§ 137.60 Reviews of Federal, State, tribal, and local government records.

(a) Federal, State, tribal, and local government records or databases of government records of the facility, the real property on which the facility is located, and adjoining properties must be reviewed for the purposes of achieving the objectives and performance factors of §137.30(a) and (b).

(b) All information collected by persons specified in §137.1(a) rather than an environmental professional regarding the existence of environmental cleanup liens associated with the facility and the real property on which the facility is located may be provided to the environmental professional or retained by the applicable party.

§ 137.50 Reviews of historical sources of information.

(a) Historical documents and records must be reviewed for the purposes of achieving the objectives and performance factors of §137.30(a) and (b). Historical documents and records may include, but are not limited to, aerial photographs, fire insurance maps, building department records, chain of title documents, and land use records.

(b) Historical documents and records reviewed must cover a period of time as far back in the history of the real property to when the first structure was built or when it was first used for residential, agricultural, commercial, industrial, or governmental purposes. The environmental professional may exercise professional judgment in context of the facts available at the time of the inquiry as to how far back in time it is necessary to search historical records.

§ 137.55 Searches for recorded environmental cleanup liens.

(a) All appropriate inquiries must include a search for the existence of environmental cleanup liens against the facility and the real property on which the facility is located that are filed or recorded under Federal, State, tribal, or local law.

(b) All information collected by persons specified in §137.1(a) rather than an environmental professional regarding the existence of environmental cleanup liens associated with the facility and the real property on which the facility is located may be provided to the environmental professional or retained by the applicable party.
§ 137.65 Visual inspections of the facility, the real property on which the facility is located, and adjoining properties.

(a) For the purpose of achieving the objectives and performance factors of §§137.30(a) and (b), the inquiry of the environmental professional must include the following:

(1) A visual on-site inspection of the facility and the real property on which the facility is located, and the improvements at the facility and real property, including a visual inspection of the areas where oil may be or may have been released into the environment.

(2) Records of all oil spills, releases, or threatened releases that occurred at the facility or real property.

(3) Records of all environmental regulatory actions that affected the facility or real property.

(4) Records of all environmental assessments or audits that were conducted at the facility or real property.

(5) Records of all environmental permits, inspections, and other regulatory requirements that apply to the facility or real property.

(6) Records of all environmental monitoring activities that have been conducted at the facility or real property.

(7) Records of all environmental remediation activities that have been conducted at the facility or real property.

(b) The environmental professional must also consider the following factors in determining the appropriate search distance for reviewing government records:

(1) The nature and extent of any releases or threatened releases.

(2) Geologic, hydrogeologic, or topographic conditions of the property and surrounding environment.

(3) Land use or development densities.

(4) The property type.

(5) Existing or past uses of surrounding properties.

(6) Potential migration pathways (e.g., groundwater flow direction, prevalent wind direction).

(7) Other relevant factors.