

# USER QUESTIONNAIRE

## Description of Site: Address

### 1. Introduction

In order to qualify for one of the *Landowner Liability Protections (LLPs)*<sup>1</sup> offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "*Brownfields Amendments*")<sup>2</sup>, the *user* must provide the following information (if available) to the *environmental professional*. Failure to provide this information could result in a determination that "*all appropriate inquiry*" is not complete.

### 2. Required Information

#### 2.1 Environmental cleanup liens that are filed or recorded against the site (40 CFR 312.25).

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

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

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

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

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

**2.4 Relationship of the purchase price to the fair market value of the *property* if it were not contaminated (40 CFR 312.29).**

Does the purchase price being paid for this *property* reasonable reflect the fair market value of the *property*? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is know or believed to be present at the *property*?

**2.5 Commonly known or *reasonably ascertainable* information about the property (40 CFR 312.30).**

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

- A. Do you know the past uses of the *property*?
- B. Do you know of specific chemicals that are present or once were present at the *property*?
- C. Do you know of spills or other chemical releases that have taken place at the *property*?
- D. Do you know of any environmental cleanups that have taken place at the *property*?

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

As the *user* of the ESA, based on your knowledge and experience related to the *property* are there any obvious indicators that point to the presence or likely presence of contamination at the *property*?

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<sup>1</sup>*Landowner Liability Protections*, or *LLPs*, is the term used to describe the three types of potential defenses to Superfund liability in EPA's *Interim Guidance Regarding Criteria Landowners Must Meet in Order to Qualify for Bona Fide Prospective Purchases, Contiguous Property Owner, or Innocent Landowner Limitations on CERCLA Liability* ("Common Elements" Guide) issued on March 6, 2003.

<sup>2</sup>P.L. 107-118.

**3. ADDITIONAL INFORMATION**

In addition, certain information should be collected, if available, and provided to the *environmental professional* selected to conduct the Phase I. This information is intended to assist the *environmental professional* but is not necessarily required to qualify for on the *LLPs*. The information includes:

**3.1 Specify the reason why the Phase I is required:**

**3.2 Specify the type of *property* and type of *property* transaction, for example, sale, purchase, exchange, etc.:**

**3.3 Provide the complete and correct address for the *property* (a map or other documentation showing *property* location and boundaries is helpful):**

**3.4 Provide the scope of services desired for the Phase I (including whether any parties to the *property* transaction may have a required standard scope of services on whether any considerations beyond the requirements of Practice E 1527 are to be considered):**

**3.5 Provide the identification of all parties who will rely on the Phase I *report*:**

**3.6 Provide the identification of the site contact and how the contact can be reached:**

**3.7 Provide any special terms and conditions which must be agreed upon by the *environmental professional*:**

**3.8 Provide any other knowledge or experience with the *property* that may be pertinent to the *environmental professional* (for example, copies of any available prior *environmental site assessment reports*, documents, correspondence, etc., concerning the *property* and its environmental condition).**

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This Questionnaire was adopted from the ASTM E1527-05 Phase I Environmental Site Assessment Standard.

#### **4. USER'S INFORMATION**

**This questionnaire was completed by:**

**Name:**

**Title:**

**Firm:**

**Address:**

**Phone Number:**

**Date:**

Copies of the completed questionnaire have been filed at:

Pennsylvania Tectonics, Inc.  
826 Main Street  
Peckville, PA 18452

Copies of the completed questionnaire have been mailed or delivered to:

User represents that to the best of the user's knowledge the above statements and facts are true and correct and to the best of the user's actual knowledge, no material facts have been suppressed or misstated.

**Signature:**

**Signature:**