

**APPENDIX A**  
**GLOSSARY OF TERMS**

## GLOSSARY OF TERMS

This appendix provides definitions, descriptions of terms, and a list of acronyms for many of the words used in ASTM E 1527-13. These terms are an integral part of ASTM E 1527-13 and are critical to understanding ASTM E 1527-13 and its use.

### Definitions:

***Abandoned property*** – *Property* that can be presumed to be deserted, or an intent to relinquish possession or control can be inferred from the general disrepair or lack of activity thereon such that a reasonable person could believe that there was an intent on the part of the current *owner* to surrender rights to the *property*.

***Activity and use limitations***—Legal or physical restrictions or limitations on the use of, or access to, a site or facility: (1) to reduce or eliminate potential exposure to *hazardous substances* or *petroleum products* in the soil, soil vapor, groundwater, and/or surface water on the *property*, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. These legal or physical restrictions, which may include institutional and/or *engineering controls*, are intended to prevent adverse impacts to individuals or populations that may be exposed to *hazardous substances* and *petroleum products* in the soil or ground water on the *property*. See Note 1.

NOTE 1 – The term *AUL* is taken from Guide E2091 to include both legal (that is, institutional) and physical (that is, engineering) controls within its scope. Other agencies, organizations, and jurisdictions may define or utilize these terms differently (for example, EPA and California do not include physical controls within their definitions of “*institutional controls*.” Department of Defense and International County/City Management Association use “Land Use Controls.” The term “land use restrictions” is used but not defined in the *Brownfields Amendments*).

***Actual knowledge*** – The knowledge actually possessed by an individual who is a real person, rather than an entity. *Actual knowledge* is to be distinguished from constructive knowledge that is knowledge imputed to an individual or entity.

***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.

***Aerial photographs*** – Photographs taken from an aerial platform with sufficient resolution 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 8.3.4.1 of this practice.

***All Appropriate Inquiries*** – That inquiry constituting “all appropriate *inquiries* into the previous ownership and uses of the *property* consistent with good commercial and customary practice as defined in CERCLA, 42 U.S.C. §9601(35)(B), that will qualify a party to a *commercial real estate transaction* for one of the threshold criteria for satisfying the LLPs to CERCLA liability (42 U.S.C. §9601(35)(A) & (B), §9607(b)(3), §9607(q); and §9607(r)), assuming compliance with other elements of the defense. See Appendix X1.

***Approximate Minimum Search Distance*** – The area for which records must be obtained and reviewed pursuant to Section 8 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.

***Bona Fide Prospective Purchaser Liability Protection*** – A person may qualify as a bona fide prospective purchaser if, among other requirements, such person made “*all appropriate inquiries* into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices.” Knowledge of contamination resulting from *all appropriate inquiries* would not generally preclude this liability protection. A person must make all appropriate *inquiries* on or before the date of purchase. The facility must have been purchased after January 11, 2002. See Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

***Brownfields Amendments*** – Amendments to CERCLA pursuant to the Small Business Liability Relief and Brownfields Revitalization Act, Pub. L. No. 107-118 (2002), 42 U.S.C. §9601 et seq.

***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 8.3.4.7.

***Business Environmental Risk*** – A risk which can have a material environmental or environmentally-driven impact on the business associated with the current or planned use of a parcel of *commercial real estate*, not necessarily limited to those environmental issues required to be investigated in this practice. Consideration of *business environmental risk* issues may

involve addressing one or more non-scope considerations, some of which are identified in Section 13.

***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, 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.

***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.

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

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

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

***Contiguous Property Owner Liability Protection*** – A person may qualify for the contiguous property owner liability protection if, among other requirements, such person owns real property that is contiguous to, and that is or may be contaminated by *hazardous substances* from other real property that is not owned by that person. Furthermore, such person conducted *all appropriate inquiries* at the time of acquisition of the property and did not know or have reason

to know that the property was or could be contaminated by a release or threatened release from the contiguous property. The all appropriate inquiries must not result in knowledge of contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for the contiguous property owner liability protection. See Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

*Controlled recognized environmental condition*—a *recognized environmental condition* resulting from a past *release of hazardous substances or petroleum products* that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with *hazardous substances or petroleum products* allowed to remain in place subject to the implementation of required controls (for example, *property use restrictions, activity and use limitations, institutional controls, or engineering controls*). (see Note 2.) A condition considered by the *environmental professional* to be a *controlled recognized environmental condition* shall be listed in the findings section of the *Phase I Environmental Site Assessment report*, and as a *recognized environmental condition* in the conclusions section of the *Phase I Environmental Site Assessment report*. (see Note 3.)

NOTE 2—For example, if a leaking underground storage tank has been cleaned up to a commercial use standard, but does not meet unrestricted residential cleanup criteria, this would be considered a controlled recognized environmental condition. The “control” is represented by the restriction that the property use remain commercial.

NOTE 3—A condition identified as a controlled recognized environmental condition does not imply that the environmental professional has evaluated or confirmed the adequacy, implementation, or continued effectiveness of the required control that has been, or is intended to be, implemented.

***CORRACTS list***— A list maintained by EPA of hazardous waste treatment, storage or disposal facilities and other RCRA-regulated facilities (due to past interim status or storage of hazardous waste beyond 90 days) that have been notified by the U.S Environmental Protection Agency to undertake corrective action under RCRA. The CORRACTS list is a subset of the EPA database that manages RCRA data.

***Data Failure*** – A failure to achieve the historical research objectives in 8.3.1 through 8.3.2.2 even after reviewing the standard historical sources in 8.3.4.1 through 8.3.4.8 that are reasonably ascertainable and likely to be useful. Data failure is one type of data gap. See 8.3.2.3.

***Data Gap*** – A lack of or inability to obtain information required by this practice despite good faith efforts by the environmental professional to gather such information. Data gaps may result

from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance (for example, an inability to conduct the site visit), and interviews (for example, an inability to interview the key site manager, regulatory officials, etc.). See 12.7.

*de minimis condition*—a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis conditions* are not *recognized environmental conditions* nor *controlled recognized environmental conditions*.

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

**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*.

**Dry wells**—Underground areas where soil has been removed and 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 (often illegal).

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

**Dwelling**—Structure or portion thereof used for residential habitation.

**Engineering controls (EC)**—Physical modifications to a site or facility (for example, capping, slurry walls, or point of use water treatment) to reduce or eliminate the potential for exposure to hazardous substances or petroleum products in the soil or groundwater on the property. Engineering controls are a type of activity and use limitation (AUL).

**Environment**—Environment shall have the same meaning as the definition of environment in CERCLA 42 U.S.C. § 9601(8)). For additional background information, see Legal Appendix (Appendix X1) to section XI. 1.1 “Releases and Threatened Release.”

**Environmental Compliance 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 compliance audit may include an environmental site assessment or, if prior audits are available, may be part of an environmental site assessment.

***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 U.S.C. §9607(1) & 9607(r) and similar state or local laws.

***Environmental Professional*** – A person meeting the education, training, and experience requirements as set forth in 40 CFR §312.10(b). For the convenience of the reader, this section is reprinted in Appendix X2. The person may be an independent contractor or an employee of the user.

***Environmental Site Assessment*** – 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 *all appropriate* inquiries or, if the user is not concerned about qualifying for the LLPs, less inquiry than that constituting *all appropriate* inquiries. An *environmental site assessment* is both different from and often less rigorous than an *environmental compliance audit*.

***ERNS list***—EPA’s emergency response notification system 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 CFR Parts 302 and 355.

***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 Code of Federal Regulations (CFR), as well as published in the *Federal Register*.

***Fill Dirt*** – Dirt, soil, sand, or other earth, that is obtained off-site, 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.

***Fire insurance maps***—Maps produced for private fire insurance map companies that indicate uses of properties at specified dates and that encompass the *property*. These maps are often available at local libraries, historical societies, private resellers, or from the map companies who produced them.

***Good Faith*** – The absence of any intention to seek an unfair advantage or to defraud another party; an honest and sincere intention to fulfill one’s obligations in the conduct or transaction concerned.

***Hazardous substance***—A substance defined as *hazardous substance* pursuant to CERCLA 42 U.S.C. §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 Resource Conservation and Recovery Act of 1976 (RCRA), as amended, (42 U.S.C. §6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§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 U.S.C. §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; 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.)

***Hazardous waste***—Any *hazardous waste* having the characteristics identified under or listed pursuant to section 3001 of RCRA, as amended, (42 U.S.C. §6921) (but not including any waste the regulation of which under RCRA (42 U.S.C. §§6901-6992k) has been suspended by Act of Congress). RCRA is sometimes also identified as the Solid Waste Disposal Act. RCRA defines a *hazardous waste*, at 42 U.S.C. §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.”



***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.

***Historical Recognized Environmental Condition*** – A past release, of any *hazardous substances or petroleum products* that has occurred in connection with the *property* and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the *property* to any required controls (for example, *property* use restrictions, activity and use limitations, institutional controls or engineering controls). Before calling the past *release* a *historical recognized environmental condition* the *environmental professional* must determine whether the past *release* is a *recognized environmental condition* at the time the Phase I Environmental Site Assessment is conducted (for example, if there has been a change in the regulatory criteria). If the EP considers the past *release* to be a *recognized environmental condition* at the time the Phase IESA is conducted, the condition shall be included in the conclusions section of the report as a *recognized environmental condition*.

***IC/EC Registries*** – Databases of institutional controls or engineering controls that may be maintained by a federal, state or local environmental agency for purposes of tracking sites that may contain residual contamination and AULs. The names for these may vary from program to program and state to state, and include terms such as Declaration of Environmental Use Restriction database (Arizona), list of “deed restrictions” (California), environmental real covenants list (Colorado), brownfields site list (Indiana, Missouri) and the Pennsylvania Activity and Use limitation (PA AUL) Registry..

***Innocent Landowner Defense*** – (42 U.S.C. §§9601(35) & 9607(b)(3)) – A person may qualify as one of three types of innocent landowners: (i) a person who “did not know and had no reason to know” that contamination existed on the property at the time the purchaser acquired the property; (ii) a government entity which acquired the property by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation; and (iii) a person who “acquired the facility by inheritance or bequest.” To qualify for the innocent landowner defense, such person must have made *all appropriate inquiries* on or before the date of purchase. Furthermore, the *all appropriate inquiries* must not have resulted in knowledge of the contamination. If it does, then such person did “know” or “had reason to know” of contamination and would not be eligible for the *innocent landowner defense*. See Appendix X1 for the other necessary requirements that are beyond the scope of this practice.

***Institutional controls (IC)*** — A legal or administrative restriction (for example, “deed restrictions,” restrictive covenants, easements, or zoning) on the use of, or access to, a site or facility to (1) reduce or eliminate potential exposure to hazardous substances or petroleum products in the soil or groundwater on the property, or (2) to prevent activities that could interfere with the effectiveness of a response action, in order to ensure maintenance of a condition of no significant risk to public health or the environment. An *institutional control* is a type of *Activity or Use Limitation (AUL)*.

***Interviews*** – Those portions of this practice that are contained in Section 10 and 11 thereof and address questions to be asked of past and present *owners, operators, and occupants* of the *property* and questions to be asked of local government officials.

***Key site manager*** – The person identified by the *owner or operator* of a *property* as having good knowledge of the uses and physical characteristics of the *property*. See 10.5.1.

***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.

***Landowner Liability Protections (LLPs)*** – *Landowner liability protections* under CERCLA; these protections include the *bona fide prospective purchaser liability protection, contiguous property owner liability protection, and innocent landowner defense* from CERCLA liability. See 42 U.S.C. §§9601(35)(A), 9601(40), 9607(b), 9607(q), 9607(r).

***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.

***Local street directories***—Directories published by private (or sometimes government) sources that show ownership, occupancy, and/or use of sites by reference to street addresses. Often, *local street directories* are available at libraries or historical societies, and/or local municipal offices. See 8.3.4.6 of this practice.

***LUST sites*** – State lists of leaking *underground storage tank* sites. 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. (42 U.S.C. §6991b).

**Major occupants** – Those tenants, subtenants, or other persons or entities each of which uses at least 40% of the leasable area of the *property* or any anchor tenant when the *property* is a shopping center.

**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 C.F.R. §1910.1200.

**Material threat** – A physically observable or *obvious* threat which is reasonably likely to lead to a *release* that, in the opinion of the *environmental professional*, is threatening and might result in impact to public health or the environment. An example might include an aboveground storage tank system that contains a *hazardous substance* and which shows evidence of damage. The damage would represent a *material threat* if it is deemed serious enough that it may cause or contribute to tank integrity failure with a *release* of contents to the environment.

Migrate/migration—For the purposes of this practice, “migrate” and Migration” refers to the movement of *hazardous substances* or *petroleum products* in any form, including, for example, solid and liquid at the surface or subsurface, and vapor in the subsurface. See Note 4.

NOTE 4—Vapor migration in the subsurface is described in Guide E2600; however, nothing in this practice should be construed to require application of the Guide E2600 standard to achieve compliance with all appropriate inquiries.

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

**National Priorities List (NPL)**—List compiled by the EPA, pursuant to CERCLA 42 U.S.C. §9605(a)(8)(B) of properties with the highest priority for cleanup pursuant to EPA’s Hazard Ranking System. See 40 C.F.R. Part 300.

**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*.

**Occupants**—Those tenants, subtenants, or other persons or entities using the *property* or a portion of the *property*.

**Operator** – The person responsible for the overall operation of a facility.

**Other historical sources** – Any source or sources other than those designated in 8.3.4.1 through 8.3.4.8 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, internet sites, community organizations, local libraries, historical societies, current *owners* or *occupants* of neighboring properties, and records in the files and/or personal knowledge of the *property owner* and/or *occupants*. See 8.3.4.9.

**Owner**—Generally the fee owner of record for the *property*.

**Petroleum exclusion**—The exclusion from CERCLA liability provided in 42 U.S.C. §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).”

**Petroleum products**—Those substances included within the meaning of the *petroleum exclusion* to CERCLA, 42 U.S.C. §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 U.S.C. §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*.<sup>1</sup>)

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

**Physical setting sources** – Sources that provide information about the geologic, hydrogeologic, hydrologic, or topographic characteristics of a property. See 8.2.4.

**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.

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<sup>1</sup> *Standard Definitions of Petroleum Statistics*, American Petroleum Institute, Fourth Edition, 1988.

***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 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*.

***Property***—The real *property* that is the subject of the *environmental site assessment* described in this practice. Real *property* includes buildings and other fixtures and improvements located on the *property* and affixed to the land.

***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 8.3.4.3

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

***RCRA generators***—Those persons or entities that generate *hazardous waste*, as defined and regulated by RCRA.

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

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

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

**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 20 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.

**Reasonably ascertainable** – Information that is (1) *publicly available*, (2) obtainable from its source within reasonable time and cost constraints, and (3) practically reviewable.

**Recognized environmental conditions** – the presence or likely presence of any *hazardous substances* or *petroleum products* in, on, or at a *property* (1) due to release to the environment; (2) under conditions indicative of a *release* to the *environment*; or (3) under conditions that pose a material threat of a future *release* to the *environment*. *De minimis conditions* are not *recognized environmental conditions*.

**Recorded land title records**—Records of historical fee ownership, which may include leases, land contracts, and AULs 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*. See 8.3.4.4.

**Records of emergency release notifications EPCRA** — 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” (42 U.S.C. 11004).

**Records review** – That part that is contained in Section 8 of this practice that addresses which records shall or may be reviewed.

**Release**—A *release* of any *hazardous substance* or *petroleum product* shall have the same meaning as the definition of “release” in CERCLA 42 U.S.C. § 9601(22)). For additional background information, see Legal Appendix (Appendix X1) to X1.1.1 “Releases and Threatened Release.”

**Report**—The written *report* prepared by the *environmental professional* and constituting part of a “*Phase I Environmental Site Assessment*,” as required by this practice.

**Site reconnaissance** – That part that is contained in Section 9 of this practice and addressed 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*.

**Site visit** – The visit to the property during which observations are made constituting the *site reconnaissance* section of this practice.

**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.

**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.

**Standard environmental record sources** – Those records specified in 8.2.1.

**Standard historical sources** – Those sources of information about the history of uses of *property* specified in 8.3.4.

**Standard physical setting source** – A current *USGS 7.5 Minute Topographic Map* (if any) showing the area on which the property is located. See 8.2.4.

**Standard practice** – The activities set forth in this practice.

**Standard sources** – Sources of environmental, physical setting, or historical records specified in Section 8 of this practice.

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

**Sump**—A pit, cistern, cesspool, or similar receptacle where liquids drain, collect, or are stored.

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

**Underground injection** – The emplacement or discharge of fluids into the subsurface by means of a well, improved sinkhole, sewage drain hole, subsurface fluid distribution system or other system, or groundwater point source.

**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.

**User** – The party seeking to use Practice E 1527 to complete an *environmental site assessment* of the *property*. A user may include, without limitation, a potential purchaser of *property*, a potential tenant of *property*, an *owner of property*, a lender, or a *property manager*. The *user* has specific obligations for completing a successful application of this practice outlined in Section 6.

**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*.

**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 person 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.

**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 stormwater 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.



**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 8.3.4.8

**Acronyms:**

**AULs** – Activity and Use Limitations.

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

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

**CFR**—Code of Federal Regulations.

**CORRACTS**—Facilities subject to corrective action under RCRA.

**EPA**—United States Environmental Protection Agency.

**EPCRA**—Emergency Planning and Community Right to Know Act (also known as SARA Title III), 42 U.S.C. §§11001-11050 *et seq.*).

**ERNS**—Emergency response notification system.

**ESA**—Environmental site assessment (different than an *environmental compliance audit*,3.2.27).

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

**FR**—Federal Register.

**ICs** – Institutional Controls.

**LLP** – Landowner Liability Protections under the Brownfields Amendments.

**LUST**—Leaking Underground Storage Tank.

**MSDS**—Material Safety Data Sheet.

**NCP**—National Contingency Plan.

***NFRAP*** – Former CERCLIS sites where no further remedial action is planned under CERCLA.

***NPDES*** – National Pollutant Discharge Elimination System.

***NPL*** – National Priorities List.

***PCBs*** – Polychlorinated biphenyls.

***PRP*** – Potentially Responsible Party (pursuant to CERCLA 42 U.S.C. §9607(a)).

***RCRA*** – Resource Conservation and Recovery Act (as amended, 42 U.S.C. §§6901 *et seq.*).

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

***TSDF*** – *Hazardous waste* treatment, storage or disposal facility.

***USC*** – United States Code.

***USGS*** – United States Geological Survey.

***UST*** – Underground Storage Tank.