



Instructions for the completion of the User questionnaire:

**According to ASTM E 1527-13 Appendix X3, “In order to qualify for one of the Landowner Liability Protections (LLPs) offered by the Small Business Liability Relief and Brownfields Revitalization Act of 2001, the user must conduct the following inquiries required by 40 CFR 312.25, 312.28, 312.29, 312.30, and 312.31. These inquiries must also be conducted by EPA Brownfield Assessment and Characterization grantees. The user should provide the following information to the Environmental Professional. Failure to conduct these inquiries could result in a determination that “all appropriate inquiries” is not complete.”**

**According to HUD MAP 9.3.A.h, “The applicant, or the current property owner (if different from the applicant), shall complete the User Questionnaire(s) ... which must be included in the ‘User Provided Information Section’ of the Phase I ESA and the preparer must take into account any information provided in the preparation of the Phase I ESA.”**

**Refinances\*:** The questionnaire must be completed by the sponsor/developer (i.e. Current Landowner or Current Landowner Representative). Since the sponsor/developer is completing this questionnaire, the Current Landowner Questionnaire is not required to be completed.

**Purchases/Acquisitions\*:** The questionnaire must be completed by the Prospective Landowner. Under this transaction, the Current Landowner Questionnaire is required to be completed by the Current Landowner or Current Landowner Representative.

\*If the property has been purchased within the last two (2) years, the Previous Landowner Questionnaire is also required.

**Please provide the following documentation to D3G, if available:**

- \* Previous Phase I Environmental Site Assessment reports
- \* Asbestos or Lead-Based Paint reports
- \* Environmental compliance audit reports
- \* Environmental permits
- \* Registrations for USTs and/or ASTs

**Please attach additional explanation for questions answered “YES” on the following page.**

## USER QUESTIONNAIRE

|   |  |             |            |  |
|---|--|-------------|------------|--|
| <b>SUBJECT PROPERTY NAME:</b>   |  |             |            |  |
| <b>SUBJECT PROPERTY ADDRESS:</b>  |  |             |            |  |
| <b>QUESTION</b>   | <b>YES</b>                               | <b>NO</b>   | <b>UNK</b> |  |
| 1. Did a search of recorded land title records (or judicial records where appropriate) identify any environmental liens filed or recorded against the property under federal, tribal, state or local law?   |  |             |            |  |
| 2. Did a search of recorded land title records (or judicial records where appropriate) identify any Activity and Use Limitations (AULs), such as engineering controls, land use restrictions or institutional controls that are in place at the property and/or have been filed or recorded against the property under federal, tribal, state or local law? |  |             |            |  |
| 3. Are you aware of any notices from any governmental entity regarding any possible violation of environmental laws or possible liability relating to hazardous substances or petroleum products?   |  |             |            |  |
| 4. Are you aware of any pending, threatened, or past litigation and/or administrative proceedings relevant to hazardous substances or petroleum products, in, on or from the subject property?  |  |             |            |  |
| 5. 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 or adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?         |  |             |            |  |
| 6. Do you know the past uses of the property?   |  |             |            |  |
| 7. Do you know specific chemicals that are present or once were present at the property?  |  |             |            |  |
| 8. Do you know of spills or other chemical releases that have taken place at the property?  |  |             |            |  |
| 9. Do you know of environmental cleanups that have taken place at the property?   |  |             |            |  |
| 10. Based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of releases at the property?   |  |             |            |  |
| 11. Is the property or has the property been used as a gasoline station, motor repair facility, commercial printing, dry cleaners, photo developing, landfill, industrial use, waste treatment or disposal facility?  |  |             |            |  |
| 12. Are you aware of fill dirt that has been brought onto the subject property that originated from a contaminated site or that is of an unknown origin?  |  |             |            |  |
| 13. Are there currently, or to the best of your knowledge have there been previously, any registered or unregistered storage tanks (above or underground) located on the subject property?  |  |             |            |  |
| 14. Are there existing or proposed stationary tanks containing explosive or fire-prone materials of 100 gallons or larger on the site or nearby the site?   |  |             |            |  |
| 15. Are there monitoring wells at the subject property?   |  |             |            |  |
| 16a. Does the purchase price being paid for this property reasonably reflect the fair market value of the property?   |  |             |            |  |
| 16b. If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?  |  |             |            |  |
| 17. Has a title search been performed? If yes, please attach.   |  |             |            |  |
| 18. What type of property transaction is being performed? i.e. sale, purchase, transfer, refinance?   |  |             |            |  |
| 19. If you are also the current landowner, in what year did you purchase the subject property?  |  |             |            |  |
| <b>Please return to D3G: fax 804-358-3003 or mail to 4121 Cox Road, Suite 200, Glen Allen, VA 23060</b>   |  |             |            |  |
| <b>PRINT NAME/SIGNATURE</b>   | <b>TITLE</b>                             | <b>DATE</b> |            |  |
| <b>COMPANY</b>  | <b>PROSPECTIVE or CURRENT LANDOWNER?</b> |             |            |  |

