vegetation control programs (e.g., along transmission lines, fence lines, rights-of-ways, or pipelines) done on the property? If yes, describe the program and types of activities.

Yes\_\_\_ No\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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4. Is there anything else observed that could indicate the presence of hazardous substances, petroleum products, or other potential environmental problems on the property? If yes, provide a description and indicate the location(s) on a property or site map and how it relates to current and past activities or operations. Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_
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**E. Surrounding Property Use**

1. As can be observed from the periphery of the property, are there structures and improvements on the surrounding property? If yes, provide a physical description of the observable structures and improvements.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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2. As can be observed from the periphery of the property, is there evidence that there were structures and improvements on the surrounding property in the past? If yes, describe the evidence.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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3. As can be observed from the periphery of the property, is there evidence that **current operations** on the surrounding property involve the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products, (e.g., shooting ranges, gasoline station, equipment or vehicle repair, printing facility, dry cleaners, photographic developing laboratory,

analytical laboratory, junkyard, bone yard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the operations and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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4. As can be observed from the periphery of the property, is there evidence that **past operations** on the surrounding property involved the processing, handling, management, disposal, storage, manufacture, or transportation of hazardous substances or petroleum products (e.g., shooting ranges, gasoline station, equipment/vehicle repair, printing facility, dry cleaners, photographic developing laboratory, analytical laboratory, junkyard, bone yard, or landfill, or as a waste treatment, storage, disposal, processing, or recycling facility)? If yes, describe the evidence and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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5. Is there evidence of any other nearby land uses or activities, especially upstream or up gradient that might have had a waste or dump site? For example, are there upstream or up-gradient active or abandoned mine sites that may adversely affect or threaten the property? If yes, describe evidence and the land use or activity and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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6. Is there evidence of any hazardous substance or pollutant or contaminant spill or release, or other potential environmental problems on any adjacent or nearby properties? If yes, describe the evidence and the release and provide the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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7. As can be observed from the periphery of the property, is there any evidence of contamination (e.g., hazardous substances or petroleum products) or other materials (e.g., soil or rock) migrating from adjacent or nearby properties onto the property or site? If yes, describe and indicate the location(s) on a property or site map. Also indicate if the migration appears to be current or pre-existing.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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8. As can be observed from the periphery of the property, is there evidence of any current or past agricultural drainage, surface drains, subsurface drains, or field runoff discharging from the adjacent properties onto the property or site. If yes, describe the discharge and indicate the location(s) on a property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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9. As can be observed from the periphery of the property, is there evidence of oil or gas exploration or development on the adjacent and surrounding property? If yes, describe the operations and identify the location(s) on the property or site map.  
Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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If yes, is there any evidence of oil or gas drilling pads, holding ponds, or conveyance pipelines and structures on the adjacent and surrounding property? If yes, describe the operations and improvements and identify the location(s) on a property or site map.  
Yes \_\_\_ No \_\_\_ Not Applicable \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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As can be observed from the periphery of the property, is there evidence of current or past spills or releases of hazardous substances or pollutants, contaminants, petroleum and petroleum products related to the oil or gas exploration or development? If yes, describe and provide the relative location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Not Applicable\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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10. As can observed from the periphery of the property, is there any evidence of strip mining, hard rock mining, piles, or other extractive mineral activities on the adjacent and surrounding property? If yes, describe the operations and identify any associated structures and improvements (e.g., waste rock piles, mill sites, or mill tailings) and identify the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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11. As can be observed from the periphery of the property, is there evidence of the use, storage, or release of hazardous substances (e.g., fuel storage tanks, cyanide or chemical use at mill sites) associated with the minerals extraction operations on the adjacent and surrounding property. If yes, describe the evidence and provide the location(s) on a property or site map.

Yes \_\_\_ No\_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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12. As can be observed from the periphery of the property, describe and note the topographic conditions of the surrounding property and the general topography of the area. Identify and locate on a property or site map any key surrounding topographic features that may relate to off-site or on-site contaminant migration. Photographic Log Identification Number(s): \_\_\_\_\_

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13. As can be observed from the periphery of the property, does the surrounding property have evidence of modified topography or unnatural topographic features such as fill dirt brought onto the property, cover for dumps, mounds, fill areas, or depressions? If yes, provide a physical description and provide the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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14. As can be observed from the periphery of the property, does the surrounding property have evidence of bare ground that should have vegetation, distressed vegetation, dead vegetation, or unusually lush vegetation that is not associated with insufficient or too much water? If yes, provide a description and indicate the location(s) on a property or site map and any current or past site activities or operations that may have contributed to the conditions.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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15. As can be observed from the periphery of the subject property, does the surrounding property have invasive or non-native plants? If yes, please indicate the location(s) and names of the plants (e.g., kudzu, *Phragmites*, or cheatgrass), and approximate area covered by the plants. Also, indicate the location(s) on a property or site map.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number: \_\_\_\_\_

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If yes, is there any indication of an attempt(s) to remove or eradicate the invasive or non-native species on the surrounding property? If yes, describe the actions and indicate the location(s) on a property or site map and any current or past site activities or operations in the area (if known). Yes\_\_\_ No\_\_\_ Photographic Log Identification Number: \_\_\_\_\_

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Is there any indication of any vegetation control programs (e.g., along transmission lines, fence lines, rights-of-ways, or pipelines) done on the surrounding property? If yes, describe the program and types of activities. Yes\_\_\_ No\_\_\_ Photographic Log Identification Number: \_\_\_\_\_

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16. Is there anything else observed that could indicate the presence of hazardous substances, petroleum products, or other potential environmental problems on the property or surrounding properties? If yes, provide a description and indicate the location(s) on a property or site map and how it does or may threaten the property or site.

Yes \_\_\_ No \_\_\_ Photographic Log Identification Number(s): \_\_\_\_\_

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Name, title and signature of person conducting site visit survey: \_\_\_\_\_

Date of visit: \_\_\_\_\_

## **APPENDIX B: ENVIRONMENTAL PROFESSIONAL RELEVANT EXPERIENCE/TRAINING QUESTIONNAIRE**

The purpose of this questionnaire is to provide the information needed determine if the individual completing the questionnaire meets the definition of *environmental professional* as defined in 40 CFR Part 312.10. Please note that the definition of *environmental professional* applies only to the requirements of 40 CFR 312 for preparing All Appropriate Inquiries before acquiring real property. This is a multi-part questionnaire.

Part A: To be completed by the individual.

Part B: To be completed by XXXXX (Field/Regional office)

Part C: To be completed by XXXXXX (HQ office)

### **Part A To be completed by the individual:**

Name: \_\_\_\_\_

Office: \_\_\_\_\_

Title: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

E Mail Address: \_\_\_\_\_

Date: \_\_\_\_\_

Licensing, Registration, Certification, and/or Education (Refer to page 6 of the Pre-Acquisition Environmental Screening Guidance for Federal Land Transactions)

1. Do you hold a current Professional Engineer's or Professional Geologist's license or registration from a State, Tribe, or U.S. Territory? If Yes, describe:  Yes  No

\_\_\_\_\_

2. Are you licensed or certified by the Federal government, a State, Tribe, or U.S. Territory to do environmental inquiries as defined in § 312.21? If Yes, describe:  Yes  No

\_\_\_\_\_

3. Do you have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science? If Yes, describe:  Yes  No

\_\_\_\_\_

4. None of the above:

5. Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Relevant Experience** (Refer to page 7 of the Pre-Acquisition Environmental Screening Guidance for Federal Land Transactions)

1. Years spent participating in environmental site assessments. Estimate the percentage of time spent each year: \_\_\_\_\_ to \_\_\_\_\_ %
  
2. Phase I and Phase II Environmental Site Assessment experience:  
Years of experience: \_\_\_\_\_  
Property Types \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
3. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Preliminary Assessment and Site Inspection experience:  
Years of experience: \_\_\_\_\_  
Property Types \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Other environmental experience that is equivalent to the underlying processes of conducting environmental site assessments:  
Years of experience: \_\_\_\_\_  
Property Types \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
5. \_\_\_\_\_ I believe \_\_\_\_\_ I do not believe I meet the requirements for “*environmental professional*” as defined at 40 CFR 312.10.
  
6. Other:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Training** (Refer to page 9 of the Pre-Acquisition Environmental Screening Guidance for Federal Land Transactions)

1. List hazardous materials and other relevant environmental courses. Indicate which courses were Self Study (SS) such as U.S. Department of Agriculture's AgLearn, the U.S. Department of the Interior's DOI Learn, or Incident Command System on-line courses through the Federal Emergency Management Agency.

Number	Course Title	Source	Month/Year Completed	Duration (hrs, credits)

1. List other relevant training such as technical writing and Contracting Officer's Technical Representative (COTR) courses.

Number	Course Title	Source	Month/Year Completed	Duration (hrs, credits)

3. List other training that would support qualification as an "*environmental professional*" per 40CFR 312.10. Relevant courses could include limnology, geology, and hydrology.

Number	Course Title	Source	Month/Year Completed	Duration (hrs, credits)

**PART B To be completed by XXXXXX (Field/Regional Office)**

**Comments:**

- I have reviewed Part A and have nothing to add.
- I have reviewed Part A and would like to add the following (e.g., certain conditions or types of land that the individual is qualified for):

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\_\_\_ I believe \_\_\_ I do not believe this individual meets the requirements for environmental professional found at 40 CFR 312.10.

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
E Mail Address: \_\_\_\_\_

Office: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Date: \_\_\_\_\_

**PART C To be completed by (HQ Office)**

**Review of Part A and B**

Qualified as an environmental professional:

- current professional Engineer's or Professional Geologist's license or registration from a State, Tribe, or U.S. Territory **and** has the equivalent of three (3) years of full-time experience.
- licensed or certified by the Federal government, a State, Tribe or U.S. Territory to do environmental inquiries as defined in § 312.21 **and** has the equivalent of three (3) years of full time experience.
- Baccalaureate or higher degree from an accredited Institution of engineering or science **and** has the equivalent of five (5) years of full-time experience.
- has** the equivalent of ten (10) years of full time experience.

Not qualified as an environmental professional for the following reason(s):

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**Comments:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
E Mail Address: \_\_\_\_\_

Office: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_  
Date: \_\_\_\_\_

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## **APPENDIX C: TRAINING RELEVANT TO CONDUCTING ENVIRONMENTAL SITE ASSESSMENTS**

The following U.S. Fish and Wildlife Service courses, offered through the National Conservation Training Center, may, in part, qualify as “relevant experience” for an Environmental Professional:

- Environmental Contaminants Field and Laboratory Techniques (ECS3101)
- Pesticides and Fish and Wildlife Resources (ECS3119)
- Environmental Investigations (ECS3125)
- Principles of Environmental Toxicology (ECS3126)
- Oil and Chemical Spill Response (ECS3129)
- Natural Resource Damage Assessment and Restoration (NRDAR) (ECS3133)
- Advanced NRDAR Workshop (ECS3133)
- Ecological Risk Assessment (ECS3135)
- Implementing an Environmental Management System (EMS) to improve Environmental Stewardship (ECS3156)
- Management of Oil and Gas Activities on National Wildlife Refuge System Lands (ECS3158)
- Investigating Fish Kills (FIS2230)
- Land Environmental Site Assessment – Level 1 Procedures (TECS7174)
- RCRA Waste Management Regulations Course (sponsored by Division of Engineering)
- Air Quality at FWS Refuges (WLD2132)

The following Bureau of Land Management courses, offered through the National Training Center, may, in part, qualify as “relevant experience” for an environmental professional:

- Hazardous Materials Management – The Basics (1703-00)
- Introduction to Environmental Compliance and Pollution Prevention (1703-01)
- Emergency Response/Removal Actions and Emergency Preparedness (1703-02/1703-02SS)
- Environmental Site Characterization (1703-03)
- CERCLA Site Assessment (1703-09)
- Environmental Site Assessment (1703-13)
- Characterization of Abandoned Mine Land (1703-14)
- Principles of Environmental Sampling (1703-15)
- Non-Point Source Pollution (1703-16)
- Reclamation Caps and Covers (1703-17)
- Hazmat Awareness Train-the-Trainer (1703-21)
- Reclamation (3700-05)
- Ground Water Hydrology (3700-08)
- Underground Mine Safety for Abandoned Mine Land (3900-02)

The following EPA and Occupational Safety and Health Administration courses may, in part, qualify as “relevant experience” for an environmental professional:

- 40-hour Hazardous Waste Operations (HAZWOPER) Course
- Annual 8-hour Refresher Course



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**APPENDIX D:  
EPA FACT SHEET: ASSESSING CONTRACTOR CAPABILITIES FOR  
STREAMLINED SITE INVESTIGATIONS --ADDITIONAL INFORMATION  
REGARDING ALL APPROPRIATE INQUIRIES AND HIRING AN  
ENVIRONMENTAL PROFESSIONAL (EPA-560-F-06-243)**



## **Assessing Contractor Capabilities for Streamlined Site Investigations -- Additional Information Regarding All Appropriate Inquiries and Hiring an Environmental Professional**

The Environmental Protection Agency prepared the document “*Assessing Contractor Capabilities for Streamlined Site Investigations*” (EPA 542-R-00-001, January 2000) to assist Brownfields grantees and other decision makers as they assess the capabilities of contractors and consultants to determine their qualifications to provide streamlined and innovative strategies for the assessment and cleanup of brownfields. A key decision faced by brownfields grantees and site managers who are implementing streamlined and innovative assessment and cleanup activities at brownfields sites is hiring the best environmental consultants and professionals to undertake these activities. Many vendors can provide these services. It is important for decision makers to understand the vendors’ capabilities to offer these services and their qualifications to apply required methods and technologies in an efficient, valid, and streamlined manner.

The 2002 Brownfields Amendments to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) require EPA to promulgate regulations establishing standards and practices for conducting “all appropriate inquiries.” All appropriate inquiries is the process of evaluating a property’s environmental conditions and assessing potential liability under CERCLA for any contamination. EPA published the final All Appropriate Inquiries rule on November 1, 2005 (70 FR 66070). The final rule is effective on November 1, 2006.

The final All Appropriate Inquiries requirements are applicable to any party who may potentially claim protection from CERCLA liability as an innocent landowner, a bona fide prospective purchaser, or a contiguous property owner. Parties who receive grants under the EPA’s Brownfields Grant program to assess and characterize properties also must comply with the all appropriate inquiries standards when using grant funds to assess or characterize brownfields. To ensure the quality of all appropriate inquiries, or Phase I environmental site assessment, the final rule includes specific educational and experience requirements for an environmental professional. The final rule requires that the person who oversees the conduct of the all appropriate inquiries and who signs the written report must meet the definition of an environmental professional provided in §312.10 of the final rule.

Users of EPA’s “*Assessing Contractor Capabilities for Streamlined Site Investigations*” document therefore should be aware that, as a result of the All Appropriate Inquiries rule, vendors performing all appropriate inquiries for property owners who want to qualify for protection from CERCLA liability or who are performing assessments of brownfields funded by EPA’s Brownfields Grant program must include personnel who meet the definition of an environmental professional.

### **WHO QUALIFIES AS AN ENVIRONMENTAL PROFESSIONAL FOR THE PURPOSE OF ALL APPROPRIATE INQUIRIES?**

The final rule defines an environmental professional as someone who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases of hazardous substances on, at, in, or to a property, sufficient to meet the objectives and performance factors of the rule.

In addition, an environmental professional must:

- Hold a current Professional Engineer’s (P.E.) or Professional Geologist’s (P.G.) license or registration from a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) and have the equivalent of three (3) years of relevant full-time experience; **or**

- Be licensed or certified by the federal government, a state, tribe, or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries and have the equivalent of three (3) years of relevant full-time experience; **or**
- Have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five (5) years of relevant full-time experience; **or**
- Have the equivalent of ten (10) years of relevant full-time experience.

Individuals who do not meet the above requirements may still participate in the conduct of all appropriate inquiries. However, they must work under the supervision or responsible charge of an individual who does meet the requirements for an environmental professional.

### **WHAT IS THE DEFINITION OF RELEVANT EXPERIENCE?**

For the purposes of qualifying as an environmental professional under the final rule for all appropriate inquiries, “relevant experience” is defined as:

*“Participation in the performance of environmental site assessments that may include environmental analyses, investigations, and remediation which involve the understanding of surface and subsurface environmental conditions and the processes used to evaluate these conditions and for which professional judgment was used to develop opinions regarding conditions indicative of releases of hazardous substances.”*

### **WHAT TO LOOK FOR WHEN HIRING AN ENVIRONMENTAL PROFESSIONAL TO PERFORM ALL APPROPRIATE INQUIRIES?**

As Brownfields decision makers and grantees evaluate the capabilities of environmental professionals whom they may hire to perform all appropriate inquiries, the following qualifications should be considered:

- Does the individual who will supervise the environmental assessment, or all appropriate inquiries, meet the minimum qualifications of an Environmental Professional, as defined above and in the final rule at §312.10?
- Does the vendor have experience in performing Phase I and Phase II environmental site assessment activities, including: interviewing owners, operators and occupants; reviewing historical sources of information and federal, state, tribal and local government records; performing visual inspections; conducting multi-media sampling and analysis; interpreting geologic, hydrologic, and chemical data; and preparing site assessment reports?
- Can the vendor demonstrate experience within the industry associated with the property being assessed (*e.g.*, aerospace and defense, chemicals, electronics, energy, manufacturing, metals/mining, petroleum, pharmaceuticals, real estate, telecommunications, transportation, etc.)?
- Is the vendor knowledgeable of federal, state, tribal, and local environmental laws and policies, particularly those related to the industry with which the property being assessed is associated?

### **CONTACT INFORMATION**

Patricia Overmeyer, U.S. EPA’s Office of Brownfields Cleanup and Redevelopment  
(202) 566-2774; [Overmeyer.Patricia@epa.gov](mailto:Overmeyer.Patricia@epa.gov)

Also see U.S. EPA’s website at [www.epa.gov/brownfields](http://www.epa.gov/brownfields) for additional information.

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**APPENDIX E:  
SAMPLE STATEMENT OF WORK**

**STATEMENT OF WORK  
FOR  
PRE-ACQUISITION ENVIRONMENTAL SITE ASSESSMENT  
OF THE  
\*\*\*\*\* PROPERTY/SITE, LOCATION, STATE**

**Scope.** The Contractor shall furnish all labor, equipment, transportation, permits, testing and incidentals necessary for the performance of the work specified in this Statement of Work.

The work consists of the following tasks:

- (1) Conduct an “expanded” pre-acquisition environmental site assessment in accordance with 40 CFR 312 and 33 CFR 137 on the parcels listed in the Background Section of this Statement of Work. The overall purpose of the “expanded” pre-acquisition environmental site assessment is that the Agency needs to know the full range of “environmental issues and liabilities” associated with the parcel(s).

The Agency requires identification of the environmental issues and liabilities with the parcel beyond those associated with Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) liabilities and petroleum products. These environmental issues and liabilities include, but are not limited to, those issues and liabilities under the Resource Conservation and Recovery Act (RCRA), the Safe Drinking Water Act (SDWA), the Clean Air Act (CAA), the Clean Water Act (CWA), the Toxic Substance Control Act (TSCA). These issues and liabilities include, but are not limited to, asbestos containing material, radon, lead-based paint, non-hazardous solid waste disposal areas, waste water disposal systems, drinking water systems, drinking water and/or other wells.

In conducting the “expanded” pre-acquisition environmental site assessment, the Contractor shall consider the proposed future land use of the parcel/s. Some issues/liabilities, which typically may be “de minimis” for the current land use, may not “de minimis” when the Agency’s planned future land use (for example, open forest preserve or wildlife refuge) is taken into account.

- (2) Complete the attached Land Acquisition Screening Process Worksheets (1, 2, and 3). The completed worksheets shall be included in the final report.

This work will be performed in accordance with [insert Agency -specific contract terminology here (e.g., Activity VII, Task 4 of the Region 5 Regional Environmental Response Action Contract (note, the completion of the five transaction screening worksheets referenced in Activity VII, Task 4 is not required).]

**Background.** *\*\*\*\*Provide project background, any known information regarding the parcel/s, land use, Agency operations, etc. \*\*\*\**

**Location.** *\*\*\*\*Provide parcel/s location and descriptions. Include map/s\*\*\*\**

**Fees.** The Contractor shall, without expense to the Government, pay all Federal, State, County and Municipal fees applicable to the performance of the work (i.e. completion of a pre-acquisition environmental site assessment).

**Submittals.** Draft and final work plans and draft and final reports shall be submitted. *\*\*\*\** copies of the draft workplan, *\*\*\*\** copies of the final work plan, *\*\*\*\** copies of the draft report and *\*\*\*\** copies of the final report shall be submitted. The final work plan and report shall also be submitted electronically in MS Word format and as a searchable Adobe Acrobat file.

The work plan shall contain the following information:

- Procedure for conducting the “expanded” pre-acquisition environmental site assessment
- Quality assurance/quality control used in the review of the draft “expanded” pre-acquisition environmental site assessment prior to its submittal for Agency review and comment
- Contractor’s internal risk management program to manage the risk associated with the conduct of the “expanded” pre-acquisition environmental site assessment
- Firm’s standard terms and conditions including any limitations to liability
- Firm’s errors and omissions professional liability insurance policy
- Resume of personnel conducting the “expanded” Pre-Acquisition Site Assessment

The report shall follow the table of contents and report format included as an attachment at the end of this statement of work *\*\*\*\*and shall contain the following information.\*\*\*\**

*\*\*\*\* Insert here any additional information that is to be included in the report that is not covered in the table of contents and report format\*\*\*\**

**Schedule of Work.** The Contractor is required to conduct field visits to the parcel(s) identified in this SOW as a component of conducting the “expanded” pre-acquisition environmental site assessment.

The Contractor shall submit a work plan within *\*\*\*\** days of the contract award. The Agency will provide review and written comments on the work plan within *\*\*\*\** days of receipt of the work plan.

The Contractor shall submit a draft report within *\*\*\*\** days of the contract award. The Agency will review and provide comments within *\*\*\*\** days of the receipt of the draft report. The Contractor will revise the draft report and prepare a final report for the Agency within *\*\*\*\** days of receipt of the Agency’s comments on the draft report.

**Search Distances.** Search distances that are modified because of property-specific and region-specific conditions must be documented. Rationale must be provided to support modifying the



search distances as well as assurance that the modification meets the objective of 40 CFR 312 and 33 CFR 137.

Search distances for local records must be documented if they are different from the minimum search distances specified in 40 CFR 312 and 33 CFR 137.

**Data Base Searches.** All information contained in data base searches that is more than 180 days old must be verified independently by contacting the source of the information.

**Historical Information.** If historical documents and records are available more frequently than 5 year intervals, all of the historical information shall be reviewed and summarized in the pre-acquisition environmental site assessment. All historical information shall be the property of the government and provided with the final report.

**Site Reconnaissance.** If the contractor is unable to gain access to the site, the owner's refusal to allow entry into the property must be documented and included in the pre-acquisition environmental site assessment report.

**Interviews.** Occupants interviewed as part of the pre-acquisition environmental site assessment. Each occupant's duration of occupancy must be included in the final report. Information obtained through interviews must be verified using external sources of data.

**Data Gaps.** Data gaps must be identified. The significance of data gaps must be documented in the final report. The Agency will determine if sampling and analysis is necessary to address data gaps.

**Applicable Codes.** The "expanded" pre-acquisition environmental site assessment shall be conducted in accordance with the following documents:

- 40 CFR Part 312
- 33 CFR Part 137
- Applicable Associated Federal, State and local environmental laws and regulations

**Government Provided Materials.** *\*\*\*\*Identify information to be provided by Agency (title reports etc.). \*\*\*\**

If the Agency fails to provide this information to the contractor within 60 days of the contract award, the contract will be extended accordingly.

### **Site Access**

The contractor shall have access to the parcels *\*\*\*\*(specify the hours that the contractor can access the parcel)\*\*\*\**. The property owner shall provide access to all buildings and storage facilities upon request by the contractor. *\*\*\*\** days prior to requiring access, the contractor shall contact *\*\*\*\** to arrange access to buildings and storage facilities.

**Point of Contact**

*\*\*\*Insert name and number of government's point of contact for this site\*\*\**

**Contractor Qualifications.** The Contractor must employ professional personnel to perform the work required under this Statement of Work. Work performed under this Statement of Work must be conducted by an environmental professional, or by persons under the responsible charge of an environmental professional as defined in 40 CFR 312 and 33 CFR 137. [Include other Agency or State –specific requirements (e.g. The environmental professional conducting the work required under this Statement of Work must also be a California Registered Environmental Assessor.)] A substitution may not be made without the approval of the Agency.

Report Format. *\*\*\*Insert report format/table of contents\*\*\**

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## **APPENDIX F: MODEL REPORT OUTLINE**

### **1 Summary**

### **2 Introduction**

- 2.1 Purpose
- 2.2 Detailed Scope-of-Services
- 2.3 Significant Assumptions
- 2.4 Limitations and Exceptions
- 2.5 Special Terms and Conditions
- 2.6 User Reliance

### **3 Site Description**

- 3.1 Location and Legal Description
- 3.2 Site and Vicinity General Characteristics
- 3.3 Current Use of the *Property*
- 3.4 Descriptions of Structures, Roads, Other Improvements on the Site (including heating/cooling system, sewage disposal, source of potable water)
- 3.5 Current Uses of the Adjoining Properties

### **4 User Provided Information**

- 4.1 Title Records
- 4.2 Environmental Liens or Activity and Use Limitations
- 4.3 Specialized Knowledge
- 4.4 Commonly Known or Reasonably Ascertainable Information
- 4.5 Valuation Reduction for Environmental Issues
- 4.6 Owner, Property Manager, and Occupant Information
- 4.7 Reason for Performing Assessment
- 4.8 Other

### **5 Records Review**

- 5.1 Standard Environmental Record Sources
- 5.2 Additional Environmental Record Sources
- 5.3 Physical Setting Source(s)
- 5.4 Historical Use Information on the *Property*
- 5.5 Historical Use Information on Adjoining Properties

### **6 Site Reconnaissance**

- 6.1 Methodology and Limiting Conditions
- 6.2 General Site Setting
- 6.3 Exterior Observations
- 6.4 Interior Observations

### **7 Interviews**

- 7.1 Interview with Owner
- 7.2 Interview with Site Manager

- 7.3 Interviews with Occupants
- 7.4 Interviews with Local Government Officials
- 7.5 Interviews with Others

## **8 Additional Services/Non Scope Considerations**

## **9 Findings**

## **10 Opinion**

Include the following statement:

*I offer the following opinion as to whether the all appropriate inquiry conducted in accordance with 40 CFR Part 312 and/or 33 CFR 137 has identified conditions indicative of releases or threatened releases of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances on, at, in, or to the subject property.*

10.1 Additional Investigations (if recommended)

## **11 Data Gaps**

Include the following statement as part of the discussion on data gaps

*I am identifying the following data gaps (as defined in 40 CFR Part 312.10) in the information developed as part of the all appropriate inquiry that affects my ability as an environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances on, at, in, or to the subject property. I am also including comments regarding the significance of said data gaps on my ability as an environmental professional to provide an opinion as to whether the all appropriate inquiry has identified conditions indicative of releases and threatened releases.*

## **12 Conclusions**

## **13 Deviations**

## **14 References**

## **15 Signature(s) and Qualification(s) of environmental professional(s)**

The environmental professional must place the following statements in the report

*[I, We] declare that, to the best of [my, our] professional knowledge and belief, [I, we] meet the definition of environmental professional as defined in § 312.10 of this part.*

*[I, We] declare that, to the best of [my, our] professional knowledge, [I, we] meet the requirements under 33 CFR 137.25 for an environmental professional.*

*[I, We] have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. [I, We] have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.*

*[I, We] have the specific qualifications based on education, training, and experience to assess the nature, history, and setting of a facility and the real property on which it is located. [I, We] have developed and conducted all appropriate inquiries according to the standards and practices in 33 CFR part 137.*

## **16 Appendices**

16.1 Site (Vicinity) Map

16.2 Site Plan

16.3 Site Photographs

16.4 Record Search Documentation

16.4.a Historical Research Documentation (aerial photographs, fire insurance maps, historical topographical maps, etc.)

16.4.b Regulatory Records Documentation

16.4.c Land Acquisition Screening Worksheet 1: RECORDS SEARCH

16.5 Interview Documentation

16.5.a Worksheet 2: INTERVIEWS WITH PAST and PRESENT OWNERS, OPERATORS, and OCCUPANTS

16.6 Site Reconnaissance Documentation

16.6.a Worksheet 3: SITE VISIT SURVEY-VISUAL ON-SITE INSPECTION OF THE PROPERTY AND OF ADJOINING PROPERTIES

16.7 Special Contractual Conditions between User and environmental professional

16.8 Qualification(s) of the environmental professional(s)

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## **APPENDIX G: ACRONYM LIST**

AAI	All Appropriate Inquiries
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
COTR	Contracting Officer Technical Representative
DOI	U.S. Department of the Interior
EPA	U.S. Environmental Protection Agency
FLM	Federal Land Managing agency
NEPA	National Environmental Policy Act
OPA	Oil Pollution Act of 1990
PA	Preliminary Assessment
SI	Site Inspection
USDA	U.S. Department of Agriculture