



Designation: E 2247 – 02

Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property¹

This standard is issued under the fixed designation E 2247; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval. A superscript epsilon (ϵ) indicates an editorial change since the last revision or reapproval.

1. Scope

1.1 *Purpose*—The purpose of this practice is to define good commercial and customary practice in the United States of America for conducting a *Phase I environmental site assessment*² of a *property* 120 acres or greater of *forestland* or *rural property* or with a developed use of only *managed forestland* and/or agriculture with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and *petroleum products*. The property need not be adjoining; however, the separate areas should have substantially the same general land use and be part of the same transaction. The property may contain isolated areas of non-*forestland* and non-*rural property*. As such, this practice is intended to permit a *user* to satisfy one of the requirements to qualify for the *innocent landowner defense* to CERCLA liability; that is, the practices that constitute “all appropriate inquiry into the previous ownership and uses of the *property* consistent with good commercial or customary practice” as defined in 42 USC § 9601(35)(B). (See [Appendix X1](#) for an outline of CERCLA’s liability and defense provisions).

1.1.1 *Recognized Environmental Conditions*—In defining a standard of good commercial and customary practice for conducting an *environmental site assessment* of a parcel of *property*, the goal of the processes established by this practice is to identify *recognized environmental conditions*. The term *recognized environmental conditions* means 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, groundwater, or surface water of the *property*. The term includes *hazardous substances* or *petroleum products* even under conditions in compliance with laws. The scope of the work in Section 12

(Non-Scope Considerations) also applies to conditions that would affect the quality of water and threatened and endangered species on a *property* (as defined in the Clean Water Act and the Endangered Species Act specific to non-point source BMP deviations and the taking of threatened and endangered species). The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment or that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

1.1.2 *Three Related Practices*—This practice is closely related to Practices [E 1527](#) and [E 1528](#). Both [E 1527](#) and [E 1528](#) are *environmental site assessments* for *commercial real estate* (see [4.3](#)). This practice also shares similar protocols with Appendix guidance documents X3 and X4: Phase I Environmental Site Assessment Guides for Clean Water Act Non-Point Source Considerations and Threatened and Endangered Species Considerations on *Forestland* or *Rural Property*.

1.1.3 *Petroleum Products*—*Petroleum products* are included within the scope of this practice because they are of concern with respect to many parcels of *forestland* or *rural property* and current custom and usage is to include an inquiry into the presence of *petroleum products* when doing an *environmental site assessment* of *forestland* or *rural property*. Inclusion of *petroleum products* within the scope of this practice is not based upon the applicability, if any, of CERCLA to *petroleum products*. (See [Appendix X1](#) for discussion of *petroleum exclusion* to CERCLA liability.)

1.1.4 *CERCLA Requirements Other Than Appropriate Inquiry*—This practice does not address whether requirements in addition to *appropriate inquiry* have been met in order to qualify for CERCLA’s *innocent landowner defense* (for example, the duties specified in 42 USC § 9607(b)(3)(a) and (b) and cited in [Appendix X1](#)).

1.1.5 *Other Federal, State, and Local Environmental Laws*—This practice does not address requirements of any state or local laws or of any federal laws other than the *appropriate inquiry* provisions of CERCLA’s *innocent landowner defense*. *Users* are cautioned that federal, state, and local laws may impose environmental assessment obligations that are beyond the scope of this practice. *Users* should also be

¹ This practice is under the jurisdiction of ASTM Committee E50 on Environmental Assessment and is the direct responsibility of Subcommittee E50.02 on Real Estate Assessment and Management.

Current edition approved Nov. 10, 2002. Published January 2003.

² All definitions, descriptions of terms, and acronyms are defined in Section 3. Whenever terms defined in [3.2](#) or described in [3.3](#) are used in this practice, they are in *italics*.

aware that there are likely to be other legal obligations with regard to *hazardous substances* or *petroleum products* discovered on a *property* that are not addressed in this practice and that may pose risks of civil and/or criminal sanctions for non-compliance.

1.1.6 *Documentation*—The scope of this practice includes research and reporting requirements that support the *user's* ability to qualify for the *innocent landowner defense*. As such, sufficient documentation of all sources, records, and resources utilized in conducting the inquiry required by this practice must be provided in the written report (refer to 7.1.8 and 11.2).

1.2 *Objectives*—*Objectives* guiding the development of this practice are (1) to synthesize and put in writing good commercial and customary practice for *environmental site assessments* for *forestland* or *rural property*, (2) to facilitate high quality, standardized *environmental site assessments*, (3) to ensure that the standard of *appropriate inquiry* is practical and reasonable, and (4) to clarify an industry standard for *appropriate inquiry* in an effort to guide legal interpretation of CERCLA's *innocent landowner defense*.

1.3 *Considerations Beyond Scope*—The use of this practice is strictly limited to the scope set forth in this section. Section 12 of this practice identifies, for informational purposes, certain environmental conditions (for example, threatened and endangered species and non-point source considerations) that may exist on a *forestland* or *rural property* that are beyond the scope of this practice but may warrant discussion between the *environmental professional* and the *user* about a *forestland* or *rural property* transaction.

1.4 *Organization of This Practice*—This practice has several parts and two appendixes. Section 1 concerns the Scope. Section 2 relates to Referenced Documents. Section 3, Terminology, contains definitions of terms not unique to this practice, descriptions of terms unique to this practice, and acronyms. Section 4 describes the Significance and Use of this practice. Section 5 describes *User's Responsibilities*. Sections 6-11 contain the main body of the *Phase I Environmental Site Assessment*, including evaluation and report preparation. Section 12 provides additional information regarding non-scope considerations (see 1.3). The appendixes are included for information and are not part of the procedures prescribed in this practice. Appendix X1 explains the liability and defense provisions of CERCLA that will assist the *user* in understanding the *user's* responsibilities under CERCLA; it also contains other important information regarding CERCLA and this practice. Appendix X2 provides a recommended table of contents and report format for a *Phase I Environmental Site Assessment Report*. Guidance Documents X1 and X2 provide guidance to address the evaluation of non-point source and threatened and endangered species considerations, respectively.

1.5 *This standard does not purport to address all of the safety concerns, if any, associated with its use. It is the responsibility of the user of this standard to establish appropriate safety and health practices and determine the applicability of regulatory limitations prior to use.*

1.6 *This practice offers a set of instructions for performing one or more specific operations and should be supplemented by*

education, experience, and professional judgment. Not all aspects of this practice may be applicable in all circumstances. This ASTM standard practice does not necessarily represent the standard of care by which the adequacy of a given professional service must be judged, nor should this document be applied without consideration of a project's unique aspects. The word "standard" in the title means only that the document has been approved through the ASTM consensus process.

2. Referenced Documents

2.1 ASTM Standards:³

E 1527 Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process

E 1528 Practice for Environmental Site Assessments: Transaction Screen Process

3. Terminology

3.1 This section provides definitions, descriptions of terms, and a list of acronyms for many of the words used in this practice. The terms are an integral part of this practice and are critical to an understanding of the practice and its use.

3.2 Definitions:

3.2.1 *apiary*—a place where bees are kept; a collection of hives or colony of bees.

3.2.2 *Best Management Practices (BMPs)*—minimum standards necessary for protecting and maintaining a particular State's water quality, as well as certain wildlife habitat values, during forestry activities. (See Section 12, non-scope considerations.)

3.2.3 *Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS)*—the list of sites compiled by the United States Environmental Protection Agency (EPA) that EPA has investigated or is currently investigating for potential hazardous substance contamination for possible inclusion on the National Priorities List.

3.2.4 *construction debris*—concrete, brick, asphalt, and other such building materials discarded in the construction of a building or other improvement to *property*.

3.2.5 *contaminated public wells*—public wells used for drinking water that have been designated by a government entity as contaminated by toxic substances (for example, chlorinated solvents), or as having water unsafe to drink without treatment.

3.2.6 *CORRACTS list*—list of hazardous waste treatment, storage, or disposal facilities and other RCRIS facilities (due to past interim status or storage of hazardous waste beyond 90 days) who have been notified by the EPA to undertake corrective action under the Resource Conservation and Recovery Act (RCRA).

3.2.7 *demolition debris*—concrete, brick, asphalt, and other such building materials discarded in the demolition of a building or other improvement to *property*.

³ For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

3.2.8 *drum*—a container (typically, but not necessarily, holding 55 gal [208 L] of liquid) that may be used to store *hazardous substances* or *petroleum products*.

3.2.9 *dry wells*—underground areas where soil has been removed and typically replaced with pea gravel, coarse sand, or large rocks. Dry wells are used for drainage, to control storm runoff, for the collection of spilled liquids (intentional and non-intentional), and wastewater disposal.

3.2.10 *dwelling*—structure or portion thereof used for residential habitation.

3.2.11 *environmental lien*—a charge, security, or encumbrance upon title to a *property* to secure the payment of a cost, damage, debt, obligation, or duty arising out of response actions, cleanup, or other remediation of *hazardous substances* or *petroleum products* upon a *property*, including, but not limited to, liens imposed pursuant to CERCLA 42 USC § 9607(1) and similar state or local laws.

3.2.12 *Emergency Response Notification System (ERNS) list*—EPA’s list of reported CERCLA hazardous substance releases or spills in quantities greater than the reportable quantity, as maintained at the National Response Center. Notification requirements for such releases or spills are codified in 40 Code of Federal Regulations (CFR) Parts 302 and 355.

3.2.13 *Federal Register (FR)*—publication of the United States government published daily (except for federal holidays and weekends) containing all proposed and final regulations and some other activities of the federal government. When regulations become final, they are included in the CFR, as well as published in the *Federal Register*.

3.2.14 *hazardous substance*—a substance defined as a *hazardous substance* pursuant to CERCLA 42 USC § 9601(14), as interpreted by EPA regulations and the courts: “(A) any substance designated pursuant to section 1321(b)(2)(A) of Title 33, (B) any element, compound, mixture, solution, or substance designated pursuant to section 9602 of this title, (C) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 USC § 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC § 6901 *et seq.*) has been suspended by Act of Congress), (D) any toxic pollutant listed under section 1317(a) of Title 33, (E) any hazardous air pollutant listed under section 112 of the Clean Air Act (42 USC § 7412), and (F) any imminently hazardous chemical substance or mixture with respect to which the Administrator (of EPA) has taken action pursuant to section 2606 of Title 15. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a *hazardous substance* under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas)” See [Appendix X1](#).

3.2.15 *hazardous waste*—any *hazardous waste* having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 USC § 6921) (but not including any waste the regulation of which under the Solid

Waste Disposal Act (42 USC § 6901 *et seq.*) has been suspended by Act of Congress). The Solid Waste Disposal Act of 1980 amended RCRA. RCRA defines a *hazardous waste*, in 42 USC § 6903, as: “A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may (A) cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.”

3.2.16 *landfill*—a place, location, tract of land, area, or premises used for the disposal of solid wastes as defined by state solid waste regulations. The term is synonymous with the term *solid waste disposal site* and is also known as a garbage dump, trash dump, or similar term.

3.2.17 *lessee*—individual or entity which does not own the *property* but has a written lease or other agreement to use the *property*.

3.2.18 *material safety data sheet (MSDS)*—written or printed material concerning a *hazardous substance* which is prepared by chemical manufacturers, importers, and employers for hazardous chemicals pursuant to OSHA’s Hazard Communication Standard, 29 CFR 1910.1200.

3.2.19 *National Contingency Plan (NCP)*—the National Oil and Hazardous Substances Pollution Contingency Plan, found at 40 CFR § 300; that is, the EPA’s blueprint on how hazardous substances are to be cleaned up pursuant to CERCLA.

3.2.20 *National Priorities List (NPL)*—list compiled by EPA pursuant to CERCLA 42 USC § 9605(a)(8)(B) of properties with the highest priority for cleanup pursuant to EPA’s Hazard Ranking System. See 40 CFR Part 300.

3.2.21 *Natural Areas Inventory (NAI)*—list compiled by various state agencies that shows records of reported observations of threatened and endangered species.

3.2.22 *occupant*—a person or entity who is using the *property* or a portion of the *property* and includes, but is not limited to, scattered residential tenancies, agricultural and silvicultural tenancies, small-scale commercial/industrial tenancies, and recreational tenancies such as hunting clubs.

3.2.23 *owner*—generally the fee owner of record of the *property*.

3.2.24 *petroleum exclusion*—the exclusion from CERCLA liability provided in 42 USC § 9601(14), as interpreted by the courts and EPA: “The term (*hazardous substance*) does not include petroleum, including crude oil or any fraction thereof, which is not otherwise specifically listed or designated as a *hazardous substance* under subparagraphs (A) through (F) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).”

3.2.25 *petroleum products*—those substances included within the meaning of the *petroleum exclusion* to CERCLA, 42 USC § 9601(14), as interpreted by the courts and EPA, that is: petroleum, including crude oil or any fraction thereof, which is not otherwise specifically listed or designated as a *hazardous substance* under Subparagraphs (A) through (F) of 42 USC §

9601(14), natural gas, natural gas liquids, liquefied natural gas, and synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). The word fraction refers to certain distillates of crude oil, including gasoline, kerosene, diesel oil, jet fuels, and fuel oil, pursuant to *Standard Definitions of Petroleum Statistics*.⁴

3.2.26 *Phase I Environmental Site Assessment*—the process described in this practice.

3.2.27 *pits, ponds, or lagoons*—man-made or natural depressions in a ground surface that are likely to hold liquids or sludge containing *hazardous substances* or *petroleum products*. The likelihood of such liquids or sludge being present is determined by evidence of factors associated with the pit, pond, or lagoon, including, but not limited to, discolored water, distressed vegetation, or the presence of an obvious wastewater discharge.

3.2.28 *property*—the real *property* that is the subject of the *environmental site assessment* described in this practice. Real *property* includes, but is not limited to, buildings and other fixtures, and improvements located on the *property* and affixed to the land.

3.2.29 *property tax files*—the files kept for *property* tax purposes by the local jurisdiction where the *property* is located and includes records of past ownership, appraisals, maps, sketches, photos, or other information that is *reasonably ascertainable* and pertaining to the *property*. See 7.3.4.3.

3.2.30 *RCRA generators*—those persons or entities that generate hazardous wastes, as defined and regulated by RCRA.

3.2.31 *RCRA generators list*—list kept by EPA of those persons or entities that generate hazardous wastes as defined and regulated by RCRA.

3.2.32 *RCRA TSD facilities*—those facilities on which treatment, storage, and/or disposal of hazardous wastes takes place, as defined and regulated by RCRA.

3.2.33 *RCRA TSD facilities list*—list kept by EPA of those facilities on which treatment, storage, and/or disposal of hazardous wastes takes place, as defined and regulated by RCRA.

3.2.34 *recorded land title records*—records of fee ownership, leases, land contracts, easements, liens, and other encumbrances on or of the *property* recorded in the place where land title records are, by law or custom, recorded for the local jurisdiction in which the *property* is located. (Often such records are kept by a municipal or county recorder or clerk.) Such records may be obtained from title companies or directly from the local government agency. Information about the title to the *property* that is recorded in a U.S. district court or any place other than where land title records are, by law or custom, recorded for the local jurisdiction in which the *property* is located, are not considered part of *recorded land title records*.

3.2.35 *records of emergency release notifications (SARA § 304)*—Section 304 of EPCRA or Title III of SARA requires operators of facilities to notify their local emergency planning committee (as defined in EPCRA) and state emergency response commission (as defined in EPCRA) of any release

beyond the facility's boundary of any reportable quantity of any extremely *hazardous substance*. Often the local fire department is the local emergency planning committee. Records of such notifications are "Records of Emergency Release Notifications" (SARA § 304).

3.2.36 *report*—the written record prepared by the *environmental professional* and constituting part of a "*Phase I Environmental Site Assessment*," as required by this practice.

3.2.37 *silvicultural*—following generally accepted forest management principles for tending, harvesting, and reproducing forests and crops.

3.2.38 *solid waste disposal site*—a place, location, tract of land, area, or premises used for the disposal of solid wastes as defined by state solid waste regulations. The term is synonymous with the term *landfill* and is also known as a garbage dump, trash dump, or similar term.

3.2.39 *solvent*—a chemical compound that is capable of dissolving another substance and may itself be a *hazardous substance*, used in a number of manufacturing/industrial processes including, but not limited to, the manufacture of paints and coatings for industrial and household purposes, equipment clean-up, and surface degreasing in metal fabricating industries.

3.2.40 *state registered USTs list*—state lists of underground storage tanks required to be registered under Subtitle I, Section 9002 of RCRA.

3.2.41 *sump*—a pit, cistern, cesspool, or similar receptacle where liquids drain, collect, or are stored.

3.2.42 *TSD facility*—treatment, storage, or disposal facility (see *RCRA TSD facilities*).

3.2.43 *underground storage tank (UST)*—any tank, including underground piping connected to the tank, that is or has been used to contain *hazardous substances* or *petroleum products* and the volume of which is 10 % or more beneath the surface of the ground.

3.2.44 *USGS 7.5 Minute Topographic Map*—the map (if any) available from or produced by the United States Geological Survey, entitled "USGS 7.5 Minute Topographic Map," and showing the *property*. See 7.3.4.2.

3.2.45 *wastewater*—water that (1) is or has been used in an industrial or manufacturing process, (2) conveys or has conveyed sewage, or (3) is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. Wastewater does not include water originating on or passing through or adjacent to a site, such as storm water flows, that has not been used in industrial or manufacturing processes, has not been combined with sewage, or is not directly related to manufacturing, processing, or raw materials storage areas at an industrial plant.

3.2.46 *zoning/land use records*—those records of the local government in which the *property* is located indicating the uses permitted by the local government in particular zones within its jurisdiction. The records may consist of maps and/or written records. They are often located in the planning department of a municipality or county. See 7.3.4.3(6).

3.3 *Definitions of Terms Specific to This Standard:*

3.3.1 *actual knowledge*—the knowledge actually possessed by an individual who is a real person, rather than an entity.

⁴ *Standard Definitions of Petroleum Statistics*, American Petroleum Institute, Fourth Edition, 1988.

Actual knowledge is to be distinguished from constructive knowledge; that is, knowledge imputed to an individual or entity.

3.3.2 *adjoining properties*—any real *property* or properties the border of which is contiguous or partially contiguous with that of the *property*, or that would be contiguous or partially contiguous with that of the *property* but for a street, road, or other public thoroughfare separating them.

3.3.3 *aerial photographs*—photographs taken from an airplane or helicopter (from a low enough altitude to allow identification of development and activities) of areas encompassing the *property*. *Aerial photographs* are often available from government agencies or private collections unique to a local area. See 7.3.4.1 of this practice.

3.3.4 *appropriate inquiry*—that inquiry constituting “all *appropriate inquiry* into the previous ownership and uses of the *property* consistent with good commercial or customary practice” as defined in CERCLA, 42 USC § 9601(35)(B), that will give a party to a *forestland* or *rural property* transaction the *innocent landowner defense* to CERCLA liability (42 USC § 9601(A) and (B) and § 9607(b)(3)), assuming compliance with other elements of the defense. See Appendix X1.

3.3.5 *approximate minimum search distance*—the area for which records must be obtained and reviewed pursuant to Section 7 subject to the limitations provided in that section. This may include areas outside the *property* and shall be measured from the nearest *property* boundary. This term is used in lieu of radius to include irregularly shaped properties.

3.3.6 *building department records*—those records of the local government in which the *property* is located indicating permission of the local government to construct, alter, or demolish improvements on the *property*. Often *building department records* are located in the building department of a municipality or county. See 7.3.4.3(3).

3.3.7 *commercial real estate*—any real *property* except a dwelling or *property* with no more than four dwelling units exclusively for residential use (except that a dwelling or *property* with no more than four dwelling units exclusively for residential use is included in this term when it has a commercial function, as in the building of such dwellings for profit). This term includes, but is not limited to, undeveloped real *property* and real *property* used for industrial, retail, office, agricultural, forestry, other commercial, medical, or educational purposes; *property* used for residential purposes that has more than four residential dwelling units; and *property* with no more than four dwelling units for residential use when it has a commercial function, as in the building of such dwellings for profit.

3.3.8 *commercial real estate transaction*—a transfer of title to or possession of real *property* or receipt of a security interest in real *property*, except that it does not include transfer of title to or possession of real *property* or the receipt of a security interest in real *property* with respect to an individual dwelling or building containing fewer than five dwelling units, nor does it include the purchase of a lot or lots to construct a dwelling for occupancy by a purchaser, but a commercial real estate

transaction does include real *property* purchased or leased by persons or entities in the business of building or developing dwelling units.

3.3.9 *due diligence*—the process of inquiring into the environmental characteristics of a parcel of *forestland* or *rural property* or other conditions, usually in connection with a *real estate* transaction. The degree and kind of *due diligence* vary for different properties and differing purposes. See Appendix X1.

3.3.10 *endangered species*—any species as defined in the Federal Endangered Species Act (USC 42 guidance document for incorporation of Endangered Species Act considerations) ... “which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insect as determined by the Secretary to constitute a pest whose protection under the provisions of this Act (Endangered Species Act) would present an overwhelming and overriding risk to man.” (See non-scope considerations).

3.3.11 *environmental audit*—the investigative process to determine if the operations of an existing facility are in compliance with applicable environmental laws and regulations. This term should not be used to describe this practice, although an environmental audit may include an *environmental site assessment* or, if prior audits are available, may be part of an *environmental site assessment*. See Appendix X1.

3.3.12 *environmental professional*—a person possessing sufficient training and experience necessary to conduct a *site reconnaissance*, *interviews*, and other activities in accordance with this practice, and from the information generated by such activities, having the ability to develop opinions and conclusions regarding *recognized environmental conditions* in connection with the *property* in question. An individual’s status as an *environmental professional* may be limited to the type of assessment to be performed or to specific segments of the assessment for which the professional is responsible. The person may be an independent contractor or an employee of the *user*.

3.3.13 *Endangered Species Act*—USC 42 guidance document for incorporation of Endangered Species Act considerations.

3.3.14 *environmental site assessment (ESA)*—the process by which a person or entity seeks to determine if a particular parcel of real *property* (including improvements) is subject to *recognized environmental conditions*. At the option of the *user*, an *environmental site assessment* may include more inquiry than that constituting *appropriate inquiry* or, if the *user* is not concerned about qualifying for the *innocent landowner defense*, less inquiry than that constituting *appropriate inquiry* (see Appendix X1). An environmental site assessment is both different from and less rigorous than an *environmental audit*.

3.3.15 *fill dirt*—dirt, soil, sand, or other earth, that is obtained offsite, that is used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real *property*. It does not include material that is used in limited quantities for normal landscaping activities.

3.3.16 *forestland-property*—that is either *historically undeveloped* (see 3.3.18) or *managed forestland* (see 3.3.25).

3.3.17 *hazardous waste/contaminated sites*—sites on which a release has occurred, or is suspected to have occurred, of any *hazardous substance, hazardous waste, or petroleum products*, and that release or suspected release has been reported to a government entity.

3.3.18 *historically undeveloped forestland*—a *property* is historically undeveloped or unmanaged forestland if it contains no *relevant man-made changes* and is of such size or of such a nature that *visible and physical* observance of the *property* as contemplated in Section 8 of this practice is not capable of being accomplished within reasonable time and cost constraints, will yield little information relevant to the *property*, or will generate extraordinary amounts of irrelevant information. Large tracts of *historically undeveloped forestland* may contain isolated areas of *commercial real estate* which are not relevant to the *historically undeveloped forestland*.

3.3.19 *innocent landowner defense*—that defense to CERCLA liability provided in 42 USC § 9601(35) and § 9607(b)(3). One of the requirements to qualify for this defense is that the party makes “all appropriate inquiry into the previous ownership and uses of the *property* consistent with good commercial or customary practice.” There are additional requirements to qualify for this defense. See [Appendix X1](#).

3.3.20 *interviews*—those portions of this practice that are contained in Sections 9 and 10 thereof and address questions to be asked of *owners and occupants* of the *property* and questions to be asked of local government officials.

3.3.21 *key site manager*—the person identified by the *owner* of a *property* as having good knowledge of the uses and physical characteristics of the *property*. See [9.5.1](#).

3.3.22 *local government agencies*—those agencies of municipal or county government having jurisdiction over the *property*. Municipal and county government agencies include, but are not limited to, cities, parishes, townships, and similar entities.

3.3.23 *leaking underground storage tanks (LUST) sites list*—state lists of leaking underground storage tank sites. Section 9003 (h) of Subtitle I of RCRA gives EPA and states, under cooperative agreements with EPA, authority to clean up releases from UST systems or require owners and operators to do so.

3.3.24 *major occupants*—those occupants, suboccupants, or other persons or entities each of which uses at least 40 % of the leasable area of the *property* or any anchor occupant when the *property* is a shopping center.

3.3.25 *managed forestland*—a *property* is *managed forestland* if it has received the practical application of biological, physical, quantitative, managerial, economic, social, and policy principles to the regeneration, management, utilization, and conservation of forests to meet specific goals and objectives while maintaining the productivity of the forest. The management of *forestland* may include the management for aesthetics, fish, recreation, urban values, water, wilderness, wildlife, wood products, and/or other forest resource values, goals, or objectives.

3.3.26 *obvious*—that which is plain or evident; a condition or fact that could not be ignored or overlooked by a reasonable observer while visually or physically observing the *property*.

3.3.27 *other historical sources*—any source or sources other than those designated in [7.3.4.1](#) and [7.3.4.2](#) that are credible to a reasonable person and that identify past uses of the *property*. The term includes, but is not limited to: miscellaneous maps, newspaper archives, and records in the files and/or personal knowledge of the *property owner* and/or *occupants*. See [7.3.4.3](#).

3.3.28 *physical setting sources*—sources that provide information about the geologic, hydrogeologic, hydrologic, or topographic characteristics of a *property*. See [7.2.3](#).

3.3.29 *practically reviewable*—information that is *practically reviewable* means that the information is provided by the source in a manner and in a form that, upon examination, yields information relevant to the *property* without the need for extraordinary analysis of irrelevant data. The form of the information shall be such that the *user* can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the *property* or a geographic area in which the *property* is located are not generally *practically reviewable*. Most databases of public records are *practically reviewable* if they can be obtained from the source agency by the county, city, zip code, or other geographic area of the facilities listed in the record system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally *practically reviewable*. Listings in publicly available records, which do not have adequate address information to be located geographically, are not generally considered *practically reviewable*. For large databases with numerous facility records (such as RCRA hazardous waste generators and registered underground storage tanks), the records are not *practically reviewable* unless they can be obtained from the source agency in the smaller geographic area of zip codes. Even when information is provided by zip code for some large databases, it is common for an unmanageable number of sites to be identified within a given zip code. In these cases, it is not necessary to review the impact of all of the sites that are likely to be listed in any given zip code because that information would not be *practically reviewable*. In other words, when so much data is generated that it cannot be feasibly reviewed for its impact on the *property*, it is not *practically reviewable*.

3.3.30 *publicly available*—information that is *publicly available* means that the source of the information allows access to the information by anyone upon request.

3.3.31 *reasonably ascertainable*—for purposes of this practice, information that is (1) *publicly available*, (2) obtainable from its source within reasonable time and cost constraints, and (3) *practically reviewable*.

3.3.32 *recognized environmental conditions*—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, groundwater, or surface water of the *property*. The term includes *hazardous substances* or *petroleum products* even under conditions in compliance with laws. The term is not intended to include *de minimis* conditions that generally do not present a material risk

of harm to public health or the environment or that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

3.3.33 *records review*—that part that is contained in Section 7 of this practice that addresses which records shall or may be reviewed.

3.3.34 *relevant man-made changes*—generally include commercial or industrial buildings intended to enhance a *property*'s value or adapt it for new or further purposes such that said changes render the *property commercial real estate* as defined in Section 3.3.8 of Practice E 1527.

3.3.35 *rural property*—*property* that includes non-commercial real estate, undeveloped real property, real property used for agricultural purposes, or commercial real estate used only for the transportation of people or products (including, but not limited to, natural resource development, for example, mining, oil and gas, etc.).

3.3.36 *site reconnaissance*—that part that is contained in Section 8 of this practice and addresses what should be done in connection with the *site visit*. The *site reconnaissance* includes, but is not limited to, the *site visit* done in connection with such a *Phase I Environmental Site Assessment*.

3.3.37 *site visit*—the visit to the *property* during which observations are made constituting the *site reconnaissance* section of this practice. The *site visit* may include several visits to the site to ensure the *methodology* of the *site visit* is met (for example, large parcels of land).

3.3.38 *standard environmental record sources*—those records specified in 7.2.1.1.

3.3.39 *standard historical sources*—those sources of information about the history of uses of *property* specified in 7.3.4.

3.3.40 *standard physical setting source*—a current USGS 7.5 minute topographic map (if any) showing the area on which the *property* is located. See 7.2.3.

3.3.41 *standard practice(s)*—the activities set forth in this practice.

3.3.42 *standard sources*—sources of environmental, physical setting, or historical records specified in Section 7 of this practice.

3.3.43 *Streamside Management Zone (SMZ)*—an area of varying width adjacent to a watercourse in which special management precautions are necessary to protect natural resources.

3.3.44 *“taking”*—the process defined in the Endangered Species Act, that is: the term “take” means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

3.3.45 *threatened species*—the term means, as defined in the Federal Endangered Species Act (USC 42 guidance document for incorporation of Endangered Species Act considerations), any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

3.3.46 *user*—the party seeking to use this practice to perform an *environmental site assessment* of the *property*. A *user* may include, without limitation, a purchaser of *property*, a potential occupant of *property*, an owner of *property*, a lender, or a *property* manager.

3.3.47 *visually and/or physically observed*—during a *site visit* pursuant to this practice, this term means observations made by vision while walking through a *property* and the *structures* located on it and observations made by the sense of smell, particularly observations of noxious or foul odors. The term “walking through” is not meant to imply that disabled persons who cannot physically walk may not conduct a *site visit*; they may do so by the means at their disposal for moving through the *property* and the *structures* located on it.

3.4 *Acronyms:*

3.4.1 *CERCLA*—Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as amended, 42 USC § 9601 *et seq.*).

3.4.2 *CERCLIS*—Comprehensive Environmental Response, Compensation, and Liability Information System (maintained by EPA).

3.4.3 *CFR*—Code of Federal Regulations.

3.4.4 *CORRACTS*—TSD facilities subject to Corrective Action under RCRA.

3.4.5 *CWA*—Clean Water Act; see Appendix X1.

3.4.6 *EPA*—United States Environmental Protection Agency.

3.4.7 *EPCRA*—Emergency Planning and Community Right to Know Act ((also known as SARA Title III), 42 USC § 11001 *et seq.*).

3.4.8 *ERNS*—emergency response notification system.

3.4.9 *ESA*—environmental site assessment (different than an *environmental audit*; see 3.3.14, herein referred to as the Assessment).

3.4.10 *FIFRA*—Federal Insecticide, Fungicide, and Rodenticide Act.

3.4.11 *FOIA*—U.S. Freedom of Information Act (5 USC 552 *et seq.*).

3.4.12 *FR*—Federal Register.

3.4.13 *LUST*—leaking underground storage tank.

3.4.14 *MSDS*—material safety data sheet.

3.4.15 *NCP*—National Contingency Plan.

3.4.16 *NPDES*—national pollutant discharge elimination system.

3.4.17 *NPL*—national priorities list.

3.4.18 *PCBs*—polychlorinated biphenyls.

3.4.19 *PRP*—potentially responsible party (pursuant to CERCLA 42 USC § 9607(a)).

3.4.20 *RCRA*—Resource Conservation and Recovery Act (as amended, 42 USC § 6901 *et seq.*).

3.4.21 *SARA*—Superfund Amendments and Reauthorization Act of 1986 (amendment to CERCLA).

3.4.22 *SMZ*—Streamside Management Zone.

3.4.23 *TSCA*—Toxic Substances Control Act.

3.4.24 *USC*—United States Code.

3.4.25 *USDA*—United States Department of Agriculture.

3.4.26 *USGS*—United States Geological Survey.

3.4.27 *UST*—underground storage tank.

4. Significance and Use

4.1 *Uses*—This practice is intended for use on a voluntary basis by parties who wish to assess the environmental condition of *forestland* or *rural property*. While use of this practice is intended to constitute *appropriate inquiry* for purposes of

CERCLA’s *innocent landowner defense*, it is not intended that its use be limited to that purpose. This practice is intended primarily as an approach to conducting an inquiry designed to identify *recognized environmental conditions* in connection with a *property*, and *environmental site assessments* that are both more and less comprehensive than this practice (including, in some instances, no *environmental site assessment*) may be appropriate in some circumstances. Further, no implication is intended that a person must use this practice in order to be deemed to have conducted inquiry in a commercially prudent or reasonable manner in any particular transaction. Nevertheless, this practice is intended to reflect a commercially prudent and reasonable inquiry.

4.2 Clarifications on Use:

4.2.1 *Use Not Limited to CERCLA*—This practice is designed to assist the *user* in developing information about the environmental condition of a *property* and as such, has utility for a wide range of persons, including those who may have no actual or potential CERCLA liability and/or may not be seeking the *innocent landowner defense*.

4.2.2 *Residential Occupants/Lessees/Purchasers and Others*—No implication is intended that it is currently customary practice for residential occupants/lessees of multifamily residential buildings, occupants/lessees of single-family homes or other residential real estate, or purchasers of dwellings for one’s own residential use, to conduct an *environmental site assessment* in connection with these transactions. Thus, these transactions are not included in the term *forestland* or *rural property* transactions, and it is not intended to imply that such persons are obligated to conduct an *environmental site assessment* in connection with these transactions for purposes of *appropriate inquiry* or for any other purpose. In addition, no implication is intended that it is currently customary practice for *environmental site assessments* to be conducted in other unenumerated instances (including, but not limited to, many forestland and rural acreage leasing transactions, many acquisitions of easements, and many loan transactions in which the lender has multiple remedies). However, forestland and rural acreage transactions may include improvements (including, but not limited to, residential dwellings, barns, sheds, garages, and greenhouses). Areas with such improvements shall be examined during the *site reconnaissance* as described in Section 8. Inspection of such improvements will normally focus on the exterior of the *structures*. The *environmental professional* shall determine, in his/her professional judgment, whether the interior inspections of such improvements are warranted. Factors influencing this determination can include whether: (1) there is specific knowledge of a potential environmental concern, (2) the improvement is accessible, and (3) the inspection is coordinated by the *key site manager*.

4.2.3 *Site-specific*—This practice is site-specific in that it relates to assessment of environmental conditions on a specific parcel of *forestland* or *rural property*. Consequently, this practice does not address many additional issues raised in transactions such as purchases of business entities or interests therein, or of their assets, that may well involve environmental liabilities pertaining to properties previously owned or operated or other offsite environmental liabilities.

4.3 *Three Related Practices*—This practice sets forth one procedure for an *environmental site assessment* known as a “Phase I Environmental Site Assessment for Forestland or Rural Property,” “Phase I Environmental Site Assessment,” a “Phase I ESA,” or simply a “Phase I.” This practice is separate from Practice E 1528 and separate from Practice E 1527. These practices are each intended to meet the standard of *appropriate inquiry* necessary to qualify for the *innocent landowner defense*. It is essential to consider that these practices, taken together, provide for three alternative practices of *appropriate inquiry*.

4.3.1 *Election to Commence with This Practice*—The *user* may commence inquiry to identify *recognized environmental conditions* in connection with a *property* by performing this practice when conditions identified in 1.1 are met.

4.3.2 *Who May Conduct*—Whenever a *Phase I Environmental Site Assessment* is conducted, it must be performed by an *environmental professional* to the extent specified in 6.5.1. Further, at the *Phase I Environmental Site Assessment* level, no practical standard can be designed to eliminate the role of judgment and the value and need for experience in the party performing the inquiry. The professional judgment of an *environmental professional* is, consequently, vital to the performance of *appropriate inquiry* at the *Phase I Environmental Site Assessment* level.

4.4 *Additional Services*—As set forth in 11.9, additional services may be contracted for between the *user* and the *environmental professional*.

4.5 *Principles*—The following principles are an integral part of each practice and are intended to be referred to in resolving any ambiguity or exercising such discretion as is accorded the *user* or *environmental professional* in performing an *environmental site assessment* or in judging whether a *user* or *environmental professional* has conducted *appropriate inquiry* or has otherwise conducted an adequate *environmental site assessment*.

4.5.1 *Uncertainty Not Eliminated*—No *environmental site assessment* can wholly eliminate uncertainty regarding the potential for *recognized environmental conditions* in connection with a *property*. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for *recognized environmental conditions* in connection with a *property*, and this practice recognizes reasonable limits of time and cost.

4.5.2 *Not Exhaustive*—*Appropriate inquiry* does not mean an exhaustive assessment of a clean *property*. There is a point at which the cost of information obtained or the time required to gather it outweighs the usefulness of the information and, in fact, may be a material detriment to the orderly completion of transactions. One of the purposes of this practice is to identify a balance between the competing goals of limiting the costs and time demands inherent in performing an *environmental site assessment* and the reduction of uncertainty about unknown conditions resulting from additional information.

4.5.3 *Level of Inquiry Is Variable*—Not every *property* will warrant the same level of assessment. Consistent with good commercial or customary practice, the appropriate level of *environmental site assessment* will be guided by the type of

property subject to assessment, the expertise and risk tolerance of the *user*, and the information developed in the course of the inquiry. For purposes of this practice, the level of *appropriate inquiry* of isolated areas of *commercial real estate* contained within *forestland* or *rural property* shall meet the requirements of Practice E 1527. This practice is no less stringent than Practice E 1527; however, the means by which this practice intends to satisfy that level of *appropriate inquiry* within reasonable time and cost constraints are different than under Practice E 1527.

4.5.4 *Comparison With Subsequent Inquiry*—It should not be concluded or assumed that an inquiry was not *appropriate inquiry* merely because the inquiry did not identify *recognized environmental conditions* in connection with a *property*. *Environmental site assessments* must be evaluated based on the reasonableness of judgments made at the time and under the circumstances in which they were made. Subsequent *environmental site assessments* should not be considered valid standards to judge the appropriateness of any prior assessment based on hindsight, new information, use of developing technology or analytical techniques, or other factors.

4.6 *Continued Viability of Environmental Site Assessment*—An *environmental site assessment* meeting or exceeding this practice and completed less than 180 days previously is presumed to be valid. An *environmental site assessment* meeting or exceeding this practice and completed more than 180 days previously may be used to the extent allowed by 4.7-4.7.5.

4.7 *Prior Assessment Usage*—This practice recognizes that *environmental site assessments* performed in accordance with this practice will include information that subsequent *users* may want to use to avoid undertaking duplicative assessment procedures. Therefore, this practice describes procedures to be followed to assist *users* in determining the appropriateness of using information in *environmental site assessments* performed previously. The system of prior assessment usage is based on the following principles that should be adhered to in addition to the specific procedures set forth elsewhere in this practice:

4.7.1 *Use of Prior Information*—Subject to 4.7.4, *users* and *environmental professionals* may use information in prior *environmental site assessments* provided such information was generated as a result of procedures that meet or exceed the requirements of this practice and then only provided that the specific procedures set forth in the practice are met.

4.7.2 *Prior Assessment Meets or Exceeds*—Subject to 4.7.4, a prior *environmental site assessment* may be used in its entirety, without regard to the specific procedures set forth in this practice, if, in the reasonable judgment of the *user*: the prior *environmental site assessment* meets or exceeds the requirements of this practice and the conditions at the *property* likely to affect *recognized environmental conditions* in connection with the *property* are not likely to have changed materially since the prior *environmental site assessment* was conducted. In making this judgment, the *user* should consider the type of *property* assessed and the conditions in the area surrounding the *property*.

4.7.3 *Current Investigation*—Except as provided in 4.7.2 of this practice, prior *environmental site assessments* should not

be used without current investigation of conditions likely to affect *recognized environmental conditions* in connection with the *property* that may have changed materially since the prior *environmental site assessment* was conducted. At a minimum, for a *Phase I Environmental Site Assessment* consistent with this practice, a new *site reconnaissance*, *interviews*, and an update of the *records review* should be performed.

4.7.4 *Actual Knowledge Exception*—If the *user* or *environmental professional(s)* conducting an *environmental site assessment* has *actual knowledge* that the information being used from a prior *environmental site assessment* is not accurate or if it is *obvious*, based on other information obtained by means of the *environmental site assessment* or known to the person conducting the *environmental site assessment*, that the information being used is not accurate, such information from a prior *environmental site assessment* may not be used.

4.7.5 *Contractual Issues Regarding Prior Assessment Usage*—The contractual and legal obligations between prior and subsequent *users* of *environmental site assessments* or between *environmental professionals* who conducted prior *environmental site assessments* and those who would like to use such prior *environmental site assessments* are beyond the scope of this practice.

4.8 *Rules of Engagement*—The contractual and legal obligations between an *environmental professional* and a *user* (and other parties, if any) are outside the scope of this practice. No specific legal relationship between the *environmental professional* and the *user* is necessary for the *user* to meet the requirements of this practice.

5. User's Responsibilities

5.1 *Scope*—The purpose of this section is to describe tasks that will help identify the possibility of *recognized environmental conditions* in connection with the *property*. These tasks do not require the technical expertise of an *environmental professional* and are generally not performed by *environmental professionals* performing a *Phase I Environmental Site Assessment*. They may be performed by the *user*.

5.2 *Checking Title Records for Environmental Liens*—*Reasonably ascertainable recorded land title records* should be checked to identify *environmental liens* or activity and use limitations, if any, that are currently recorded against the *property*. Any *environmental liens* or activity and use limitations so identified shall be reported to the *environmental professional* conducting a *Phase I Environmental Site Assessment*. This practice does not impose on the *environmental professional* the responsibility to check for recorded *environmental liens* or activity and use limitations. Rather, the *user* should check or engage a title company or title professional to check *reasonably ascertainable recorded land title records* for *environmental liens* or activity and use limitations currently recorded against the *property*.

5.2.1 *Reasonably Ascertainable*—*Environmental liens* that are unrecorded or are recorded any place other than *recorded land title records* are not considered to be in *recorded land title records* that are *reasonably ascertainable*. *Recorded land title records* need not be checked if they otherwise do not meet the definition of the term *reasonably ascertainable*.

5.2.2 Recorded Land Title Records—The term *recorded land title records* means records of fee ownership, leases, land contracts, easements, liens, and other encumbrances on or of the *property* recorded in the place where land title records are, by law or custom, recorded for the local jurisdiction in which the *property* is located. (Often such records are kept by a municipal or county recorder or clerk.) The *user* should provide these records when they are in its possession and are *reasonably ascertainable*.

5.3 Specialized Knowledge or Experience of the User—If the *user* is aware of any specialized knowledge or experience that is material to *recognized environmental conditions* in connection with the *property*, it is the *user's* responsibility to communicate any information based on such specialized knowledge or experience to the *environmental professional*. The *user* should do so before the *environmental professional* does the *site reconnaissance*. The *environmental professional* should request this information of the *user* prior to the *site reconnaissance*.

5.4 Reason for Significantly Lower Purchase Price—In a transaction involving the purchase of a parcel of *forestland* or *rural property*, if a *user* has *actual knowledge* that the purchase price of the *property* is significantly less than the purchase price of comparable properties, the *user* should try to identify an explanation for the lower price and to make a written record of such explanation. However, such explanation is necessary only if the *user* has determined that the lower price is the result of a *recognized environmental condition*. Among the factors to consider will be the information that becomes known to the *user* pursuant to the *Phase I Environmental Site Assessment*. The *environmental professional* should request this information of the *user* prior to the *site reconnaissance*.

5.5 Tract Maps—The *user* shall provide individual tract maps for the subject *property*, at the *environmental professional's* request, if these maps are *reasonably ascertainable*. These maps can provide vegetation stock and stand type information, internal woods roads designation, *SMZs*, hunt camps, and other additional information which, when used in combination with other sources, should be of use to the *environmental professional*.

6. Phase I Environmental Site Assessment

6.1 Objective—The purpose of this *Phase I Environmental Site Assessment* is to identify, to the extent feasible pursuant to the processes prescribed herein, *recognized environmental conditions* in connection with the *property* (see 1.1.1).

6.2 Four Components—A *Phase I Environmental Site Assessment* shall have four components, as described as follows:

6.2.1 *Records Review*—Review of records; see Section 7,

6.2.2 *Site Reconnaissance*—A visit to the *property*; see Section 8,

6.2.3 *Interviews*:

6.2.3.1 *Interviews* with current *owners* and *occupants* of the *property*; see Section 9, and

6.2.3.2 *Interviews* with local government officials; see Section 10,

6.2.4 *Report*—Evaluation and report; see Section 11.

6.3 *Coordination of Parts*:

6.3.1 *Parts Used in Concert*—The *records review*, *site reconnaissance*, and *interviews* are intended to be used in concert with each other. If information from one source indicates the need for more information, other sources may be available to provide information. For example, if a previous use of the *property* as a gasoline station is identified through the *records review*, but the present *owner* and *occupants* interviewed report no knowledge of an *underground storage tank*, the person conducting the *site reconnaissance* should be alert for signs of the presence of an *underground storage tank*.

6.3.2 *User Obligations*—The *environmental professional* shall note in the report whether or not the *user* has reported to the *environmental professional* any *environmental liens* encumbering the *property* or any specialized knowledge or experience of the *user* that would provide important information about previous ownership or uses of the *property* that may be material to identifying *recognized environmental conditions*.

6.4 *No Sampling*—This practice does not include any testing or sampling of materials (for example, soil, water, air, or building materials).

6.5 *Who May Conduct a Phase I*:

6.5.1 *Environmental Professional's Duties*—The *interviews* and *site reconnaissance*, as well as review and interpretation of information upon which the report is based and overseeing the writing of the report, are all portions of a *Phase I Environmental Site Assessment* that shall be performed by an *environmental professional* or *environmental professionals*. If more than one *environmental professional* is involved in these tasks, they shall coordinate their efforts.

6.5.2 *Environmental Professional Supervision*—Information for the *records review* needed for completion of a *Phase I Environmental Site Assessment* may be provided by a number of parties including government agencies, third-party vendors, the *user*, and present and past *owners* and *occupants* of the *property*, provided that the information is obtained by or under the supervision of an *environmental professional* or is obtained by a third-party vendor specializing in retrieval of the information specified in Section 7. Prior assessments may also contain information that will be appropriate for usage in a current *environmental site assessment* provided the prior usage procedures set forth in Sections 7, 8, and 9 are followed. The *environmental professional(s)* participating in the *site reconnaissance* and responsible for the report shall review all of the information provided.

6.5.2.1 *Reliance*—An *environmental professional* is not required to verify independently the information provided but may rely on information provided unless he or she has *actual knowledge* that certain information is incorrect or unless it is *obvious* that certain information is incorrect based on other information obtained in the *Phase I Environmental Site Assessment* or otherwise actually known to the *environmental professional*.

7. Records Review

7.1 *Introduction*:

7.1.1 *Objective*—The purpose of the *records review* is to obtain and review records that will help identify *recognized environmental conditions* in connection with the *property*.

7.1.2 *Approximate Minimum Search Distance*—Some records to be reviewed pertain not just to the *property* but also pertain to properties within an additional *approximate minimum search distance* in order to help assess the likelihood of problems from migrating *hazardous substances* or *petroleum products* and connecting *SMZs*, water bodies, and buffer zones. When the term *approximate minimum search distance* includes areas outside the *property*, it shall be measured from the nearest *property* boundary. The term *approximate minimum search distance* is used in lieu of radius in order to include irregularly shaped properties.

7.1.2.1 *Reduction of Approximate Minimum Search Distance*—When allowed by 7.2.1.1, the *approximate minimum search distance* for a particular record may be reduced at the discretion of the *environmental professional*. Factors to consider in reducing the *approximate minimum search distance* include: (1) the density (for example, urban, rural, or suburban) of the setting in which the *property* is located; (2) the distance that the *hazardous substances* or *petroleum products* are likely to migrate based on local geologic or hydrogeologic conditions; (3) the relationship of *SMZs*, water bodies, and buffer zones to adjacent properties; and (4) other reasonable factors. The justification for each reduction and the *approximate minimum search distance* actually used for any particular record shall be explained in the report. If the *approximate minimum search distance* is specified as “*property only*,” then the search shall be limited to the *property* and may not be reduced unless the particular record is not *reasonably ascertainable*.

7.1.3 *Accuracy and Completeness*—Accuracy and completeness of record information vary among information sources, including governmental sources. Record information is often inaccurate or incomplete. The *user* or *environmental professional* is not obligated to identify mistakes or insufficiencies in information provided. However, the *environmental professional* reviewing records shall make a reasonable effort to compensate for mistakes or insufficiencies in the information reviewed that are *obvious* in light of other information of which the *environmental professional* has *actual knowledge*.

7.1.4 *Reasonably Ascertainable/Standard Sources*—Availability of record information varies from information source to information source, including governmental jurisdictions. The *user* or *environmental professional* is not obligated to identify, obtain, or review every possible record that might exist with respect to a *property*. Instead, this practice identifies record information that shall be reviewed from standard sources, and the *user* or *environmental professional* is required to review only record information that is *reasonably ascertainable* from those standard sources. Record information that is *reasonably ascertainable* means (1) information that is publicly available, (2) information that is obtainable from its source within reasonable time and cost constraints, and (3) information that is *practically reviewable*.

7.1.4.1 *Publicly Available*—Information that is *publicly available* means that the source of the information allows access to the information by anyone upon request.

7.1.4.2 *Reasonable Time and Cost*—Information that is obtainable within reasonable time and cost constraints means

that the information will be provided by the source within 45 calendar days of receiving a written, telephone, or in-person request at no more than a nominal cost intended to cover the source’s cost of retrieving and duplicating the information. Information that can only be reviewed by a visit to the source is *reasonably ascertainable* if the visit is permitted by the source within 20 days of request.

7.1.4.3 *Practically Reviewable*—Information that is *practically reviewable* means that the information is provided by the source in a manner and in a form that, upon examination, yields information relevant to the *property* without the need for extraordinary analysis of irrelevant data. The form of the information shall be such that the *user* can review the records for a limited geographic area. Records that cannot be feasibly retrieved by reference to the location of the *property* or a geographic area in which the *property* is located are not generally *practically reviewable*. Most databases of public records are *practically reviewable* if they can be obtained from the source agency by the county, city, zip code, or other geographic area of the facilities listed in the record system. Records that are sorted, filed, organized, or maintained by the source agency only chronologically are not generally *practically reviewable*. Listings in publicly available records, which do not have adequate address information to be located geographically, are not generally considered *practically reviewable*. For large databases with numerous facility records (such as RCRA generators, NAIs, and registered USTs), the records are not *practically reviewable* unless they can be obtained from the source agency in the smaller geographic area of zip codes. Even when information is provided by zip code for some large databases, it is common for an unmanageable number of sites to be identified within a given zip code. In these cases, it is not necessary to review the impact of all of the sites that are likely to be listed in any given zip code because that information would not be *practically reviewable*. In other words, when so much data is generated that it cannot be feasibly reviewed for its impact on the *property*, it is not required to be reviewed.

7.1.5 *Alternatives to Standard Sources*—Alternative sources may be used instead of standard sources if they are of similar or better reliability and detail, or if a *standard source* is not *reasonably ascertainable*.

7.1.6 *Coordination*—If records are not *reasonably ascertainable* from *standard sources* or alternative sources, the *environmental professional* shall attempt to obtain the requested information by other means specified in this practice such as questions posed to the current *owner* or *occupant(s)* of the *property* or appropriate persons available at the source at the time of the request.

7.1.7 *Sources of Standard Source Information*—*Standard source* information or other record information from government agencies may be obtained directly from appropriate government agencies or from commercial services. Government information obtained from non-governmental sources may be considered current if the source updates the information at least every 90 days or, for information that is updated less frequently than quarterly by the government agency,