All Appropriate Inquiries Final Rule:

Reporting Requirements Checklist for Assessment and Multipurpose Grant Recipients

What are "All Appropriate Inquiries"?

"All appropriate inquiries," or AAI, is a process of evaluating a property's environmental conditions and assessing the likelihood of any contamination. Every Phase I environmental assessment conducted with EPA Brownfields Assessment Grant funds ***must*** be conducted in compliance with the AAI Final Rule at 40 CFR Part 312. The AAI Final Rule provides that the ASTM E1527-21 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" and ASTM E2247-23 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property" are consistent with the requirements of the final rule and may be used to comply with the provisions of the rule. In addition, AAI must be conducted in compliance with the Final Rule or the ASTM standard to obtain certain protections from liability under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as an innocent landowner, contiguous property owner, or bona fide prospective purchaser.

What are the documentation requirements for All Appropriate Inquiries?

The final rule requires that the results of an AAI investigation be documented in a written report.

The specific reporting requirements are provided in 40 CFR §312.21 and §312.31 of the final rule and ASTM E1521-21 and E2247-23 standards. All AAI final reports ***must***, at a minimum, include the following:

1. An ***opinion*** as to whether the inquiry identified conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.

2. An identification of ***"significant" data gaps*** (as defined in §312.10 of AAI final rule and §12.5 of ASTM E1527-21), if any, in the information collected for the inquiry. Significant data gaps include missing or unattainable information that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property. The documentation of significant data gaps must include information regarding the significance of these data gaps.

3. ***Qualifications and signature*** of the environmental professional(s). The environmental professional must place the following statements in the document and sign 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."*
     Note: Please use either "I" or "We."

4. In compliance with §312.3l(b) of the AAI final rule and §12.8 of ASTM E1527-21, the environmental professional must include in the final report an ***opinion regarding additional appropriate investigation***, if the environmental professional has such an opinion.

For each Phase I Environmental Site Assessment, or AAI, conducted using EPA Brownfields Grant funds, the grant recipient must complete, sign, date, and submit the following checklist with any AAI reports submitted to EPA. Also see U.S. EPA's website at **www.epa.gov/brownfields** for additional information.

Checklist for Phase I Site Assessments Conducted using EPA Brownfields Assessment Grant Funds

Contact Information

Grant Recipient Name: _____

Grant Number: _____

ACRES Property ID: _____

Program Manager Name: (Point of Contact) _____

Contact Phone Number: _____

Name/Address of Property Assessed: _____

Checklist

Please indicate that each of the following All Appropriate Inquiries documentation requirements were met for the Phase I assessment conducted at the above listed property:

- ☐ An ***opinion*** as to whether the inquiry has identified conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.

- ☐ An identification of ***"significant" data gaps*** as defined in §312.10 of AAI final rule and §12.5 of ASTM E1527-21), if any, in the information collected for the inquiry, as well as comments regarding the significance of these data gaps. Significant data gaps including missing and unattainable information that affects the ability of the environmental professional to identify conditions indicative of releases or threatened releases of hazardous substances, and as applicable, pollutants and contaminants, petroleum or petroleum products, or controlled substances, on, at, in, or to the subject property.

- ☐ ***Qualifications and signature*** of the environmental professional(s). The environmental professional must place the following statements in the document and sign 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."*

  Note: Please use either "I" or "We."

- ☐ In compliance with §312. 31 b) of the AAI final rule and §12.8 of ASTM E1527-21, the environmental professional must include in the final report an opinion regarding additional appropriate investigation, if the environmental professional has such an opinion.

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Signature of Program Manager **Date**