**Sample Federal Superfund Interest Reasonable Steps Letter**

**[NOTE: This sample comfort/status letter may be used in the exercise of enforcement discretion where EPA has sufficient information regarding the site to have assessed the hazardous substance contamination and has enough information about the property to make suggestions as to steps necessary to satisfy the “reasonable steps” requirement. In addition, like any comfort/status letter, all letters based on this model should be provided in accordance with EPA’s “**[**Revised Policy on the Issuance of Superfund Comfort/Status Letters**](http://www.epa.gov/enforcement/guidance-revised-policy-issuance-superfund-comfortstatus-letters) **(8/25/2015).”]**

**[Insert Addressee]**

Re**:**[**Insert Name or Description of Property**]

Dear [**insert name of requester**]:

I am writing in response to your letter dated [**insert date**] concerning the property referenced above. As you know, the [**insert name**] property is located within or near the [**insert name of Superfund site.**] The U.S. Environmental Protection Agency (EPA) is currently [**insert description of action EPA is taking or plans to take and any contamination problem**].

The [**bona fide prospective purchaser (BFPP), contiguous property owner (CPO), or innocent landowner**] provision states that a person meeting the criteria of [**insert section**] is protected from Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly referred to as Superfund) liability. [**For BFPP only, it may be appropriate to insert following language:** “To the extent EPA’s response action increases the fair market value of the property, EPA may have a windfall lien on the property. The windfall lien is limited to the increase in fair market value attributable to EPA’s response action, capped by EPA’s unrecovered response costs.”] (I am enclosing a copy of the relevant statutory provisions for your reference.) To qualify as a [**BFPP, CPO, or Section 101(35)(A)(i) innocent landowner**], a person must (among other requirements) take “reasonable steps” with respect to stopping continuing releases, preventing threatened future releases, and preventing or limiting human, environmental, or natural resources exposure to earlier releases. You have asked what actions you must take, as the [**owner or prospective owner**] of the property, to satisfy the “reasonable steps” criterion.

As noted above, EPA has conducted a [**insert most recent/relevant action to “reasonable steps” inquiry taken by EPA**] at [**insert property/site name**] and has identified a number of environmental concerns. Based on the information EPA has evaluated to date, EPA believes that, for an owner of the property, the following would be appropriate reasonable steps with respect to the hazardous substance contamination found at the property:

**[insert paragraphs outlining reasonable steps with respect to each environmental concern]**

This letter does not provide a release from CERCLA liability, but only provides information with respect to reasonable steps based on the information EPA has available to it. This letter is based on the nature and extent of contamination known to EPA at this time. If additional information regarding the nature and extent of hazardous substance contamination at [**insert property/site name**] becomes available, additional actions may be necessary to satisfy the reasonable steps criterion. In particular, if new areas of contamination are identified, you should ensure that reasonable steps are undertaken. As the property owner, you should ensure that you are aware of the condition of your property so that you are able to take reasonable steps with respect to any hazardous substance contamination at or on the property.

Please note that the [**BFPP, CPO, or innocent landowner**] provision has a number of conditions in addition to those requiring the property owner to take reasonable steps. Taking reasonable steps and many of the other conditions are continuing obligations of the [**BFPP, CPO, or Section 101(35)(A)(i) innocent landowner**]. You will need to assess whether you satisfy each of the statutory conditions for the [**BFPP, CPO, or innocent landowner**] provision and continue to meet the applicable conditions.

EPA hopes this information is useful to you. If you have any questions, or wish to discuss this letter, please feel free to contact **[insert EPA contact information]**.

Sincerely,

**[Insert name of EPA contact]**

**[Insert EPA contact title]**

**[Enclosures (#)]**

cc: **[Insert EPA OSRE contact]**

 **[Insert EPA OLEM contact]**

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