

**Utah Department of Environmental Quality
Division of Environmental Response and Remediation (DEQ/DERR)
All Appropriate Inquiries (AAI) Checklist**

Notice:

This checklist is prepared by the DEQ/DERR as a tool to assist DEQ staff reviewing and applicants conducting AAI. This checklist is not expected to cover all situations that may be encountered and therefore is not all encompassing, since it is intended to be used only for guidance. This checklist is for informational purposes and should not be considered professional or legal advice. This checklist does not replace an applicant's obligation to ensure they have met all relevant requirements, state and/or federal statutes, rules, standards and procedures applicable to AAI.

Site Information:

Site Name/ ID:	
User of the Phase I:	
Environmental Professional (EP):	
Purpose of the AAI?	<input type="checkbox"/> EWA <input type="checkbox"/> BF Grant <input type="checkbox"/> Other:

AAI Requirements (must be completed within the listed timeframes prior to property acquisition):

Environmental Professional			User		
Requirement	40 CFR	ASTM†	Requirement	40 CFR	ASTM†
1. EP Inquiry & Declaration (i.e. Phase I)	312.21	12.13	1. Lien/AUL Search	312.25	8.2
2. Interviews	312.23	10 & 11	2. Specialized Knowledge*	312.28	6.3
3. Review of Historical Records	312.24	8.3	3. Purchase price vs. market value*	312.29	6.5
4. Review of Government Records	312.26	8.2	4. Commonly known info.*	312.30	6.6
5. Inspections/Site Reconnaissance	312.27	9	5. Degree of obviousness*	312.31	6.7
Red items have 180 day time limit, all others = 1 year			* Can be addressed by user questionnaire or report text † Refers to ASTM E1527-13		

EP Inquiry (e.g. Phase I ESA Report):

Review Item	Status	Comments
Interviews <i>Date Conducted: _____ (Expiration:180 Days)</i>		
Required (AAI): <input type="checkbox"/> Current Owner* <input type="checkbox"/> Current Operator/Occupant(s)* <input type="checkbox"/> Adjacent Owners/Occupants** Required (ASTM): <input type="checkbox"/> Key Site Manager* <input type="checkbox"/> Local Fire Dept. <input type="checkbox"/> State/Local Health Dept. <input type="checkbox"/> State/Local Enviro. Agency (* These may be the <input type="checkbox"/> same or <input type="checkbox"/> different people; ** required for abandoned Property only) As Needed: <input type="checkbox"/> Past Owners <input type="checkbox"/> Past Operators/Occupants <input type="checkbox"/> Current/Past Employees <input type="checkbox"/> User		
<ul style="list-style-type: none"> All required interviews conducted? <i>Provide dates</i> Were interviews conducted within 180 days of property acquisition? Missing interviews explained as Data Gap? 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	
Historical Records Review <i>Date Conducted: _____ (Expiration:180 Days)</i>		
<u>Records Used</u> (can be included with EDR-type search or searched separately) Common: <input type="checkbox"/> Aerial Photos <input type="checkbox"/> Insurance Maps (ex: Sanborn) <input type="checkbox"/> Topo Maps <input type="checkbox"/> City Directories (ex: Polk) <input type="checkbox"/> Previous Assessments Additional: <input type="checkbox"/> Title Documents <input type="checkbox"/> Tax Records <input type="checkbox"/> Building Permits <input type="checkbox"/> News Sources <input type="checkbox"/> Other: _____		
<ul style="list-style-type: none"> Did review go back to first use of Property? (AAI) Records reviewed max. 5-year intervals? (ASTM BP) Reviewed records sufficient to evaluate Property? Was the review conducted within 180 days of property acquisition? Any missing information that should be noted in Data Gaps? 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	

Review Item	Status	Comments
Government Records Review		<i>Date Conducted:</i> _____ <i>(Expiration:180 Days)</i>
<i>Commercial Databases:</i> <input type="checkbox"/> EDR <input type="checkbox"/> GeoSearch <input type="checkbox"/> Other: _____ <i>Agencies:</i> <input type="checkbox"/> EPA <input type="checkbox"/> DEQ <input type="checkbox"/> Local Health Department <input type="checkbox"/> Other: _____ <i>Additional Records:</i> <input type="checkbox"/> Investigation Reports <input type="checkbox"/> Government Databases/Apps <input type="checkbox"/> Permits <input type="checkbox"/> Waste Disposal Records <input type="checkbox"/> Release Records <input type="checkbox"/> Public Health Records <input type="checkbox"/> AUL/ICs <input type="checkbox"/> Other: _____		
<u>Nearby/Adjoining Site Searches</u> <i>Searches should be based on Property boundaries. Point location searches may lead to errors when Property or nearby sites are large.</i> <ul style="list-style-type: none"> • Prescribed search radii used? (AAI) <input type="checkbox"/> Y <input type="checkbox"/> N • Search method: <input type="checkbox"/> Point locations <input type="checkbox"/> Polygon boundaries • All search result sites discussed in report?*(ASTM) <input type="checkbox"/> Y <input type="checkbox"/> N (*Blanket statements are acceptable) 		
<u>Agency Records</u> <i>Online records often incomplete. Review agency files/interview agency for identified sites of concern.</i> <ul style="list-style-type: none"> • Agency records reviewed for key sites of concern? <input type="checkbox"/> Y <input type="checkbox"/> N o If no, is an explanation provided? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA • Agency personnel interviewed for key sites of concern? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA 		
<u>Physical Setting Records</u> <ul style="list-style-type: none"> • Current USGS Topo Map of Property reviewed? (ASTM) <input type="checkbox"/> Y <input type="checkbox"/> N • Other physical setting information reviewed? <input type="checkbox"/> Y <input type="checkbox"/> N 		
<ul style="list-style-type: none"> • Reviewed records sufficient to evaluate Property? <input type="checkbox"/> Y <input type="checkbox"/> N • Was the review conducted within 180 days of property acquisition? <input type="checkbox"/> Y <input type="checkbox"/> N • Any missing information that should be noted in Data Gaps? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA 		
Property Inspections		<i>Date Conducted:</i> _____ <i>(Expiration:180 Days)</i>
<u>Property Inspection Items:</u> AAI: <input type="checkbox"/> Facilities and Improvements <input type="checkbox"/> Hazardous Substance Use, Storage, and Disposal Areas ASTM: <input type="checkbox"/> Structure Interiors <input type="checkbox"/> Structure Exteriors <input type="checkbox"/> Property perimeter <input type="checkbox"/> Roads <input type="checkbox"/> Paths	<u>Adjoining Properties Inspection Items:</u> AAI: <input type="checkbox"/> Hazardous Substance Use, Storage, and Disposal Areas	
<ul style="list-style-type: none"> • Was general site setting described? <input type="checkbox"/> Y <input type="checkbox"/> N • Was methodology of inspection described? <input type="checkbox"/> Y <input type="checkbox"/> N • Were any limiting conditions noted? <input type="checkbox"/> Y <input type="checkbox"/> N • Do limiting conditions represent a Data Gap? <input type="checkbox"/> Y <input type="checkbox"/> N • Were observations of current/past uses or RECs noted? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA • Was the inspection performed within 180 days of property acquisition? <input type="checkbox"/> Y <input type="checkbox"/> N 		
<u>If no inspection:</u> <ul style="list-style-type: none"> • Alternate inspection methods attempted/documentated? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA • Was this discussed as a Data Gap? <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA 		
EP Declaration		<i>Date Signed:</i> _____ <i>(Expiration:180 Days)</i>
<ul style="list-style-type: none"> • Does the Phase I include a declaration of qualifications from the EP? (AAI) <input type="checkbox"/> Y <input type="checkbox"/> N • Is the declaration dated within 180 days of property acquisition? <input type="checkbox"/> Y <input type="checkbox"/> N • Does EP meet the minimum qualifications defined by CFR 312.10? (AAI) <input type="checkbox"/> Y <input type="checkbox"/> N • Are EP qualifications included in the Phase I (ASTM)? <input type="checkbox"/> Y <input type="checkbox"/> N 		

Review Item	Status	Comments
Lien and Activities Use Limitation (AUL) Search	Date Conducted: _____	(Expiration:180 Days)
Who performed the search?: <input type="checkbox"/> User <input type="checkbox"/> EP Supporting Documentation: <input type="checkbox"/> Included <input type="checkbox"/> Not Included		
Method(s) Used: <input type="checkbox"/> Title Report <input type="checkbox"/> Title Insurance <input type="checkbox"/> Database Search <input type="checkbox"/> Public Record Search <input type="checkbox"/> Other: _____		
<ul style="list-style-type: none"> • Does the Phase I explicitly state that a lien and AUL search was performed? • Does the Phase I clearly state the findings of the lien and AUL search? • Was the search performed within 180 days of property acquisition? 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	

User Requirements (Information User must provide to EP)		
User Questionnaire Items (Source: <input type="checkbox"/> Report Text/ <input type="checkbox"/> User Questionnaire)		
Date Answered: _____		(Expiration:1 Year)
Specialized Knowledge		
If the User has any specialized knowledge that should make them aware of presence/likely presence of contamination at the Property		
<i>Examples Include:</i> <input type="checkbox"/> Property/Adjacent Properties History & Use <input type="checkbox"/> Similar Processes/Industries <input type="checkbox"/> Other		
<ul style="list-style-type: none"> • Did User address any specialized knowledge? (AAI) • If not answered, discussed as Data Gap? 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	
Purchase Price		
Comparison of the Property Purchase Price (PPP) to the Fair Market Value (FMV) of the Property		
<ul style="list-style-type: none"> • Did User address PPP? (AAI) • If PPP < FMV, is this due to contamination concerns? (AAI) • If not answered, discussed as Data Gap? 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	
Commonly Known Information		
If the User aware of any commonly known information about the Property.		
<i>Examples Include:</i> <input type="checkbox"/> Past uses <input type="checkbox"/> Chemicals used <input type="checkbox"/> Prior Spills/Releases <input type="checkbox"/> Prior Investigations/Cleanups <input type="checkbox"/> Information available in local community <input type="checkbox"/> Other		
<ul style="list-style-type: none"> • Did User address commonly known information?: (AAI) • If not answered, discussed as Data Gap? 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	
Degree of Obviousness		
If User is aware of any obvious indicators of releases at the property.		
<i>Examples Include:</i> <input type="checkbox"/> Visible Staining <input type="checkbox"/> Visible Waste/Debris <input type="checkbox"/> Signage <input type="checkbox"/> Building or Equipment Disrepair <input type="checkbox"/> Presence of Drums/Containers <input type="checkbox"/> Other		
<ul style="list-style-type: none"> • Did User address degree of obviousness?: (AAI) • If not answered, discussed as Data Gap? 	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> NA	

Phase I ESA Report Content:

Review Item	Status	Comments
Mandated Report Content		
<u>Findings (ASTM)</u> <i>Any of the following identified or suspected?:</i> <ul style="list-style-type: none"> • Recognized Environmental Conditions (RECs) <input type="checkbox"/>Y <input type="checkbox"/>N • Controlled RECs <input type="checkbox"/>Y <input type="checkbox"/>N • Historic RECs <input type="checkbox"/>Y <input type="checkbox"/>N • De minimus conditions <input type="checkbox"/>Y <input type="checkbox"/>N • Vapor migration, if applicable <input type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>NA 		
<u>Opinions (AAI)</u> <i>For each possible REC in Findings:</i> <ul style="list-style-type: none"> • Does EP give a Property-specific opinion whether each condition is / is not a REC for the Property? <input type="checkbox"/>Y <input type="checkbox"/>N • Does the EP support each opinion in the text? <input type="checkbox"/>Y <input type="checkbox"/>N 		
<u>Data Gaps (AAI)</u> <ul style="list-style-type: none"> • If none, is that explicitly stated? <input type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>NA • If any, <ul style="list-style-type: none"> ○ Are all data gaps discussed in the report? <input type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>NA ○ Is their significance/effect on the conclusions discussed? <input type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>NA 		
<u>Conclusions (ASTM)</u> <ul style="list-style-type: none"> • Were all identified RECs summarized? <input type="checkbox"/>Y <input type="checkbox"/>N • Were the ASTM prescribed summary statements used? (see ASTM Section 12.8) <input type="checkbox"/>Y <input type="checkbox"/>N 		
<u>Limiting Conditions and Deviations (ASTM)</u> <ul style="list-style-type: none"> • Were any limiting conditions or deviations encountered? <input type="checkbox"/>Y <input type="checkbox"/>N • Are these discussed in the report? <input type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>NA • If limitations are data gaps, are they listed as Data Gaps? <input type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>NA 		

Overall Review (Evaluation Factors for Presence/Likely Presence of Contamination):

Review Item	Status	Comments
Overall Review		
<u>Does Phase 1 adequately discuss?:</u> <ul style="list-style-type: none"> • Property features, location, and physical setting? <input type="checkbox"/>Y <input type="checkbox"/>N • Current + past Property/adjoining property uses? <input type="checkbox"/>Y <input type="checkbox"/>N • Current + past chemical uses? <input type="checkbox"/>Y <input type="checkbox"/>N • Current + past waste management/disposal practices? <input type="checkbox"/>Y <input type="checkbox"/>N • Prior corrective actions, ICs, or AULs? <input type="checkbox"/>Y <input type="checkbox"/>N <input type="checkbox"/>NA 		

END OF CHECKLIST