

§ 312.30

§ 312.30 Commonly known or reasonably ascertainable information about the property.

(a) Throughout the inquiries, persons to whom this part is applicable per § 312.1(b) and environmental professionals conducting the inquiry must take into account commonly known or reasonably ascertainable information within the local community about the subject property and consider such information when seeking to identify conditions indicative of releases or threatened releases, as set forth in § 312.1(c), at the subject property.

(b) Commonly known information may include information obtained by the person to whom this part applies in § 312.1(b) or by the environmental professional about releases or threatened releases at the subject property that is incidental to the information obtained during the inquiry of the environmental professional.

(c) To the extent necessary to achieve the objectives and performance factors of § 312.20(e) and (f), persons to whom this part is applicable per § 312.1(b) and the environmental professional must gather information from varied sources whose input either individually or taken together may provide commonly known or reasonably ascertainable information about the subject property; the environmental professional may refer to one or more of the following sources of information:

(1) Current owners or occupants of neighboring properties or properties adjacent to the subject property;

(2) Local and state government officials who may have knowledge of, or information related to, the subject property;

(3) Others with knowledge of the subject property; and

(4) Other sources of information (e.g., newspapers, Web sites, community organizations, local libraries and historical societies).

§ 312.31 The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation.

(a) Persons to whom this part is applicable per § 312.1(b) and environmental professionals conducting an in-

40 CFR Ch. I (7-1-08 Edition)

quiry of a property on behalf of such persons must take into account the information collected under § 312.23 through 312.30 in considering the degree of obviousness of the presence of releases or threatened releases at the subject property.

(b) Persons to whom this part is applicable per § 312.1(b) and environmental professionals conducting an inquiry of a property on behalf of such persons must take into account the information collected under § 312.23 through 312.30 in considering the ability to detect contamination by appropriate investigation. The inquiry of the environmental professional should include an opinion regarding additional appropriate investigation, if any.

PART 350—TRADE SECRECY CLAIMS FOR EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW INFORMATION; AND TRADE SECRET DISCLOSURES TO HEALTH PROFESSIONALS

Subpart A—Trade Secrecy Claims

Sec.

350.1 Definitions.

350.3 Applicability of subpart; priority where provisions conflict; interaction with 40 CFR part 2.

350.5 Assertion of claims of trade secrecy.

350.7 Substantiating claims of trade secrecy.

350.9 Initial action by EPA.

350.11 Review of claim.

350.13 Sufficiency of assertions.

350.15 Public petitions requesting disclosure of chemical identity claimed as trade secret.

350.16 Address to send trade secrecy claims and petitions requesting disclosure.

350.17 Appeals.

350.18 Release of chemical identity determined to be non-trade secret; notice of intent to release chemical identity.

350.19 Provision of information to States.

350.21 Adverse health effects.

350.23 Disclosure to authorized representatives.

350.25 Disclosure in special circumstances.

350.27 Substantiation form to accompany claims of trade secrecy, instructions to substantiation form.

APPENDIX A TO SUBPART A—RESTATEMENT OF TORTS SECTION 757, COMMENT B