

[Model Letter Acknowledging a PPA Request:  
Attachment to 10/1/99 memo "Expediting Requests for Prospective Purchaser Agreements"]



Dear [insert requester's name]:

The United States Environmental Protection Agency (EPA), Region [\_] has received your [insert date] request for a covenant not to sue for potential Superfund liability relating to [certain real property] that you intend to acquire. EPA will evaluate your request for a covenant not to sue in accordance with EPA's Guidance on Settlements with Prospective Purchasers of Contaminated Property. This guidance and a model Prospective Purchaser Agreement (PPA) may be found on EPA's web page at <http://es.epa.gov/oeca/osre/>. (Open the links to Policy and Guidance Documents and then CERCLA, Liability.) Alternatively, I would be happy to provide you with copies of the guidance and model upon your request.

Attached to this letter is a checklist of information EPA may need in order to evaluate your request in a timely manner. After receiving this information, EPA will determine whether a PPA may be appropriate, or EPA may seek additional information from you in order to complete this evaluation. Where EPA determines that a PPA may be appropriate, EPA will inform the United States Department of Justice (DOJ) of the request and draft a PPA which will be mailed to you or your counsel. In order for the PPA to become effective, DOJ approval is required. In addition, as noted in the guidance, EPA will notify and solicit input from the public on a PPA whenever feasible.

I look forward to the receipt of the requested information so that EPA can begin its evaluation process. Please do not hesitate to contact me if you have any questions about the requested information, the PPA process, or the guidance referenced above. I can be reached at [phone number].

Enclosure (check list)

Sincerely yours,

[Title]