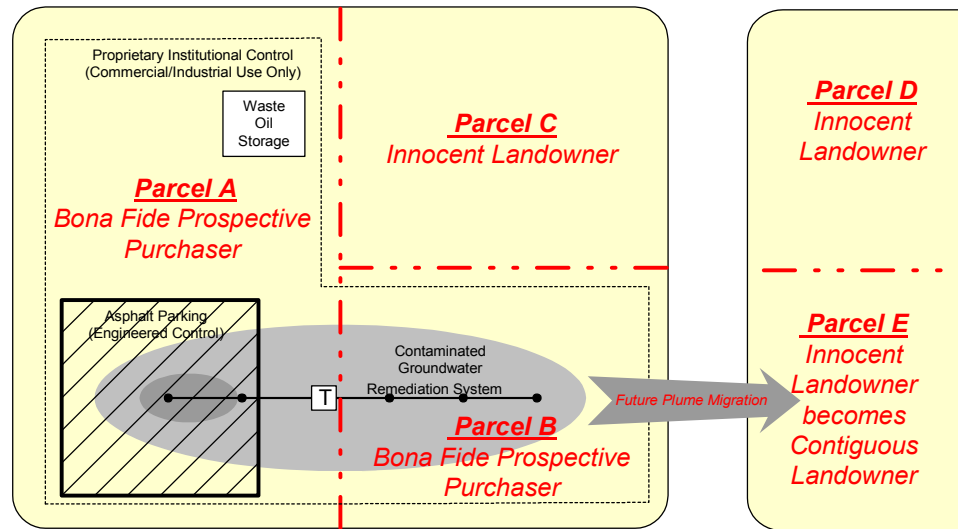


Comparison of A Landowner's Continuing Obligations to Preserve CERCLA Protection

For a qualified landowner intent on maintaining their CERCLA liability protection, continuing obligations are expected of the landowner upon purchase and through the term of ownership. The obligations are established based upon completion of All Appropriate Inquiry.

The rulemaking establishes Continuing Obligations dependent upon which Threshold Criteria the property satisfies. Other tests apply as well.

The table below represents the various continuing obligations dependent upon the parcel purchased and the associated Threshold Criteria. Additional obligations require providing access, responding to information requests, and transmitting legally required notices.



The parcels are representative of the three Threshold Criteria outcomes. A contamination release occurred at Parcel A contaminated Parcel B and in the future will contaminate Parcel E. Parcels A has an engineered control to limit infiltration. An active remediation system and institutional controls occur on Parcels A and B. In spite of the remediation, in the future Parcel E will become contaminated.

	Property Threshold Criteria Outcomes		
	Parcels A and B Status: Bona Fide Prospective Purchaser	Parcels C and D Status: Innocent Landowner	Parcel E Status: Contiguous Landowner (occurring in future)
Continuing Obligations			
Institutional Control	Monitor land use records to help ensure property restriction recorded on the deed limits use to commercial or industrial.	None	None
Land Use Restrictions	Monitor and maintain asphalt cap integrity committed to in a remedial action plan.	None	Land use restrictions may need to be crafted after discovery.
Stop continuing releases	Maintain groundwater remediation system, monitor land uses and inspect to maintain integrity of piping and wells.	None	Unlikely. The remediation of the property would still lie with the Responsible Party associated with Parcel A.
Prevent Threatened Future Releases	Maintain containment systems around waste oil storage drums.	None	None
Prevent or limit human, environmental or natural resource exposure to earlier hazardous substances releases	Monitor land use and excavations to limit exposure to groundwater contamination.	Given proximity of contamination, landowners should not undertake future activities like pumping to disturb groundwater flow.	Monitor land use and excavations to limit exposure to groundwater contamination.