**Model No Current Federal Superfund Interest**

**Comfort/Status Letter**

[**Insert Addressee**]

RE: [**Insert name or description of property/site**]

Dear [**Insert name of the interested party**]:

Thank you for contacting the U.S. Environmental Protection Agency (EPA or the Agency) on [**insert** **date**] about your plans concerning the property referenced above (the “Property”). In your inquiry, you described your intentions to [**insert general description of the development (e.g., lease or buy the Property for commercial, residential, or recreational development)**] and requested that we provide you with a Superfund comfort/status letter.

[**OPTIONAL: Insert specific information based on the EPA regional practices. For example, include a summary of a telephone conversation with the interested party requesting a comfort letter.**]

Under the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfund),[[1]](#footnote-1) the Agency’s mission is to protect human health and the environment from the actual or potential risks posed by contaminated or potentially contaminated lands and other media. A Superfund cleanup can help return lands to productive reuse. We are providing this letter consistent with the Agency’s 2019 Comfort/Status letter policy. The purpose of this comfort/status letter is to address your potential CERCLA liability concerns at the impacted Property by summarizing the relevant information available to the EPA as of the date of this letter. We hope this information will enable you to make informed decisions regarding the Property’s cleanup status and CERCLA’s liability protections as you move forward with making a decision about the Property.

[**FOR SITES WITH NO CURRENT FEDERAL SUPERFUND INTEREST, yet were previously of interest to EPA, insert:** “For the reasons stated below, we have concluded response actions [or investigation] and do not presently contemplate additional Superfund action at the Site.”]

**Property Status**

Information on sites that are potentially hazardous and may warrant action under Superfund, including site-specific documents and fact sheets, is recorded in EPA’s Superfund Enterprise Management System (SEMS), which may be accessed at <https://cumulis.epa.gov/supercpad/cursites/srchsites.cfm>. SEMS includes a public access database that contains information about sites where there has been some Agency involvement under Superfund. [**Identify other sources of site-specific information, if available (e.g., EPA Web page, public repository).**]

The Property [**insert one of the following:**]

**[a.]** is defined as

**[b.]** is situated within

**[c.]** may be part of

**[d.]** is located near

the[**insert SEMS/NPL site name**] (Site). This Site [“is” or “was”] located in SEMS, [**insert one of the following:**]

**[a.]** but is not on the National Priorities List (NPL).

**[b.]** but has been archived.

**[c.]** but was [“deleted” or “partially deleted”] from the National Priorities List (NPL).

[**For sites where there is NO CURRENT FEDERAL INTEREST, choose from one of the following sections, inserting other site-specific details as necessary. If all response actions are complete, but the site has not yet been archived or deleted, modify the language appropriately.**]

[**APPLICABLE TO ARCHIVED SITES** – **NOTE: There may have been a removal action at the site or there may still be interest under the Resource Conservation and Recovery Act (RCRA), Underground Storage Tanks (UST), Toxic Substances Control Act (TSCA), or Oil Pollution Act (OPA) programs.**]

The Agency has archived the Site from the SEMS site inventory because [**insert one of the following:**]

**[a.]** following site evaluation activities, we determined that conditions at the Site did not warrant further federal Superfund involvement.

**[b.]** a federal removal action was completed at the Site and no further Superfund action is planned for this Site.

**[c.]** environmental conditions at the Site are subject to requirements of [**insert appropriate program (e.g., RCRA, UST, TSCA, OPA – spell out if first instance of use)**]. [**OPTIONAL: Insert information on the program status from the appropriate RCRA, UST, TSCA, or OPA point of contact.**] For further information concerning these requirements, please contact [**insert contact information**].

[**Add after sentence a, b, or c:**] “The “archive” designation indicates that the Site is of no further interest to the Agency under the federal Superfund program based on available information. Currently, we are not taking additional Superfund investigatory, cleanup, or enforcement actions at this archived [“Site” or “portion of the Site”].”

[**APPLICABLE TO PARTIAL, FULL, OR PROPOSED FOR DELETION FROM NPL OR FOR A SITE BOUNDARY SITUATION**][**Insert one of the following:**]

[a.] [**Applicable if the property is/was considered as a portion of the NPL site and was/will be included in a partial deletion from the NPL.**]

The Property [“is” or “appears to be”] situated within the Site, which is listed on the NPL. We have determined that no further investigatory or cleanup action under the federal Superfund program is warranted at a portion of the Site. With the [**insert state agency**] concurrence, the EPA Region [“plans to propose for deletion” or **“**has deleted”] a portion of the Site, which contains the Property, in accordance with the Agency’s *Procedures for Partial Deletions at NPL Sites* (OERR Directive 9320.2-11, Aug. 30, 1996) [“(copy enclosed)” **or include appropriate URL –**<https://www.epa.gov/fedfac/procedures-partial-deletions-npl-sites>**]**. Thus, [“once that portion is deleted, which is planned for **XX**, the Property will no longer be under federal oversight or of federal interest” or **“**the Property is no longer under federal oversight or of federal interest.”]

**[b.]** [**Applicable if the property is contained within the NPL site or is defined as the NPL site and the site has been deleted from the NPL.**] The Property [“is” or “appears to be”] [“situated within the Site” or “defined as the Site”] which was included on the NPL. The EPA Region, however, has determined that no further investigatory or cleanup action is warranted at the Site under the federal Superfund program. In consultation with the [**insert state agency**], the EPA Region deleted this Site on [**insert date**], including the Property, from the NPL in accordance with “Deletion from the NPL,” 40 CFR § 300.425(e).

[**Add after sentence a or b:**] “Deletion of sites, or portions of a site, from the NPL may occur once all response actions are complete and all cleanup goals have been achieved at a site or portion thereof. Thus, the EPA does not anticipate a need to take additional Superfund investigatory, cleanup, or enforcement actions at this deleted [“Site” or “portion of the Site”] unless conditions warrant it in the future. **[If use or exposure are restricted at the site, consider adding:** “The Agency, however, may conduct a five-year review to ensure that the remedy remains protective of human health and the environment.”**]**

**[c.]** [**Applicable if the property is not part of the NPL site yet is nearby.**]

[**Insert one of the following:**]

**[1.]** The Property is near the Site, but we have not yet determined which properties may be considered part of the Site. The Site has been placed in the SEMS site inventory, but studies or investigations have not been completed. Accordingly, we have not yet developed enough information relating to the nature and extent of contamination to presently determine whether further federal action is appropriate under Superfund.

**[2.]** The Property is near the Site. At this time, [**insert statement as to the status of the site at present time: e.g., preliminary assessment, site investigation, removal, remedial investigation, feasibility study, remedial design, or remedial action is underway or is completed**]. Based upon available information, the Agency does not presently consider the Property to be a part of the Site. The EPA Region, therefore, does not anticipate a need to take [“any” or “additional”] investigatory or cleanup action at this Property under the federal Superfund program unless conditions warrant it in the future.

**State Actions**

The Region is only able to provide you with information regarding federal Superfund actions at the Site, federal law and regulations, and EPA guidance. For information about potential state actions and liability issues, please contact [**insert** **name of state’s environmental program or name of specific state contact and contact information**]. [**NOTE: If there is a state contact who handles technical issues, also insert their contact information.**]

**Conclusion**

The EPA Region remains dedicated to facilitating the cleanup and reuse of contaminated properties and hopes the information contained in this letter is useful to you. Please note that the letter does not offer conclusive statements about site conditions or liability. You may find it helpful to consult your own environmental professional, legal counsel, and your state, tribal, or local environmental protection agency before taking any action to acquire, clean up, or redevelop the impacted property. These consultations may help you obtain a greater level of comfort about the compatibility of the proposed use and ensure compliance with any applicable federal, state, local, and/or tribal laws or requirements. If you have any additional questions or wish to discuss this information further, please feel free to contact [**insert EPA contact information**].

Sincerely,

[**Insert regional contact name**]

[**Insert regional contact title**]

[**Enclosures (#), if included**]

cc: [**Insert EPA OSRE or FFEO comfort/status letter contact**]

[**Insert EPA OLEM contact**]

[**Insert state contact(s), if applicable**]

1. 42 U.S.C. §§ 9601, *et seq.* [↑](#footnote-ref-1)