**Model Informational Notice to Local Governments of Response Actions**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region [ ]

[**Address**]

NOTICE OF EPA ACTIONS UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA)

**[Date]**

**[Name and address of municipality or other local government]**

RE: **[name and location of the site]**

Dear [***Send to the mayor and/or city manager; cc: city attorney or other appropriate official***]:

This letter informs you that the United States Environmental Protection Agency (EPA) is conducting response actions under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at the [**name of the site**] (the “Site”) in **[identify City, Town, County]**, **[State]**. CERCLA, commonly known as “Superfund,” gives EPA the authority to take actions to protect public health, welfare, and the environment, and to abate or minimize the impacts of a release or threat of release of a hazardous substance at a Superfund site. In addition, it gives EPA the authority to sue for recovery of any funds spent to clean up a Superfund site.

Because of the potential impact on your community, the [**City, Town, County**] of [**\_\_\_\_\_\_\_\_\_\_\_**] (the “City,” “Town,” or “County”) is encouraged to stay informed about the activities relating to the Site. This letter provides you with information to assist you in following these activities.

This letter is not a notice of potential liability under Section 107(a) of CERCLA. However, EPA’s information indicates that the [**City, Town, County]** may have an interest in the Site. [***Insert a sentence indicating what type of interest the city has in the site*.**] [***If Region has information indicating that the city, town, or county might be liable, include this optional language; if not, use best judgment as to whether or not to include it*:** “If, in the future, EPA obtains site-specific information indicating that [**City, Town, County**] is a potentially responsible party (PRP), you may receive notice to that effect by a separate letter. This letter is simply to inform the [**City, Town, County**] of EPA’s activities at the Site and to provide the [**City, Town, County]** with certain background information about the Site.”]

**[*Region may include this optional language if it believes that the City might not be aware of this possibility*:** “Although EPA might not name you as a PRP, you should be aware that other PRPs may take the position that the [**City, Town, County**] is responsible for costs associated with clean up activities undertaken at the Site and may pursue the [**City, Town, County**] for a share of the costs.”]

Given the [**City, Town, County**]’s potential interest in activities at the Site, EPA encourages the [**City, Town, County**] to remain fully aware of the actions to be implemented at the Site. In particular, we encourage the [**City, Town, County**] to review all documents produced, and to comment on them where appropriate.

To assist the [**City, Town, County**] in following the activities relating to the Site, we are providing you with some background information. EPA [will perform] [has performed] the following activities at the site: [**Note:** ***This letter should be sent as soon as possible after the Region learns of the municipality’s interest at the site. Depending on when this letter is sent out, it might be appropriate to send subsequent letters advising the municipality of the progress of response actions.***] [***Briefly describe EPA's involvement at the site, including for example***]:

1. On or about [**insert date**], EPA completed a preliminary assessment/site investigation (PA/SI). The PA/SI revealed a release or threat of release of hazardous substances from the site.
2. On or about [**insert date**], [**insert Federal Register citation**], pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, EPA [**placed**] [**proposed to place**] the Site on the National Priorities List, set forth at 40 C.F.R. Part 3OO, Appendix B.
3. From about **[insert date range**], [EPA] [or the PRPs] undertook a Remedial Investigation and Feasibility Study (RI/FS) for the Site pursuant to CERCLA and the National Contingency Plan, 40 C.F.R. Part 300. The purpose of this RI/FS was to define the nature and extent of contamination at the Site and to identify alternatives for remediating the Site.
4. Pursuant to Section 117 of CERCLA, 42 U.S.C. § 9617, EPA published notice of the completion of the feasibility study and of the proposed plan for remedial action on **[insert date**], and provided an opportunity for public comment on the proposed remedial action.
5. EPA’s final decision on the remedial action to be implemented at the Site is embodied in a record of decision (ROD) that was executed on [**insert date**] [*modify this recitation as appropriate to account for multiple RODs, ROD amendments, ESDs*].
6. On or about [**insert date**], EPA began a Remedial Design/Remedial Action (RD/RA) to design and implement the remedy selected in the Record of Decision.

EPA also [prepared] [or is preparing**]** the following information about the Site and PRPs:

1. A preliminary list of names and addresses of those PRPs who have received notice letters. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site.
2. To the extent such information is available, a list of the volume and nature of substances contributed by each PRP. This list is preliminary and subject to revisions based upon new information as, and if, it becomes available.
3. A ranking by volume of the substances at the facility, to the extent such information is available.
4. A fact sheet describing the Site.

Pursuant to Section 113(k) of CERCLA and Subpart I of the National Contingency Plan, EPA will establish an administrative record that contains the documents that form the basis of EPA’s decision for the selection of a response action at the Site. The administrative record files, which contain the documents EPA considered or relied on to select the response action for the Site, [will be] [are] available to the public for inspection and comment. The administrative record file is located in [“the EPA Regional Office” or “name of other central location”] [**address, phone, email for location**], and is also available at the Site **[if applicable: “**and online at **[URL]**.” [*Include an approximate date when the administrative record will be available, and the location of the files.*]

The matters contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions.

If you have any questions about this letter, please contact **[insert name and contact information]**. You may also obtain general background information about the Superfund program by visiting the Agency’s website at <http://www.epa.gov/superfund>.

Sincerely,

[**Division Director**]