

Glossary of Terms

A-H

Actual Knowledge.

The knowledge actually possessed by a real person, rather than an entity.

Adjoining Properties.

Any real property Or properties that have a border 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.

Stereoscopic photographs taken from an airplane or helicopter (from a low enough altitude to allow identification of development and activities through a stereoscope) of areas encompassing the property. Aerial photographs are often available from government agencies or private collections unique to a local area.

Appropriate Inquiry.

That inquiry constituting "all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice" as defined in CERCLA, 42 USC 9601(35)(B), that will give a party to a commercial real estate transaction the "innocent landowner defense" to CERCLA liability (42 USC 9601(A) and (B) and 9607(b)(3)), assuming compliance with other elements of the defense.

Approximate Minimum Search Distance.

The area for which records must be obtained and reviewed. The term *approximate minimum search distance* may include areas outside the property and shall be measured from the nearest property boundary. The term is used in lieu of radius to include irregularly shaped properties.

Asbestos.

Six naturally occurring fibrous minerals found in certain types of rock formations. Of the six, the minerals chrysotile, amosite, and crocidolite have been most commonly used in building products. When mined and processed, asbestos is typically separated into very thin fibers. Because asbestos is strong, incombustible, and corrosion-resistant, it was used in many commercial products beginning early in this century and peaking in the period from World War 11 into the 1970s. When inhaled in sufficient quantities, asbestos fibers can cause serious health problems.

Asbestos Containing Material (ACM).

Any material or product that contains more than one percent asbestos.

ASTM.

American Society for Testing and Materials.

Building Department Records.

Those records of the local government in whose jurisdiction the property is located indicating permission of the local government to construct, alter, or demolish improvements on the property. Often building permits are located in the building department of a municipality or county.

CAA.

Clean Air Act.

CERCLA.

Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 USC 9601 *et seq.*

CERCLIS.

Comprehensive Environmental Response, Compensation and Liability Information System, maintained by EPA, which includes 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.

CFR.

Code of Federal Regulations.

Commercial Real Estate.

The term *commercial real estate* includes, but is not limited to, undeveloped real property and real property used for industrial, retail, office, 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.

The purchase or lease of real property by persons or entities in the business of building or developing dwelling units for profit. A commercial real estate transaction does not include transfer of title to or possession of real property or the receipt of 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.

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 which have been designated by a government entity as contaminated by toxic substances (e.g., chlorinated solvents), or as having water unsafe to drink without treatment.

CORRACTS List.

EPA's list of treatment, storage, or disposal facilities subject to corrective action under RCRA.

CWA.

Clean Water Act.

Demolition Debris.

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

DOT.

U.S. Department of Transportation.

Drum.

A container (typically, but not necessarily, holding 55 gallons of liquid) which may be used to store hazardous substances and 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 or other conditions of a parcel of commercial real estate, usually in connection with a commercial real estate transaction. The degree and kind of due diligence vary for different properties and differing purposes.

Dwelling.

Structure or portion thereof used for residential habitation.

Environmental Audit.

The investigative process to determine if the operations of an existing facility are in compliance with applicable environmental laws and regulations.

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 on a given property. This includes (but is not limited to) liens imposed pursuant to CERCLA 42 USC 9607(1) and similar state or local laws.

Environmental Professional.

A person possessing sufficient training and experience necessary to conduct a site reconnaissance, interviews, and other activities. This person has the ability to develop conclusions regarding recognized environmental conditions in connection with the property in question. An individual's status as an environmental professional may be limited to the type of assessment to be performed or to specific segments of the assessment for which the professional is responsible. The person may be an independent contractor or an employee of the user.

Environmental Site Assessment (ESA).

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.

EPA.

United States Environmental Protection Agency.

EPCRA.

Emergency Planning and Community Right-to-Know-Act (also known as SARA Title 111), 42USC 11001 *et seq.*

ERNS.

Emergency Response Notification System.

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.

ESA.

Environmental Site Assessment.

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, which is obtained from somewhere 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, from historical societies, from private resellers, or from the map companies which produced them. Fire insurance maps must show the property and adjoining properties.

FOIA.

Freedom of Information Act, 5 U\$C 552 *et seq.*

FR.

Federal Register.

G**Hazardous Substance.**

A substance defined as hazardous pursuant to CERCLA 42 USC § 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 Solid Waste Disposal Act (42 USC 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC 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 USC 7412), and (F) any imminently hazardous chemical substance or mixture with respect to which the EPA administrator 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, nor does it include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas)."

Hazardous Waste.

Any hazardous substances having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (42 USC 6921) (but not including any waste the regulation of which under the Solid Waste Disposal Act (42 USC 6901 *et seq.*) has been suspended by Act of Congress). The Solid Waste Disposal Act of 1980 amended RCRA. RCRA defines a hazardous waste, in 42 USC 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 which release or suspected release has been reported to a government entity.
