§ 137.33 General all appropriate inquiries requirements.

(a) All appropriate inquiries must be conducted within 1 year before the date of acquisition of the real property on which the facility is located, as evidenced by the date of receipt of the documentation transferring title to, or possession of, the real property and must include:

(1) An inquiry by an environmental professional, as provided in §137.35.

(2) The collection of information under §137.40 by persons specified in §137.1(a).

(b) The following components of the all appropriate inquiries must be conducted or updated within 180 days before the date of acquisition of the real property on which the facility is located:

(1) Interviews with past and present owners, operators, and occupants. See §137.45.

(2) Searches for recorded environmental cleanup liens. See §137.55.

(3) Reviews of Federal, State, tribal, and local government records. See §137.60.

(4) Visual inspections of the facility, the real property on which the facility is located, and the adjoining properties. See §137.65.

(5) The declaration by the environmental professional. See §137.35(d).

(c) All appropriate inquiries may include the results of and information contained in an inquiry previously conducted by, or on behalf of, persons specified in §137.1(a) who are responsible for the inquiries for the facility and the real property on which the facility is located if—

(1) The information was collected during the conduct of an all-appropriate-inquiries investigation under this part.

(2) The information was collected or updated within 1 year before the date of acquisition of the real property on which the facility is located.

(3) The following components of the inquiries were conducted or updated within 180 days before the date of acquisition of the real property on which the facility is located:

(i) Interviews with past and present owners, operators, and occupants. See §137.45.

(ii) Searches for recorded environmental cleanup liens. See §137.55.

(iii) Reviews of Federal, State, tribal, and local government records. See §137.60.

(iv) Visual inspections of the facility, the real property on which the facility is located, and the adjoining properties. See §137.65.

(v) The declaration by the environmental professional. See §137.35(d).

(d) All appropriate inquiries may include the results of an environmental professional’s report under §137.35(c) that have been prepared by or for other persons if—

(1) The reports meet the objectives and performance factors in §137.30(a) and (b); and

(2) The person specified in §137.1(a) reviews the information and conducts the additional inquiries under §§137.70, 137.75, and 137.80 and updates the inquiries requiring an update under paragraph (b) of this section.

(e) To the extent there are data gaps that affect the ability of persons specified in §137.1(a) and environmental professionals to identify conditions indicative of the presence or likely presence of oil, the gaps must be identified in
§ 137.40 Additional inquiries.

(a) Persons specified in §137.1(a) must conduct inquiries in addition to those conducted by the environmental professional under §137.35 and may provide the information associated with these additional inquiries to the environmental professional responsible for conducting the activities listed in §137.35—

(1) As required by §137.55 and if not otherwise obtained by the environmental professional, environmental cleanup liens against the facility and the real property on which it is located that are filed or recorded under Federal, State, tribal, or local law.

(2) As required by §137.70, specialized knowledge or experience of the person specified in §137.1(a).

(3) As required by §137.75, the relationship of the purchase price to the fair market value of the facility and the real property on which the facility is located if the oil was not at the facility and the real property on which it is located.

(4) As required by §137.80 and if not otherwise obtained by the environmental professional, commonly known or reasonably ascertainable information about the facility and the real property on which it is located.

(b) [Reserved]