



Model No Previous Federal Interest Comfort/Status Letter RE-Powering America's Land Initiative

LETTER OUTLINE

- (I) Introduction
 - (II) Property Status
 - (III) Reuse of the Property
-

[Insert Addressee]

Re: **[Insert name or description of property]**

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

I am writing in response to your letter dated [“-/-”] to the U.S. Environmental Protection Agency (EPA) concerning the property referenced above (the “Property”). In your letter, you described your intentions to lease the Property for a proposed renewable energy development (the “Development”) and requested a comfort/status letter from the EPA. The purpose of this comfort/status letter is to provide you with information the EPA has about the Property and applicable Agency policies, as of the date of this letter. We hope the information in this letter enables you to make informed decisions as you move forward with the Development on the Property.

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfund), the EPA’s mission is to protect human health and the environment from the risks posed by contaminated or potentially contaminated lands. In doing so, it is an Agency priority to return lands to productive reuse. The EPA views environmentally-responsible renewable energy deployment as a particularly productive reuse of such lands. The EPA is issuing this letter consistent with the RE-Powering America’s Land initiative and with the EPA’s current Agency guidance.

Property Status

Information on hazardous waste sites, including site-specific documents and fact sheets, is contained in the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), which may be accessed at www.epa.gov/superfund/sites/cursites/index.htm.

The Property is **[insert location, address, or parcel description]**. The EPA did not identify the Property in a search of the active and archived records in CERCLIS. Nor did we locate the Property in the Resource Conservation and Recovery Act (RCRA) database, RCRA Info **[include if Property was not a grant recipient: “; or the Brownfields’ Assessment, Cleanup and Redevelopment Exchange System (ACRES) database”]**.

Please note that its absence from CERCLIS or other databases does not represent a finding that there are no environmental conditions at the Property that require action or that are being

addressed under another federal or state program. The absence of the Property from these databases means that, at this time, the EPA is not aware of any information indicating that there has been a release or threat of release of hazardous substances at or from the facility that needs to be assessed by the federal Superfund program and that no such assessment has been performed by the EPA in the past.

Therefore, based on the information the EPA has to date regarding the Property, the EPA does not currently plan on taking federal response or enforcement action under CERCLA or RCRA at the Property.

[INSERT IF APPLICABLE FOR BROWNFIELDS GRANT RECIPIENTS]

According to the EPA's records, the Property was awarded a grant through the EPA's Brownfields Assessment, Cleanup, and Revolving Loan Fund grant Program. The EPA's award of this type of grant does not mean that the Agency has a federal interest in the property. Further, eligibility determinations for brownfields grants are not legally binding for other purposes.

[OPTIONAL: If the EPA is aware of the state being involved in the cleanup, insert contact information for state RPM and number, or the State's applicable department name and number].

Reuse of the Property

While the EPA has no federal interest in the Property **[if applicable, insert: "other than the Brownfield grant mentioned above"]**, the Agency does have an interest in facilitating the reuse of contaminated sites for renewable energy projects, particularly when the concern or perception of federal liability may be hindering such projects.

Based on the information provided in your letter, the EPA understands that **[insert name of party]** intends to **[insert brief description of the Development]** at the Property. The EPA understands the Development to involve **[insert brief description of proposed on-site activities]**.

The EPA's RE-Powering initiative offers a range of tools and resources, as well as additional technical support, to facilitate renewable energy development on potentially contaminated lands. For additional information on the available tools, resources, and technical support, please visit the Agency's RE-Powering website at www.epa.gov/renewableenergyland/.

The EPA encourages you to consult with legal counsel and the appropriate state, tribal or local environmental protection agency before taking any action to acquire, clean up, or redevelop potentially contaminated property. It is your responsibility to ensure that the proposed use of the Property complies with any federal, state, local, and/or tribal laws or requirements that may apply. The EPA recommends that you consult with your own environmental professional to obtain advice on the compatibility of the proposed reuse.

If you have any additional questions or wish to discuss this information further, please feel free to contact me **[insert phone number/address]** or **[insert the EPA RE-Powering Rapid Response contact and address]**.

Sincerely,

[Insert regional contact name]

[Insert regional contact title]

[Enclosures (#)]

cc: **[Insert state contact(s)]**
[Insert EPA OSWER contact]
[Insert EPA OSRE contact]