

Roles and Responsibilities to Maintain Federal CERCLA and State Liability Protection

The Environmental Professional serves as the intermediary between the landowner who seeks to preserve CERCLA liability protection, and Terradex's application service. The Pre-Purchase Appropriate Inquiry defines applicable continuing obligations. After the landowner's purchase of the property, the Continuing Obligations fulfills obligations after purchase and continues across the land owner's term of ownership. While Terradex can advise and help during the pre-purchase Appropriate Inquiry, our monitoring services are integral to services to fulfill post-purchase continuing obligations.

Pre-Purchase Appropriate Inquiry:

	Terradex	Environmental Professional	Land Owner
Inquiry	<ul style="list-style-type: none"> Provide property records search to validate institutional controls. 	<ul style="list-style-type: none"> Perform "All Appropriate Inquiry" consistent with federal requirements, Perform inquires consistent with state pre-purchase due diligence requirements. 	<ul style="list-style-type: none"> Request "All Appropriate Inquiry" as part of Phase I services.
Reporting & Analysis	<ul style="list-style-type: none"> Advise to environmental professional to review site conditions to reasonable steps obligations. 	<ul style="list-style-type: none"> Inform as to the nature and extent of contamination on the property. Designate status as "bona fide prospective purchaser", "continuous property owner" or "innocent land owner" Identify "reasonable steps" regarding the contamination – how to stop continuing releases, prevent threatened future releases, and prevent or limit human, environmental and neutral resources exposure. Analysis consistent with state regulation 	<ul style="list-style-type: none"> Make Purchasing Decision Request Comfort Letter if site has significant federal involvement After purchase, fulfill continuing obligations

Post-Purchase Continuing Obligations:

	Terradex	Environmental Professional	Land Owner
Set-up	<ul style="list-style-type: none"> Validate institutional control recording Create any necessary institutional controls Manage land owner membership within excavation clearance Transmit required legal notices 	<ul style="list-style-type: none"> Specify to Terradex the institutional controls and other continuing obligations. Determine legal notice obligations and recording obligations. 	<ul style="list-style-type: none"> Designate Environmental Professional and Terradex as authorized agents of land owner.
Monitoring	<ul style="list-style-type: none"> Electronically monitor land use records Physically inspect property records and land use records Maintain monitoring records 	<ul style="list-style-type: none"> Physically inspect site for occupancy and condition of engineered controls Record inspection results to Terradex. 	<ul style="list-style-type: none"> Comply with information request and any administrative subpoenas
Alerting	<ul style="list-style-type: none"> Alert environmental professional of land use or activity conflict. Alert environmental professional of affirmative obligations. Record responses to alerts. 	<ul style="list-style-type: none"> Site inspections to qualify land use or activity alerts. Recommendations to land owner to mitigate potential conflicts. Implement mitigation activities 	<ul style="list-style-type: none"> Decide on responses to land use or activity conflicts using Environmental Professionals recommendations.
Reporting	<ul style="list-style-type: none"> Generate summary land use and activity tables and maps. 	<ul style="list-style-type: none"> Prepare annual Appropriate Care Report 	<ul style="list-style-type: none"> Utilize reports to provide CERCLA liability defense