



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

**U.S. EPA's Prospective Purchaser Agreements
and Comfort/Status Letters:
How Effective Are They?**

**Findings, Benefits, and Suggested Improvements
Final Report**

September 29, 2000

**Office of Site Remediation Enforcement
Publication # 330R00002**

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I. Introduction

Since its inception in 1980, the Superfund program has focused on the timely and efficient assessment, investigation, and cleanup of hazardous waste sites. In recent years, the U. S. Environmental Protection Agency (“EPA” or “Agency”) has collaborated with federal, state, and local governments; citizen groups; and the business community to further accelerate the clean up of hazardous waste sites and enable their reuse. EPA’s enforcement and compliance assurance program has been an integral part of these efforts by clarifying environmental liability for parties interested in returning contaminated property to productive use.

Beginning with the Agency’s 1994 Superfund Administrative Reform efforts, the Office of Site Remediation Enforcement (OSRE), has worked to identify options and develop tools to address the Superfund liability concerns of prospective purchasers, lenders, and property owners connected with contaminated property. As part of the Reforms, the Agency announced its Brownfields Economic Redevelopment Initiative to facilitate the cleanup and reuse of “brownfields.”¹ To support the Reforms and the Agency’s interest in addressing private parties’ concerns over incurring environmental liability by purchasing, owning or developing contaminated property, OSRE issued two documents, *Guidance on Settlements with Prospective Purchasers of Contaminated Property*, in May 1995 and *Policy on the Issuance of Comfort/Status Letters*, in November 1996. Through these two tools, EPA can address environmental liability concerns of private parties either by entering into a formal legal agreement (i.e., PPA) with them or by providing them with site-specific information on properties through comfort/status letters.

Although EPA believed, and had supporting anecdotal information, that PPAs and comfort/status letters facilitated the cleanup and reuse of contaminated property, the Agency had not collected data to confirm this belief. Therefore, in 1998, OSRE asked EPA regional staff who had negotiated a PPA or issued a comfort/status letter to complete a survey on the PPA or comfort/status letter. Private parties who had signed or negotiated a PPA or obtained a comfort/status letter were also asked to complete a survey. OSRE used the surveys to collect general information on the use of these tools, obtain specific data on property cleanup and reuse, and determine the effectiveness of these tools in meeting the needs of the private parties and regional staff.

OSRE plans to use the survey results to improve the service that EPA provides through PPAs and comfort/status letters. This report summarizes the survey results regarding the use of PPAs and comfort/status letters, their benefits, and recommendations for improving the process for obtaining them. The report also identifies steps OSRE has taken or plans to take to address the recommendations that resulted from the survey.

¹EPA defines brownfields as abandoned, idled, or under-used industrial or commercial property where expansion or reuse is complicated by real or perceived environmental contamination.

II. Overview of Survey Process

In the summer of 1998, OSRE began the process of surveying EPA regional personnel and the private parties who had entered into the 85 PPAs between 1989 and June 30, 1998. During the summer of 1999, OSRE began the process of surveying EPA regional personnel and private parties who had received comfort/status letters issued between October 1996 and September 30, 1998.

DPRA, Inc., the contracting firm that collected and analyzed the data for OSRE, conducted surveys with regional personnel and private parties associated with all 85 PPA sites. A different sampling procedure was used for comfort/status letters. Regional offices that issued fewer than 20 comfort/status letters were asked to complete surveys for all the comfort/status letters issued. In regions where staff had issued more than 20 comfort/status letters, EPA personnel were asked to identify a sample of up to 20 letters representing the four types of comfort/status letters described in EPA's policy and complete surveys for them. OSRE received a total of 85 responses from regional staff. The 85 comfort/status letters and PPAs from which survey results are drawn do not represent the same sites. It is a coincidence that both samples included 85 surveys. The recipients of comfort/status letters at these sites were then sent surveys and asked to complete them.

In preparation for this effort, OSRE designed survey instruments (see Appendix A), completed an Information Collection Request (ICR), and in accordance with the Paperwork Reduction Act, submitted these documents to the Office of Management and Budget (OMB) for its review and approval. EPA published the surveys and ICR in the *Federal Register* (EPA ICR 1837.02, FR Volume 63, page 4710) for a 60-day public comment period. OMB approved the surveys on June 16, 1998, and OSRE began collecting data.

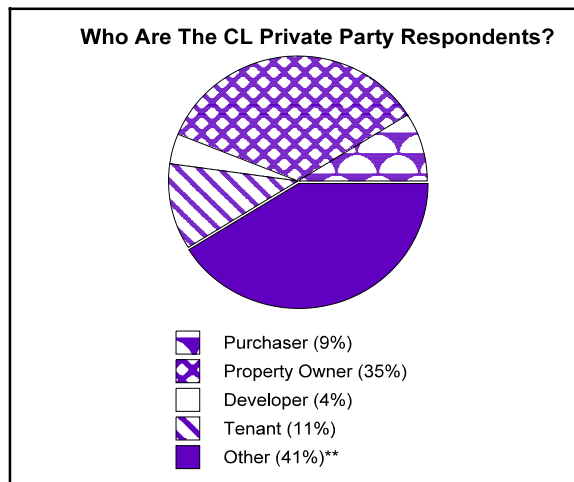
OSRE used the survey instruments to collect data concerning: (1) general site information; (2) the Prospective Purchaser Agreement and the comfort/status letter process; and (3) property reuse and its economic benefits. The data were collected through a combination of mail and telephone surveys. To maintain private party anonymity, returned survey forms were stored in the offices of DPRA, Inc. OSRE evaluated the effectiveness of the PPA guidance and comfort/status letter policy based on survey responses according to the following criteria:

1. How instrumental PPAs and comfort/status letters have been in accelerating site cleanup and revitalization of blighted properties;
2. How effective PPAs and comfort/status letters have been in meeting the needs of the requesters;
3. The timeliness of the PPA and comfort/status letter process, and whether it has been satisfactory to the affected parties;
4. What affected parties consider to be the most important elements of PPAs and

comfort/status letters;

5. The types of property cleanups and reuse situations in which PPAs and comfort/status letters have been most useful;
6. The problems parties have encountered while going through the PPA and comfort/status letter process and recommendations for addressing those problems; and,
7. Alternatives to PPAs and comfort/status letters.

Response Rate for Comfort/Status Letters: DPRA received a total of 85 comfort/status letter surveys from EPA regional staff. This represents about 17 percent of the approximately 500 comfort/status letters completed as of September 30, 1998. OSRE chose to sample a limited number of comfort/status letters for a couple of reasons. One, the Agency had not yet developed an appropriate method to track the requests for letters and letters issued by regional staff. Two, OSRE did not want to burden the regional staff, many of whom are the sole drafters of all regional comfort/status letters, with too many surveys.



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** Other is generally defined as attorneys representing purchasers, local government representatives, or owners of nearby or contiguous properties.

Although surveys were sent to all private parties who obtained one of these comfort/status letters, private party participation in this information collection was voluntary. DPRA received 54 completed surveys from private party comfort/status letter representatives. This represents about 10 percent of the approximately 500 comfort/status letters completed as of September 30, 1998. Because the survey sample size is so small, these survey results cannot be generalized to the entire population of comfort/status letters. The private parties participating in the comfort/status letter survey represented the groups shown in Figure 1. Private parties, for the purpose of this information collection, were defined as any party outside the federal government.

Response Rate for PPAs: DPRA received surveys from regional staff for all of the 85 PPAs subject to the survey process. Although surveys were sent to all private parties who signed or negotiated one of the 85 PPAs, private party participation in this information collection was voluntary. DPRA received 36 completed surveys from private party PPA representatives. (This represents a 42 percent response rate). Private parties, for the purpose of this information collection, were defined as any party outside the federal government. The private parties participating in the PPA survey represented the groups shown in Figure 2:

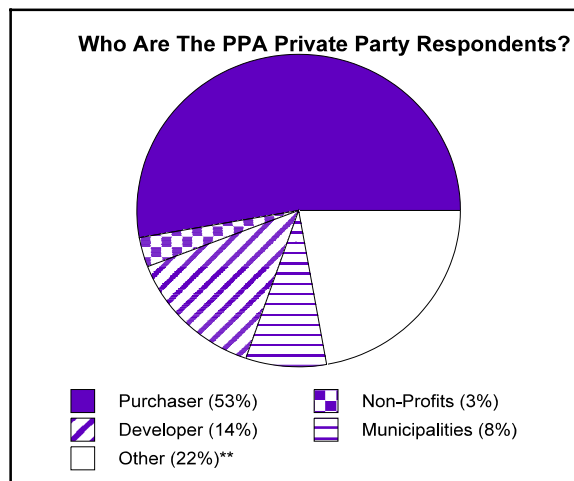


Figure 2

** Other is generally defined as attorneys representing purchasers.

To collect survey data, DPRA personnel conducted telephone interviews with survey participants. Approximately ten percent of respondents chose to complete surveys and return them by mail. DPRA personnel compiled and checked the survey data for quality assurance purposes using QuattroPro spreadsheets. Many questions on the regional personnel and private

party surveys are identical, and so for purposes of this report, the Regional personnel data form the foundation of the results and findings of this report, except where results specific to private parties are reported. In those cases, data from the private party surveys were used. Because the Agency does not track such information, OSRE was unable to survey parties who had requested a PPA or comfort/status letter but did not obtain one.

Comfort/Status Letters: Survey Findings and Benefits

III. Survey Findings and Benefits of Comfort/Status Letters

Highlights of Comfort/Status Letter Survey Results

A number of common themes emerged from the comfort/status letter survey data. For purposes of this report, the themes were organized into four overall benefits of comfort/status letters and four areas where EPA could improve the comfort/status letter process. The benefits and improvements are listed below. Subsequent sections of the report provide more comprehensive information on the comfort/status letter process as well as on each benefit and suggested improvement.

Benefits	Suggested Improvements
<ul style="list-style-type: none">• <i>Comfort/status letters enable the return of properties to more environmentally beneficial uses.</i>	<ul style="list-style-type: none">• <i>Accelerate the comfort/status letter process.</i>
<ul style="list-style-type: none">• <i>Comfort/status letters help local communities revive their neighborhoods.</i>	<ul style="list-style-type: none">• <i>Ensure that EPA and private parties explore other options that could alleviate concerns over Federal Superfund liability.</i>
<ul style="list-style-type: none">• <i>Comfort/status letters enhance the economic viability of reuse projects.</i>	<ul style="list-style-type: none">• <i>Strengthen assurance and reduce caveats in comfort/status letters.</i>
<ul style="list-style-type: none">• <i>Comfort/status letters are a relatively fast and inexpensive tool to facilitate brownfield redevelopment.</i>	<ul style="list-style-type: none">• <i>Archive sites that are eligible for comfort/status letters whenever possible.</i>

History of EPA's Comfort/Status Letter Policy

Knowledge of contamination before purchase prevents a party from asserting the “innocent landowner defense” under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)² after acquiring a property. In an effort to respond to the many requests from private parties for information concerning their potential liability, EPA issued the *Policy on the Issuance of Comfort/Status Letters* in November 1996. Comfort/status letters provide a party with any releasable information EPA has about a particular property, explain what the information means, and outline EPA's involvement at the site. The “comfort” comes from knowing what EPA knows about the property and what EPA's intentions are in terms of a Superfund response.

EPA premised the 1996 comfort/status letter policy on the belief that it was inappropriate for the Agency to be involved in private real estate transactions. The 1996 guidance, therefore, defined those situations under which the Agency would consider issuing a comfort/status letter. These situations include:

- *The comfort/status letter will facilitate the cleanup and redevelopment of brownfield properties;*
- *There is a realistic perception or probability of [an interested party] incurring Superfund liability at the site;*

AND

- *No other mechanism is available to address the party's concerns.*

Comfort/status letters are not intended to:

- *Express EPA's opinion as to possible contamination or extent of contamination at a property, where EPA has no knowledge about a property (with the exception of sharing information already contained in EPA's files).*
- *Provide any information or obligations associated with ownership or operation of a site.*
- *Limit or affect EPA's authority under CERCLA or any other law or provide a release from CERCLA liability.*

² As amended by the Superfund Amendments and Reauthorization Act of 1986, P.L. no. 99-499 (“SARA”), 42 U.S.C. § 9601 et seq.

The 1996 policy then goes on to detail four sample comfort/status letters designed to address the most common inquiries EPA receives regarding contaminated property. These four sample letters include:

- ***No Previous Federal Superfund Interest Letter*** -- when there is no historical evidence of Federal Superfund program involvement with the property in question.
- ***No Current Federal Superfund Interest Letter*** -- when the property has been archived and is no longer a part of the active CERCLIS inventory of sites, has been deleted from the National Priorities List, or is situated near, but not within, the defined boundaries of a Superfund site.
- ***Federal Interest Letter*** -- when EPA either plans to respond in some manner, is already responding at the property, or has responded. This type of comfort/status letter is intended to inform the recipient of the status of EPA's involvement at the property. Additionally, language is included to respond to requests regarding the applicability of an EPA policy, regulation, or statutory provision to a particular set of circumstances.
- ***State Action Letter*** -- when the state has the lead for day-to-day activities and oversight of a response action.

The policy helps to formalize the procedures for issuing comfort/status letters and facilitate their issuance. As of September 1, 2000, EPA regional staff has issued more than 500 comfort/status letters.

Overview of Survey Results

Overall, the survey findings show that comfort/status letters have played a useful role in site cleanup and reuse. Although both regional personnel and private parties suggested improvements, comfort/status letters have worked to successfully clean up and reuse contaminated property and generally have met the needs of the purchasers. Survey findings also show that the type, stage, and cost of cleanups, as well as the size of the site, do not hinder obtaining comfort/status letters. This section presents an overview of the results of the private party and regional personnel survey responses. **Actual survey percentage results may reflect numbers less than or greater than 100. This is due, in part, to respondents providing more than one answer or not answering the question at all.** The 85 comfort/status letter surveys completed by EPA Regional personnel and the 54 surveys completed by private parties represent all 10 EPA Regions and 37 of the 50 states, as depicted in the map on page 11.

Survey results indicate that cleanup was required at 54 percent (N=38)³ of the sites and that cleanup was not required at 46 percent (N=33) of the sites. Sixty-nine percent (N=29) of respondents at sites where cleanup was required indicated that the federal government was requiring the cleanup, while 31 percent (N=13) indicated that the state government required it. Of the 69 percent who indicated that the federal government was requiring the cleanup, 93 percent (N=27) indicated that the cleanup was required under CERCLA and seven percent (N=2) stated that the cleanup was required under the Resource Conservation and Recovery Act (RCRA). EPA had conducted potentially responsible party (PRP) searches at 23 of the 27 sites (85 percent) where cleanup was required under CERCLA.

³ “N” refers to the actual number of responses given by survey respondents to specific survey questions. Note that the data has been normalized and percentages are based upon the total number of actual responses. When respondents did not answer a question, or when they selected “Don’t Know,” their responses are not included in the percentage calculations.

Comfort Letter Survey Sites

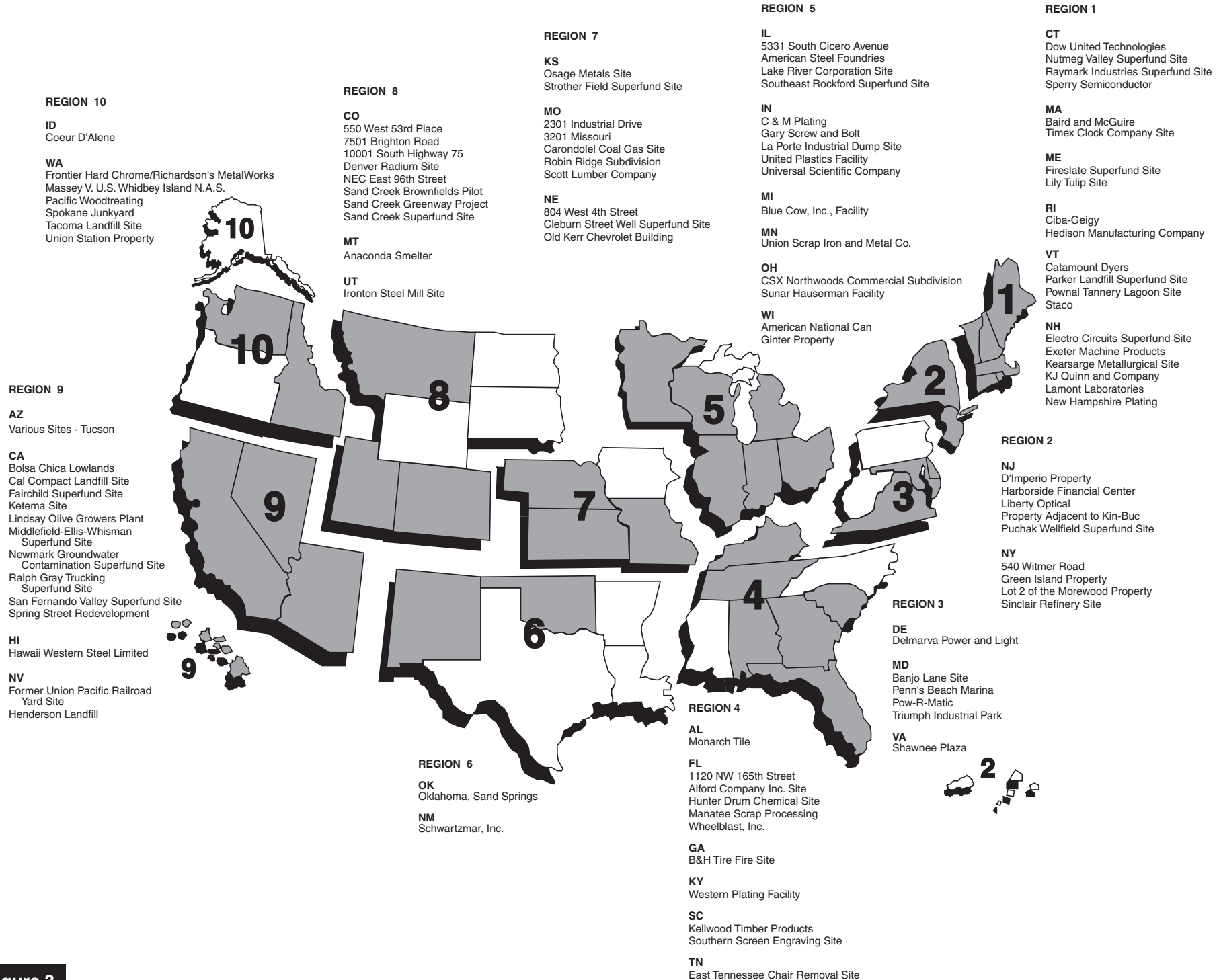
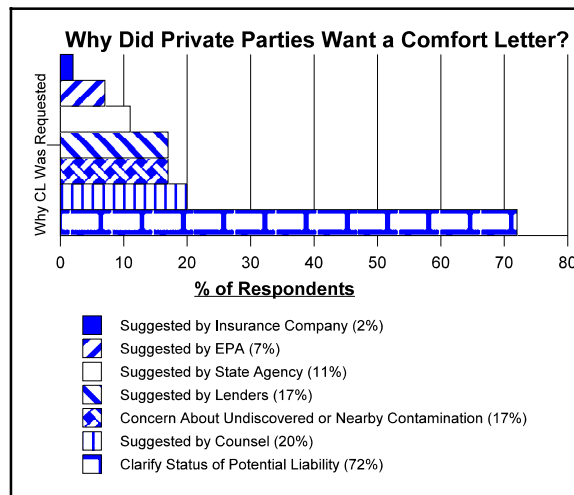


Figure 3

General Findings

Figure 4 demonstrates that clarification of potential environmental liability was the central reason private party respondents sought a comfort/status letter, cited by 72 percent (N=39) of the respondents. Concern about possible undiscovered contamination and concern about contamination of nearby properties was cited by 17 percent (N=9) of respondents as their reason for requesting a comfort/status letter. Many respondents requested the comfort/status letter at the suggestion of others such as state environmental agencies (11 percent; N=6), EPA (7 percent; N=4), counsel (20 percent; N=11), lenders (17 percent; N=9), and insurance companies (2 percent; N=1). Three respondents also indicated that as owners they planned to sell the property in the future and wanted the comfort/status letter to reassure prospective purchasers about their potential liability at the site.



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One statement EPA has heard over the years is that people are afraid to reuse contaminated property. Yet from the limited number of comfort/status letter surveys OSRE obtained, data indicate comfort/status letters are effectively clarifying liability, such that, parties are reusing those properties. Figure 5 illustrates that comfort/status letters covered properties that ranged in size from less than one acre to greater than 100 acres. Nearly two-thirds (65 percent; N=27) covered parcels five acres or less, and 84 percent (N=35) were ten acres or less:

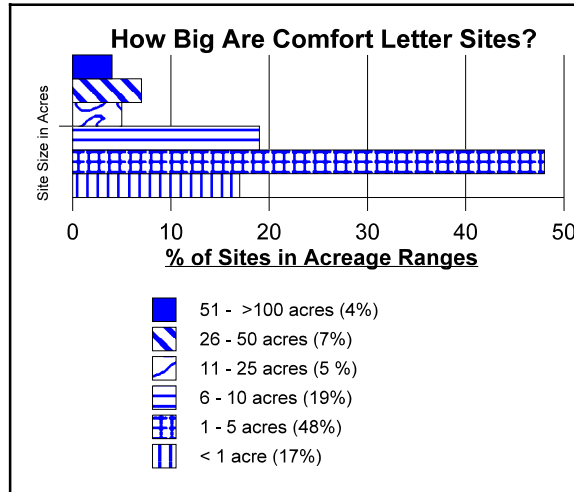


Figure 5

Thirty-six percent (N=26) of the comfort/status letters sampled covered small parcels that were part of larger sites. Where comfort/status letters covered parcels of sites that required cleanup, PRPs are paying for or contributing to the larger site cleanup at 42 percent (N=18) of the sites, while EPA and/or the state are paying for some or all of the cleanup at 30 percent (N=13) of these sites. In no cases were recipients of comfort/status letters required to contribute to the cost of the cleanup of the larger site.

Where a parcel covered by the comfort/status letter required cleanup, other PRPs or current owners agreed to complete and pay for the cleanup at 30 percent (N=15) of the comfort/status letter sites; EPA or the state completed or paid for the cleanup at 47 percent (N=23) of the sites. At 14 percent (N=7) of the sites, the prospective purchaser, current owners, or former owners of the property contributed to the cost of the cleanup of the site covered by the comfort/status letter.

Figure 6 illustrates that the range of cleanup costs for sites covered by comfort/status letters varies from less than \$100,000 to more than \$5 million. Although the range is large, more than 1/3 (N=5) of the respondents who answered the survey question indicated that cleanup costs were less than \$500,000, and about 2/3 (69 percent; N=8) stated that cleanup costs were less than \$1 million.

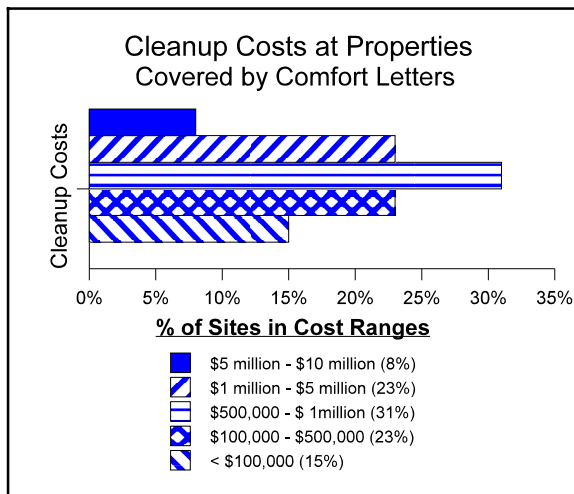


Figure 6

In order to better understand the comfort/status letter process and determine whether changes are needed, OSRE asked regional and private party respondents to determine the time and costs associated with obtaining a comfort/status letter. Regional respondents were asked to calculate the number of hours they spent to complete the comfort/status letter. Data show that EPA personnel spend an average of 13.5 hours to complete a comfort/status letter, although the range of time estimates is large. Several respondents estimated that altogether it took as little as one hour to complete a comfort/status letter, while two estimated that it took 80 hours (*i.e.*, two weeks' work for one person). This was a surprise to OSRE, because OSRE had tried to design the four sample comfort/status letters to easily accommodate the site specific nature of a final letter for quick completion.

Private parties were asked how much it cost them to obtain the comfort/status letter. Responses ranged from \$50 - \$10,000 with the median cost at \$1,200. The private party transaction costs include clerical, technical, managerial, and legal personnel, as well as outside consultants or counsel. Transaction costs also include any costs that resulted from the delay in purchasing the property. Eighty-eight percent (N=43) of the private party survey respondents indicated that the level of effort required to get the comfort/status letter was reasonable.

Survey results indicate the time that elapses from the date that a comfort/status letter is requested until the date it becomes effective can range widely, based on the complexity, size, or other characteristics of the site. Although the elapsed time ranged from less than a week to more than 6 months, the average amount of time to complete a comfort/status letter was 7.4 weeks and the median time required was 4 weeks. According to private party respondents, in most cases where there was a deadline, EPA met it. Only four respondents indicated EPA was not able to meet the private parties' deadline. (Only one respondent specified why EPA did not meet the deadline, citing "lots of bureaucracy").

The comfort/status letters included in the survey sample represented all four types of sample comfort/status letters. *No Previous Federal Superfund Interest* letters were issued at 5 percent (N=4) of the properties, *No Current Federal Interest* letters accounted for 40 percent (N=33) of the comfort/status letters, *Federal Interest Letters* (including letters notifying the requestor of EPA's Policy on Contaminated Aquifers, Lender Liability, and Municipal Involuntary Acquisitions) were issued at 29 percent (N=24) of the sites, and *State Action Letters* accounted for 13 percent (N=11) of the comfort/status letters issued.

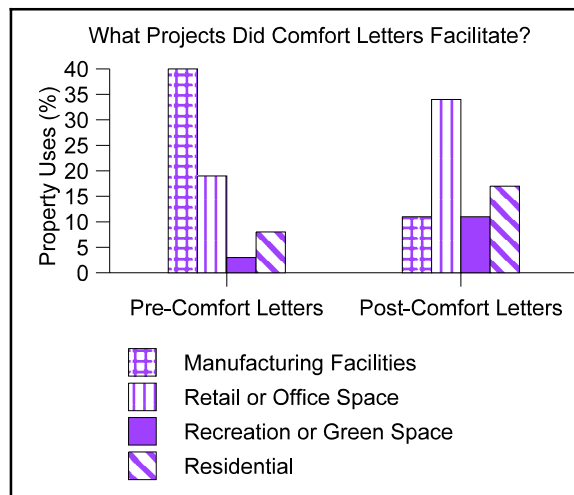
Private party respondents were asked what the comfort/status letter offered that was beneficial to them. Assurance that EPA did not anticipate taking action at the site was the most beneficial element, cited by 75 percent (N=38) of respondents. Assurance that property reuse could proceed was cited by 41 percent (N=21) of respondents, while 20 percent (N=10) noted their interest in receiving clarification that a particular policy applied to their situation. Cooperation with EPA in redeveloping brownfield sites was welcomed by 18 percent (N=9) of respondents, while 12 percent (N=6) cited information on cleanup progress as an important factor.

Attached as an Appendix to this report are the survey questions provided to regional personnel and the private parties who obtained the comfort/status letters.

Benefits of Comfort/Status Letters

Benefit: *Comfort/status letters enable the return of properties to more environmentally beneficial uses.*

Respondents were asked to provide information on prior and planned uses of the property covered by the comfort/status letter. Respondents reported that comfort/status letters have covered property ranging in size from less than an acre to greater than 100 acres. Private party respondents noted that at the time they obtained the comfort/status letter, 65 percent (N=30) of the properties were not in use. Forty percent (N=25) of the properties had served as traditional manufacturing facilities, while an additional 19 percent (N=12) had been retail or office space. Figure 7 illustrates that by contrast, 11 percent (N=5) of the reuse projects involved traditional manufacturing operations, while 34 percent (N=16) became retail or office facilities. Recreation facilities and green space were restored at 11 percent (N=5) of the properties. Other miscellaneous reuse projects included a senior housing center and an agricultural facility.



Figure

7

Benefit: *Comfort/status letters help local communities revive their neighborhoods.*

Survey data indicate that redevelopment projects associated with the survey sample of comfort/status letters cover more than 674 acres, or 70 percent, of the property addressed by comfort/status letters. Private party respondents estimate that nearly 470 short-term jobs (such as construction of redevelopment projects) have directly resulted from comfort/status letters, and that more than 2,500 permanent jobs have directly resulted from the redevelopment projects. The redevelopment projects associated with these comfort/status letters to date have an average value of \$4,665,217, and at least \$107,300,000 (excluding cleanup costs) has been invested in these redevelopment projects.

Both EPA and private party respondents indicated that comfort/status letters were necessary for a variety of reasons. At 39 percent (N=26) of the sites, the comfort/status letter was issued due to the anticipated economic redevelopment and job creation benefits, while another 39 percent (N=26) of respondents stated that the redevelopment project associated with the site was in the public interest. The comfort/status letter was necessary to complete the purchase/reuse of the site in 24 percent (N=16) of the surveys, while 3 percent (N=2) of the respondents cited environmental justice issues at the site. One respondent stated that the comfort/status letter helped to secure institutional controls at the site, while another indicated that the comfort/status letter was issued to address community concerns.

Comfort/status letters were a critical component of the successful reuse of these 85 properties. Eighty-six percent (N=30) of the private party respondents who answered the survey question indicated that their purchase and/or redevelopment of the property would not have occurred without the comfort/status letter. Seventy-nine percent (N=30) of the private party respondents who answered the survey question indicated that the reuse project was the original concept they had when they purchased the property. This demonstrates that response activities do not interfere with reuse plans (*i.e.*, the purchaser did not have to change the scope of the project in order to receive the comfort/status letter. The comfort/status letters in all these cases were consistent with the intent of the redevelopment projects). The only response checked by a private party respondent as to why the original reuse plan fell through was that market forces made the project no longer economically viable.

Benefit: *Comfort/status letters enhance the economic viability of reuse projects.*

Eighty-three percent (N=33) of private party respondents who answered the survey question reported that the comfort/status letter had a positive impact on the economic viability of their redevelopment project. Sixteen percent (N=4) of the respondents also benefitted from a tax reduction or received contribution of funds from a third party toward cleanup or toward the construction of the reuse project.

Benefit: *Comfort/status letters are a relatively fast and inexpensive tool to facilitate brownfield redevelopment.*

Comfort/status letters can be completed quickly and inexpensively, providing the recipients with reassurance that they can proceed with redevelopment work with a clear understanding of their potential environmental liability. Survey results show that the median time to complete a comfort/status letters is four weeks after they are requested and can cost as little as \$50 - \$100. The ease and inexpensiveness of comfort/status letters facilitates reuse projects and, in most cases, helps them get underway with minimal delays.

The survey data confirmed EPA's belief that comfort/status letters result in positive benefits that protect public health and the environment and contribute to the future welfare of the surrounding community.

Comfort/Status Letter Success Stories

Comfort/status letter signed in October, 1996

A comfort/status letter helped the city of Old Town, Maine transform an abandoned pie plate manufacturing plant into a vibrant downtown riverfront revitalization effort including:

- ✓ Retail shops and a restaurant on the riverfront
- ✓ City park and improved landscaping
- ✓ Creation of 24 new jobs

Comfort/status letter signed in March, 1997

A comfort/status letter issued in March of 1997 aided the purchase and redevelopment of a portion of the Fairchild Semiconductor Superfund site in San Jose, California.

Redevelopment projects associated with the site include:

- ✓ Construction of a Lucky's Supermarket on land that had been vacant and blighted for years
- ✓ Development of corporate campus housing for the newest campus of Netscape Communication.

Comfort/status letter signed in January, 1998

A comfort/status letter indicating that the federal government had no current interest in the property facilitated the cleanup and redevelopment of the Union Scrap Iron and Metal Company site, a former battery and metals recycling site in Minnesota. Environmental and economic benefits include:

- ✓ Cleanup of lead-contaminated waste piles
- ✓ Redevelopment of the site into much-needed parking facilities for area businesses in Minneapolis

Comfort/status letter signed in July, 1998

A comfort/status letter was issued in July of 1998 to facilitate the purchase and redevelopment of the Treasure Island Naval Station at Hunter Point in California. The environmental and economic impacts of the redevelopment project include:

- ✓ Cooperation among EPA, the Navy, and the State of California, resulting in the cleanup of a 936 acre former naval base
- ✓ Transfer of the property from the Navy to the City of San Francisco to be used as new facilities for the San Francisco Police Department crime lab

Comfort/status letter signed in September, 1998

A comfort/status letter helped to transform the Spokane Junkyard in Spokane, Washington from a scrap metal facility to community-building initiatives including:

- ✓ Development of a 100 unit affordable housing complex, in response to community requests
- ✓ Construction of soccer and softball fields to replace junkyard space with community-based green space and recreation areas

Prospective Purchaser Agreements: Survey Findings and Benefits

IV. Survey Findings and Benefits of Prospective Purchaser Agreements

Highlights of PPA Survey Results

A number of common themes emerged from the PPA survey data. For purposes of this report, the themes were organized into eight overall benefits of PPAs, and four areas where EPA could improve the PPA process. The benefits and improvements are listed below. Subsequent sections of the report provide more comprehensive information on the PPA process as well as on each benefit and suggested improvement.

Benefits	Suggested Improvements
<ul style="list-style-type: none">• <i>PPAs help local communities revive their neighborhoods.</i>• <i>PPAs support diverse uses at properties of varying sizes.</i>• <i>PPAs enhance the economic viability of reuse projects.</i>• <i>PPAs allow property reuse and site cleanup to coincide.</i>• <i>PPAs preserve the Superfund Trust Fund, thus allowing EPA to clean up other hazardous waste sites.</i>	<ul style="list-style-type: none">• <i>Streamline the PPA process.</i>• <i>Ensure that EPA and private parties explore other options that could alleviate concerns over Federal Superfund liability.</i>• <i>Provide guidelines on appropriate consideration.</i>• <i>Improve communication with states, local governments, and local communities.</i>

History of the EPA Prospective Purchaser Agreement Guidance

In an effort to respond to the many requests from prospective purchasers for liability relief, EPA in June 1989 issued the *Guidance on Landowner Liability Under Section 107(a)(1) of CERCLA, de minimis Settlements Under Section 122(g)(1)(B) of CERCLA, and Settlements With Prospective Purchaser of Contaminated Property* (1989 PPA guidance). A PPA is a formal legal agreement between a prospective purchaser of contaminated property and EPA where, in exchange for some cleanup work or funds toward cleanup from the purchaser, EPA promises not to sue the purchaser for existing contamination on the property at the time of purchase. EPA's promise is referred to as a "covenant-not-to-sue."

The 1989 guidance specified criteria that must be met to warrant expending public resources to negotiate a PPA. The evaluation criteria are summarized below:

- ***EPA anticipates taking an enforcement action at the site.***

EPA generally will consider PPAs only at sites listed or proposed for listing on the NPL (National Priorities List), sites where EPA has spent Fund money, or sites that are the subject of a pending enforcement action.

- ***EPA will receive a substantial benefit for cleanup, which would not otherwise be available.***

Substantial monetary benefits applied to response actions at the site, or an agreement to conduct response work must be provided to EPA by the prospective purchaser. These benefits must not be available to EPA from other sources, such as cost recovery from an enforcement action or enforcing a federal lien.

- ***The continued operation of the site or new site development with the exercise of due care will not aggravate or contribute to the existing contamination or interfere with the remedy.***

If the operation proposed by the purchaser for redeveloping the site will potentially interfere with the remedy or aggravate existing contamination, EPA will not give a covenant-not-to-sue.

- ***Due consideration has been given to the effect of continued operations, or new site development, on health risks to those people likely to be present at the site.***

Covenants-not-to-sue will not be given by EPA if operations at the property proposed by the purchaser would endanger the health of the people likely to be present at the site.

- ***The prospective purchaser is financially viable.***

The prospective purchaser must demonstrate their financial viability and capability of fulfilling the obligations of the agreement.

Once EPA determined that the evaluation criteria were met and that the PPA was in the public interest, the 1989 guidance specified that the purchaser must provide EPA with consideration, either in the form of funding for or actual cleanup work. In exchange for the consideration, EPA provided a covenant-not-to-sue.

The 1989 guidance limited PPAs to sites where EPA anticipated taking an enforcement action and where EPA received a substantial benefit toward cleanup not available through other means. In an effort to expedite cleanup and encourage reuse of contaminated property, EPA expanded the 1989 guidance in 1995. Although the 1995 guidance restates much of the 1989 guidance, it revises two of the original criteria that must be met in order for EPA to negotiate a PPA. Additional changes to the 1989 guidance include encouraging greater public participation as well as providing a model agreement that EPA and purchasers use as a starting point for negotiations. Changes to the 1989 guidance threshold criteria are summarized below:

- ***An EPA action at the facility has been taken, is ongoing, or is anticipated to be undertaken by the Agency.***

EPA may now provide PPAs at sites that are listed or proposed for listing on the NPL; or sites where EPA has undertaken, is undertaking, or plans to conduct a response action.

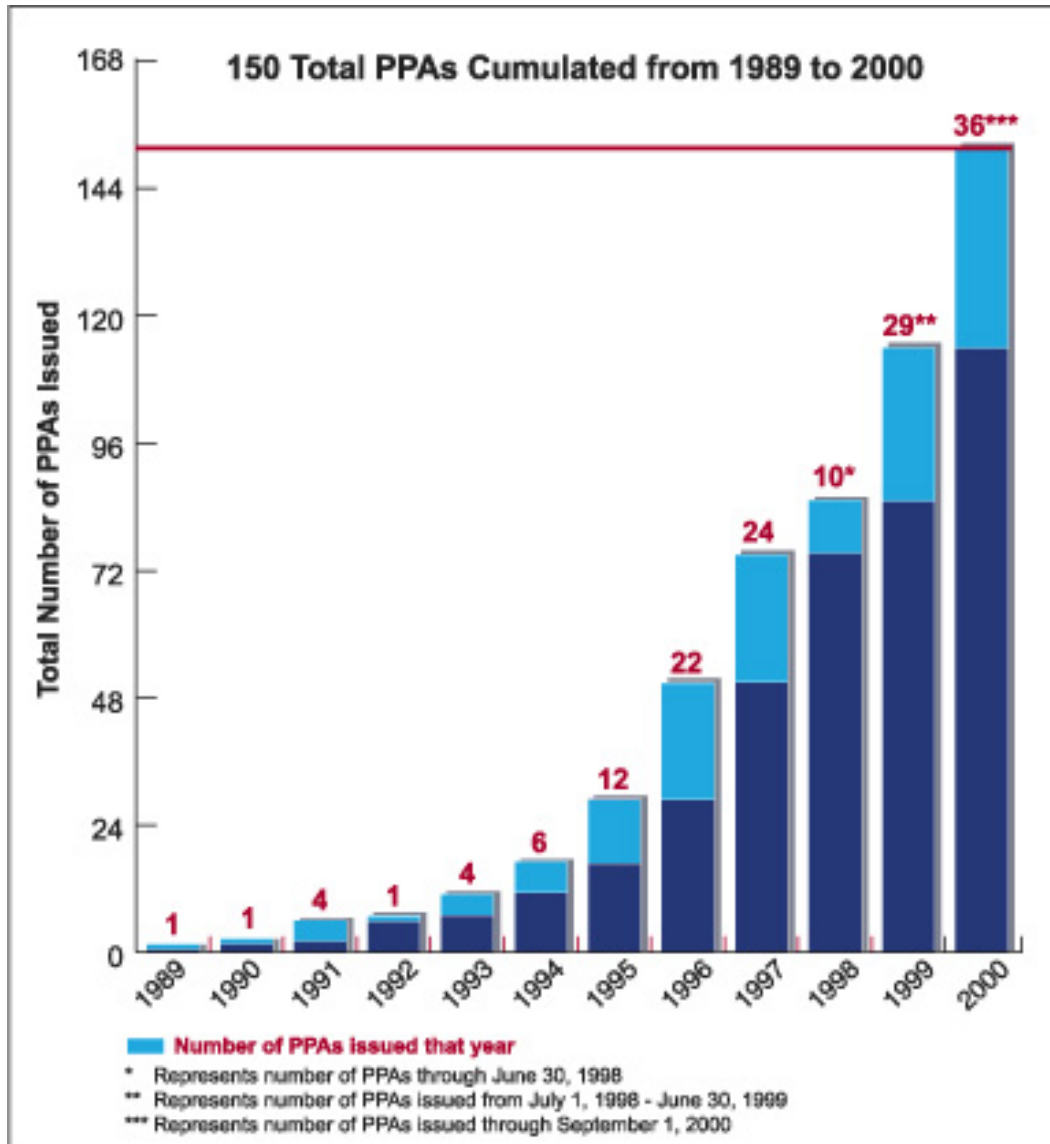
- ***The Agency should receive a substantial benefit either in the form of a direct benefit for cleanup, or as an indirect public benefit in combination with a reduced direct benefit to EPA.***

The 1989 guidance required substantial direct benefits to EPA in order to enter into a PPA, but the 1995 guidance encouraged a more balanced evaluation of both the direct and indirect benefits. Indirect benefits may include, but are not limited to, the creation or retention of jobs, development of abandoned or blighted property, creation of conservation or recreation areas, or provision of community services.

The revised criteria allow EPA the flexibility to consider PPAs at a greater number of contaminated properties. The revisions made to the 1989 PPA guidance have been extremely successful in increasing the number of PPAs negotiated by EPA. Prior to the publication of the 1995 guidance, EPA had entered into **20** PPAs. From the publication of the 1995 guidance until September 1, 2000, EPA entered into an additional **130** PPAs, for a total of **150**. This represents a greater than **750 percent increase** in the number of PPAs EPA entered into following issuance of the 1995 guidance.

Figure 8 illustrates the rapid increase in the negotiation of PPAs since the issuance of the

1995 PPA guidance.



Figure

re 8

Overview of Survey Results

Overall, the survey findings show that PPAs have played an important role in Superfund site cleanup and reuse. Although both regional personnel and private parties suggested improvements, PPAs have enabled EPA and private parties to successfully clean up and reuse Superfund sites and generally have met the needs of the purchasers. Survey findings also show that the type, stage, and cost of cleanups, as well as the size of the site, do not hinder the successful negotiations of PPAs. This section presents an overview of the results of the private party and regional personnel survey responses. **Actual survey percentage results may reflect numbers less than or greater than 100. This is due, in part, to respondents providing more than one answer or not answering the question at all.** The 85 PPAs completed through June 30, 1998 represent all 10 EPA Regions and 29 of the 50 states, as depicted by the map on page 26.

Of the 85 PPAs included in the survey, 57 were associated with sites listed or proposed for the NPL while 28 were entered into at sites not on the NPL but of federal interest. In the great majority of cases (90 percent; N=71)⁴, EPA had conducted the PRP search before negotiating a PPA. At 90 percent (N=70) of the properties covered by a PPA, the contamination had been fully characterized. EPA characterized the contamination at the majority (69 percent; N=59) of the properties, while other PRPs, states and current owners either participated in or characterized it at 54 percent (N=46) of the properties. Prospective purchasers participated in or characterized the contamination at 11 percent (N=9) of the properties. Sixty-three percent (N=47) of the property covered by the PPA required cleanup under CERCLA while 37 percent (N=28) did not, in some cases because the cleanup had already been completed and in some cases because the investigation had not yet been completed and a cleanup decision had not yet been made at the time the survey was conducted.

⁴ “N” refers to the actual number of responses given by survey respondents to specific survey questions. Note that the data has been normalized and percentages are based upon total numbers of actual responses. When respondents did not answer a question, or when they selected “Don’t Know,” their responses are not included in the percentage calculations.

PPA Survey Sites



Figure 9

General Findings

As mentioned earlier, EPA had heard people voice their concern about incurring environmental liability and reusing contaminated property. The PPA survey data confirmed EPA's belief that the PPA guidance could alleviate concerns over Superfund liability. The analysis demonstrated that private parties are purchasing contaminated property of varying sizes. Not only are parties purchasing contaminated property, they are redeveloping the cleaned up parcels within larger Superfund sites. Figure 10 illustrates that property covered by a PPA ranged in size from less than one acre to greater than 50 acres, a sizeable percentage (38 percent; N=29) covered parcels five acres or less, and 56 percent (N=43) were ten acres or less:

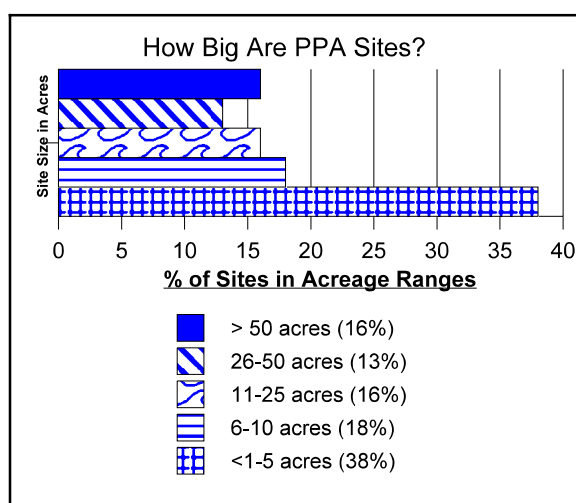


Figure 10

Sixty-eight percent (N=56) of the completed PPAs covered small parcels that were part of a larger site. Where PPAs covered smaller parcels of sites, PRPs are paying for or contributing to the larger Superfund cleanup at 39 percent (N=44) of the sites, while EPA and/or the state are paying for some or all of the cleanup at 41 percent (N=47) of these sites. Where a parcel covered by the PPA required cleanup, purchasers agreed to complete and pay for the cleanup at 37 percent (N=34) of the PPA sites; PRPs and EPA each completed or paid for the cleanup at 22 percent (N=20) of the sites.

Figure 11 illustrates the range of cleanup costs at properties covered by a PPA. Fifty-six percent (N=22) of respondents who answered the question indicated that the site had cleanup costs of less than \$1 million, while 16 percent (N=6) had cleanup costs greater than \$10 million. The survey data demonstrates that PPAs can be completed for sites encompassing a full spectrum of cleanup costs.

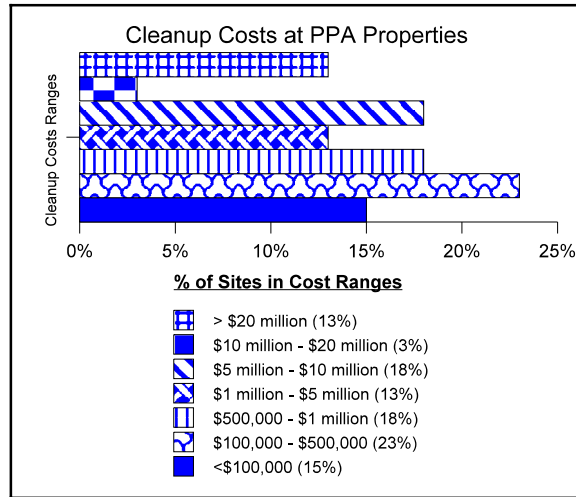


Figure 11

Figure 12 demonstrates that protection from federal Superfund liability was the central reason private party respondents sought a PPA. More specifically, protection from environmental liability due to previous activities at the property was cited by 72 percent (N=26) of the respondents, while protection from future environmental liability was cited by 53 percent (N=19) of the respondents. Protection from third party contribution lawsuits was cited by 42 percent (N=15) of the respondents. While 36 percent (N=13) expressed concern about possible undiscovered contamination, 19 percent (N=7) noted concern over the possible contamination of nearby properties.

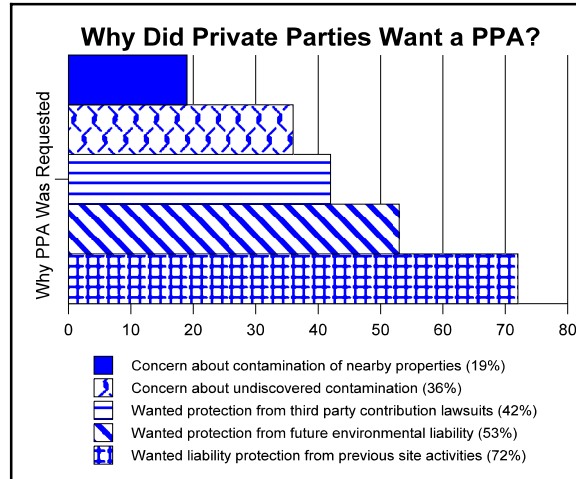


Figure 12

Alleviating their concern over federal Superfund liability was the major factor private parties considered while evaluating whether to purchase property and obtain a PPA. However, several other factors significantly weighed into their decisions. Private party respondents were asked to indicate those factors, outside of environmental liability, that were the most important components in their decision to purchase Superfund property. Among these factors, the redevelopment potential of the property was reported in 69 percent (N=25) of the private party surveys, while the location of the property was a factor for 58 percent (N=21) of the respondents. Purchase price of the property was cited by 44 percent (N=16) of the respondents, and 56 percent (N=20) considered the extent of the contamination at the property. The presence of potentially responsible parties at the property who were responsible for cleanup was a factor for 36 percent (N=13) of the respondents, while 33 percent (N=12) cited EPA conditions for entering into the PPA. All these factors show that while protection from liability is important for purchasers, it's not the only thing on the minds of private parties when considering whether to purchase properties associated with Superfund sites.

Figure 13 details who suggested obtaining a PPA at the site. The purchaser's counsel suggested seeking a PPA at 46 percent (N=17) of the properties and EPA suggested it at 25 percent (N=9) of the properties.

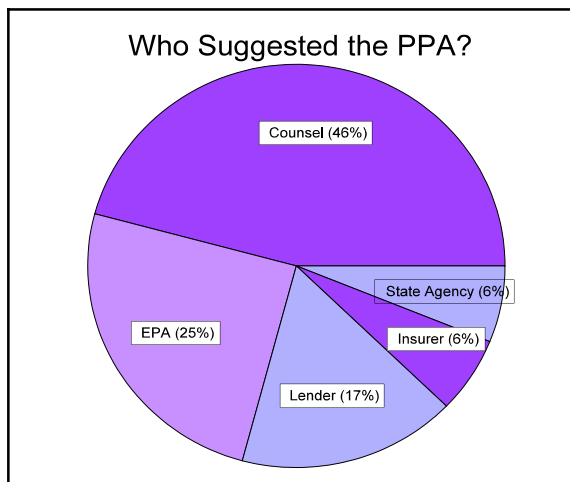


Figure 13

To better understand the PPA process and address criticisms regarding the length of time PPAs take to complete, OSRE asked regional staff and private party respondents to determine the time and costs associated with negotiating a PPA. Regional respondents were asked to calculate the number of hours they spent to complete the PPA. Data show that EPA personnel spend an average of 200 hours completing a PPA, although the range of time estimates is large. One estimated that it took as little as 15 hours to complete a PPA, while another estimated that it took 2,200 hours (*i.e.*, nearly a year's work for one person). The twenty private parties who responded to this question had responses ranging from \$1,000 - \$1,000,000, with the median cost to obtain a PPA at \$35,000. The private party transaction costs included clerical, technical, managerial, legal, outside consultants and counsel, as well as any costs that resulted from the delay in purchasing the property. These costs did not include the "consideration" component (*i.e.*, what the purchaser offers EPA in exchange for a covenant-not-to-sue).

Survey results indicate the time that elapses from the date a PPA is requested until the date the agreement becomes effective can range widely, depending on the complexity of the site and the agreement. Although the elapsed time ranged from one month to 18 months, the average amount of time to complete a PPA was nine months. The median amount of time to complete a PPA was also nine months. According to private party respondents, in most cases where there was a deadline, EPA met it. Seven respondents indicated EPA was not able to meet their deadlines.

As a matter of law, it is necessary for EPA to obtain adequate consideration when entering into a PPA. At 98 percent (N=83) of the sites, EPA received consideration based on past or future cleanup costs, the market value of the property, or the purchase price of the property, or received direct cleanup work, access to the site, or operation and maintenance work. Additionally, purchasers contributed to the cleanup work at 36 percent (N=31) of the sites,

maintained institutional controls at 22 percent (N=19) of the sites, and conducted operation and maintenance oversight at 18 percent (N=15) of the sites.

When considering a party’s request for a PPA, EPA personnel reported that they evaluated a number of factors, including the proposed use of the property (65 percent; N=55) and the economic impact on the community as well as the type of business or use at the property (41 percent; N=35). At 32 percent (N=27) of the sites, EPA also considered whether there were other PRPs available at the site to perform cleanup work. The presence of recoverable past costs was a consideration at 29 percent (N=25) of the sites, and the threat of third party litigation was a factor at 18 percent (N=15) of the sites. EPA also considered the likely increase in property values at 18 percent (N=15) of the sites.

According to private party respondents, benefits to the public resulting from the 85 PPAs include economic redevelopment (67 percent; N=57), job creation (61 percent; N=52), increased tax base (60 percent; N=52), infrastructure development (19 percent; N=16), restoration of green space (15 percent; N=13), environmental justice benefits (4 percent; N=3), and public facilities development such as libraries and historical sites (8 percent; N=7). Figure 14 illustrates the community benefits realized at the PPA sites.

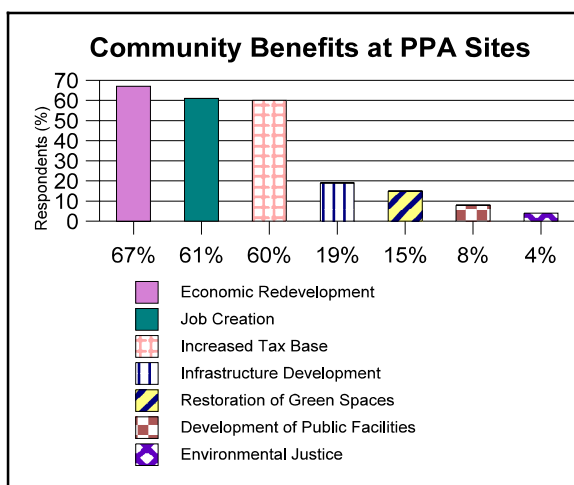


Figure 14

By comparison, private party respondents also were asked whether EPA gave sufficient consideration to the economic benefits of the reuse project when it evaluated their request for a PPA. While nearly two-thirds (63 percent; N=19) indicated that EPA gave about the right amount of consideration to economic benefits, about a third (N=10) indicated that EPA gave economic benefit either some or much too little consideration when evaluating the PPA proposal.

In addition to EPA and private party interest in PPAs, other federal agencies, states, local

governments, and surrounding communities may be interested in the PPA and ultimate reuse. The 1995 guidance encourages state, local, and public involvement during the PPA process. Regional staff indicated that other federal agencies were party to a PPA 13 percent (N=11) of the time and that states were a party to a PPA 21 percent (N=17) of the time (although the state either was notified, consulted or participated during negotiations at 71 percent (N=61) of the PPAs.) State involvement ranged from entering into their own PPAs with the parties and reviewing institutional control provisions in the federal PPA to developing soil management plans. Local governments were involved at 19 percent (N=15) of the PPAs, and either were notified, were consulted, or participated during negotiations at 60 percent (N=45) of the PPAs. Local involvement ranged from issuing developer permits and generating letters of support to participating in the public comment process.

Attached as an Appendix to this report are the survey questionnaires provided to regional personnel and the private parties who negotiated the PPAs.

Benefits of PPAs

Benefit: *PPAs help local communities revive their neighborhoods.*

Survey data indicate that redevelopment projects now cover more than 1,500 acres, or 80 percent, of the property addressed by PPAs. EPA regional personnel estimate that nearly 1,700 short-term jobs (such as construction of redevelopment projects) have directly resulted from PPAs, and that more than 1,700 permanent jobs have directly resulted from redevelopment projects. Additional economic redevelopment in the areas surrounding reuse projects spurred by PPAs is expected to result in hundreds more jobs nationwide. The redevelopment projects associated with PPAs to date have an average value of \$6,091,000, and at least \$184,400,000 (excluding cleanup costs) have been invested in these redevelopment projects. Redevelopment projects associated with PPAs have resulted in an estimated \$2.6 million in local tax revenue nationwide.

Private party survey respondents report figures slightly different, but also impressive. According to private party survey respondents, nearly 1,400 short-term jobs and more than 2,600 permanent jobs have been created by redevelopment projects that have resulted from PPAs. Private party respondents also report that the average value of redevelopment projects associated with PPAs is \$5,678,571 and at least \$159,000,000 (excluding cleanup costs) has been invested in these redevelopment projects. (Note also that these figures are based upon a private party response rate of 42 percent of the PPAs completed as of September 30, 1998).

PPAs were an important component of the successful redevelopment of the great majority of the 85 properties included in the surveys. Ninety percent (N=26) of private party respondents indicated that their purchase and/or redevelopment of the property would not have occurred without the PPA. Furthermore, two-thirds (67 percent; N=24) indicated that the PPA facilitated the cleanup and reuse of the property. Ninety-three percent (N=28) of the private parties who answered the survey question indicated that the reuse project was the original concept they had when they purchased the property. This demonstrates that Superfund response activities do not interfere with reuse plans (*i.e.*, the purchaser did not have to change the scope of the project). Just as in the comfort/status letter survey response, the only reason checked by a private party as to why the original reuse plan fell through was due to market forces that made the project no longer economically viable.

Benefit: *PPAs support diverse uses at properties of varying sizes.*

Respondents were asked to provide information on prior and planned uses of the property covered by the PPA. Respondents reported that PPAs have covered property ranging in size from less than an acre to greater than 50 acres. Sixty-six percent of private party respondents who answered the survey question noted that at the time they obtained the PPA, the property was not in use. Nearly half (44 percent; N=40) of the properties had served as traditional manufacturing facilities, while an additional 18 percent (N=17) had been retail or office space. Figure 15 illustrates that only 29 percent (N=26) of the reuse projects involved traditional manufacturing operations, while 31 percent (N=29) became retail or office facilities. Recreation facilities and green space were restored at 12 percent (N=11) of the properties. Other

miscellaneous reuse projects included a regional transportation center, a commuter railroad station, dormitories, a community youth center, piers, a wildlife refuge, and a ski area.

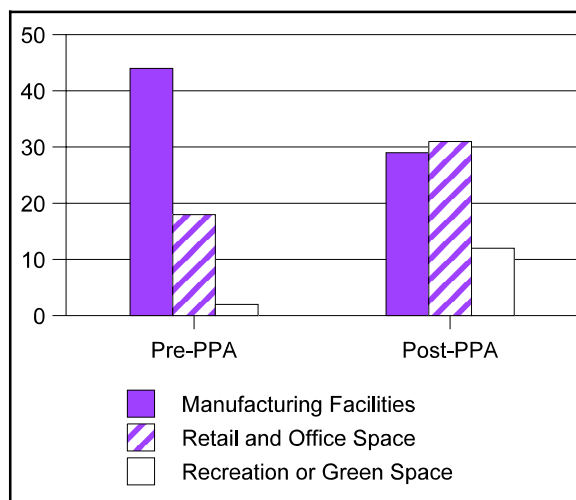


Figure 15

Private parties are returning parcels located within larger Superfund sites to productive uses. Approximately two-thirds (N=56) of the PPAs included in the survey covered parcels of land contained within larger sites. Only 12 percent (N=7) of the respondents who answered the survey question indicated that the PPA covered property greater than 100 acres while 57 percent (N=32) were negotiated at properties measuring less than 10 acres. Thus, not only do large areas of contamination not deter prospective purchasers from requesting a PPA but PPAs are a useful tool for encouraging the cleanup and reuse of property without requiring an entire site cleanup.

Benefit: *PPAs enhance the economic viability of reuse projects.*

Eighty-eight percent (N=29) of private party respondents reported that the PPA had a positive impact on the economic viability of their redevelopment project. Twenty-nine percent (N=6) of the respondents also benefitted from a tax reduction or received contribution of funds from a third party toward cleanup or toward the construction of the reuse project. Even without these financial incentives, purchasers were confident enough with PPAs to implement their reuse plans.

Benefit: *PPAs preserve the Superfund Trust Fund, because prospective purchasers are*

willing to contribute their own money toward property cleanups.

Prospective purchasers demonstrate an optimism about the development potential of a Superfund site when they become a party to a PPA. At 37 percent (N=34) of the properties included in the survey, purchasers contributed their own funds to assist in the cleanup of the property covered by the PPA.

The survey results support EPA's belief that the use of PPAs result in positive benefits that protect public health and the environment and contribute to the future welfare of the surrounding community. These benefits confirm that EPA's programs and policies that facilitate the cleanup of Superfund sites and alleviate purchasers' concern about environmental liability provide profitable reuse opportunities in communities across the nation.

PPA Success Stories

Prospective Purchaser Agreement signed in April, 1994

A PPA for the Anaconda Mining Site in Montana paved the way for the transformation of an abandoned mining site into a Jack Nicklaus-designed golf course. EPA designed the cleanup, allowing for the construction of a golf course and hiking trail. More than 250 acres were covered and revegetated. Environmental and economic benefits include:

- ✓ Protection of residents who live, work, or play around the property
- ✓ Protection of Warm Springs Creek--a blue ribbon trout stream
- ✓ Preservation of historic buildings and artifacts
- ✓ 20 permanent jobs at the golf course; 42 temporary jobs associated with cleanup activities and redevelopment
- ✓ Approximately \$480,000 in annual income associated with permanent jobs
- ✓ Increase of up to \$395,000 in total residential property values within two miles of the site

Prospective Purchaser Agreement signed in July, 1995

A partnership between EPA, Colorado Department of Public Health and Environment and Home Depot USA, Inc., formalized in a PPA, resulted in the construction of a 130,000 square foot Home Depot retail sales facility on the Denver Radium Superfund Site. Environmental and economic benefits include:

- ✓ Ongoing monitoring of the site to ensure continued protection of human health and the environment
- ✓ 130 jobs per year during 8 years of cleanup, with an additional 15 jobs during redevelopment, with \$3.2 million in annual income
- ✓ 113 permanent jobs at the Home Depot, and \$1.9 million in annual income
- ✓ \$1.25 million in State income and sales taxes generated from purchases at the Home Depot

Prospective Purchaser Agreement signed in August, 1994

A PPA for the Publicker Industries site in Philadelphia, Pennsylvania has laid the foundation for one of the worst hazardous waste sites in the Mid-Atlantic region resulting from 75 years of alcohol distillation processing, chemical mixing, and storage to be transformed into a \$250 million multi-purpose shipping terminal. Economic benefits of the project include:

- ✓ 150 jobs per year during 3 years of cleanup work
- ✓ \$3.7 million in estimated annual income associated with cleanup jobs
- ✓ 350 permanent full-time jobs with \$10.4 million in total annual income and \$8.3 million in total annual spending
- ✓ \$400,000 in annual sales tax revenue and \$291,000 in annual state income tax revenue generated

Before and after pictures of the Publicker PPA site in Philadelphia, Pennsylvania



Before: A blighted urban industrial site



After: A vibrant port facility

Prospective Purchaser Agreements signed in December, 1995

To advance the redevelopment proposals at the Industri-Plex Superfund Site in Woburn, Massachusetts, EPA entered into three PPAs. The PPAs enabled the public/private partnership to begin developing the area into a Regional Transportation Center, with over 200,000 square feet of retail space, and potentially over 750,000 square feet of hotel and office space. Environmental and economic benefits include:

- ✓ Creation of an open land and wetlands preserve
- ✓ Reduced exposure to contaminants by enhanced remedy protectiveness
- ✓ Improved traffic and safety conditions through alleviation of congestion at a major highway interchange
- ✓ An average of 700 short-term jobs with an estimated total annual income of \$23.6 million

Prospective Purchaser Agreement signed in July, 1997

The Kane and Lombard Street Drums Site in Baltimore, Maryland, an open dump where demolition, municipal, and industrial wastes were disposed of for more than 20 years has been transformed into a 20-tee golf driving range. The economic benefits associated with this redevelopment project include:

- ✓ 117 jobs created during 10 months of cleanup and redevelopment work
- ✓ \$2.7 million in estimated annual income associated with cleanup jobs
- ✓ 12 permanent full-time jobs with \$290,000 in total annual income and \$232,000 in total annual spending capacity of the golf course employees
- ✓ \$9,300 in annual state sales tax revenue and \$10,100 in annual state income tax generated

Prospective Purchaser Agreement signed in August, 1997

At the MacGillis & Gibbs Company and Bell Lumber and Pole Company site in New Brighton, Minnesota, a hazardous waste site resulting from the treatment of telephone poles and lumber has been redeveloped into an urban center, office complex, and a 77,000-square foot plastics manufacturing facility. The economic benefits include:

- ✓ 440 jobs created over 10 years of cleanup work
- ✓ \$1.7 million total annual income associated with cleanup jobs
- ✓ 200 permanent full-time jobs projected, with \$5.3 million in total annual income and \$4.2 million in total annual spending, from the new uses at the property
- ✓ \$137,000 annual state sales tax revenue and \$381,000 in annual state income tax revenue generated

Prospective Purchaser Agreement signed in April, 1999

A PPA facilitated the redevelopment of 214 acres of waterfront property in the city of Glen Cove, New York. The property had housed several smelting facilities over the years. Several state and Federal agencies, including EPA, the Department of Housing and Urban Development, the National Oceanic and Atmospheric Agency, the Department of Transportation, and the New York State Department of Environmental Conservation, have teamed as parties in the redevelopment efforts in Glen Cove. Their joint efforts are expected to yield:

- ✓ 1,700 permanent jobs at all skill levels
- ✓ Businesses with an expected gross of \$200 in annual sales
- ✓ Annual tax yields of \$10 million
- ✓ New worker earnings totaling \$82 million in 2000
- ✓ Construction of a high-speed passenger ferry to improve public transportation options in the region

**Comfort/Status Letters and PPAs:
Comparisons and Suggested Improvements**

V. Comparison of Comfort/Status Letters and PPAs

The survey data revealed several areas of comparison between PPAs and comfort/status letters, as illustrated below:⁵

Characteristic for Comparison	Comfort/status letters (85 letters in survey sample)	PPAs (85 PPAs in survey sample)**
Approximate number through September 1, 2000	500	130
Obtained for sites less than 5 acres in size	65% (N=27)	38% (N=29)
Obtained for sites between 5 acres and 100 acres in size	33% (N=14)	51% (N=39)
Obtained for sites greater than 100 acres in size	2% (N=1)	12% (N=9)
NPL Site	20% (N=17)	59% (N=51)
Removal Site	21% (N=18)	41% (N=34)
Cleanup costs less than \$1 million	69% (N=9)	56% (N=22)
Cleanup costs between \$1 million and \$10 million	31% (N=4)	31% (N=12)
Cleanup costs greater than \$10 million	0% (N=0)	16% (N=6)
Average time required to get a PPA or comfort/status letter (average)	7.4 weeks	9 months
Median time required to get a PPA or comfort/status letter (median)	4 weeks	6 - 12 months
Average time spent by EPA personnel to complete a PPA or comfort/status letter (average)	13.5 hours	200 hours
Median time spent by EPA personnel to complete a PPA or comfort/status letter (median)	5.5 hours	80 hours
Average cost to recipients (average)	\$2,650	\$167, 726
Median cost to recipients (median)	\$1,200	\$35,000

** The 85 comfort/status letters and PPAs from which survey results are drawn do not represent the same sites. It is a coincidence that both samples included 85 surveys.

⁵ Percentage calculations are based upon normalized data, and total number of responses to individual survey questions. In some cases, the percentages in this table are not based upon the total survey sample number of 85 PPA or comfort/status letters.

The conclusion can be drawn from these comparisons that comfort/status letters are faster, cheaper, and easier to obtain than PPAs. This is to be expected, because they do not provide legal contribution protection; do not have the “back and forth” negotiation, therefore, take less time; and are less complicated to draft. Comfort/status letters are more commonly used at sites that are smaller and have lower cleanup costs than the sites where parties have obtained PPAs. Unlike PPAs, these letters are also used at sites that are not of federal interest. Because PPAs are legally binding documents providing covenants-not-to-sue, they are more complex and take longer to complete. As mentioned earlier, OSRE undertook this survey effort to confirm what they had been hearing anecdotally, and these results and comparisons confirm the expectations.

VI. Survey Results and the ICR Criteria

As noted in Section II, Overview of the Survey Process, OSRE specified seven criteria in the original Information Collection Request for these surveys against which it would evaluate the effectiveness of the PPA guidance and the comfort/status letter policy. The following table summarizes the findings associated with each of the criteria:⁶

ICR Criteria	PPA	Comfort/Status Letter
How instrumental PPAs and comfort/status letters have been in accelerating site cleanup and revitalization of blighted areas	<p>90% (N=26) of private party respondents stated that they wouldn't have purchased or redeveloped their site without a PPA</p> <p>67% (N=24) of private party respondents stated that the PPA facilitated or greatly facilitated cleanup and reuse of the site</p> <p>88% (N=29) of private party respondents stated that the PPA had a positive effect on the economic viability of their reuse project</p>	<p>86% (N=30) of private party respondents stated that they wouldn't have purchased or redeveloped their site without a comfort/status letter</p> <p>47% (N=16) of private party respondents stated that the comfort/status letter facilitated or greatly facilitated cleanup and reuse of the site</p> <p>83% (N=33) of private party respondents stated that the comfort/status letter had a positive effect on the economic viability of their reuse project</p>

⁶ Percentage calculations are based upon normalized data, and total number of responses to individual survey questions. In some cases, the percentages in this table are not based upon the total survey sample number of 85 PPA or comfort/status letters.

ICR Criteria	PPA	Comfort/Status Letter
How effective PPAs and comfort/status letters have been in meeting the needs of the requesters	<p>74% (N=17) of private parties indicated that EPA was responsive to their deadlines in completing the PPA</p> <p>66% (N=23) of private parties indicated that their level of effort required to complete the PPA was reasonable or very reasonable</p>	<p>83% (N=20) of private parties indicated that EPA was responsive to their deadlines in completing the comfort/status letter</p> <p>87% (N=43) of private parties indicated that their level of effort required to complete the comfort/status letter was reasonable or very reasonable</p>
Timeliness of the PPA and comfort/status letter process	Median time to complete PPA is 9 months	Median time to complete comfort/status letter is 4 weeks
Most important elements of the PPA and comfort/status letter to the recipients	<p>72% (N=26) cited protection from environmental liability resulting from previous activity at the site</p> <p>53% (N=19) cited protection from future environmental liability</p> <p>42% (N=15) cited protection from third party contribution lawsuits</p> <p>36% (N=13) cited concern about undiscovered contamination</p> <p>19% (N=7) cited concern about possible contamination at nearby property</p>	<p>72% (N=39) cited clarification of potential environmental liability</p> <p>40% (N=38) cited assurance that EPA didn't anticipate taking action at the site</p> <p>22% (N=21) cited assurance that the property reuse could proceed</p> <p>17% (N=9) cited concern about undiscovered or nearby contamination</p>

ICR Criteria	PPA	Comfort/Status Letter
Types of property cleanups and reuse situations in which PPAs and comfort/status letters are most useful	<p>44% (N=40) of the PPA sites were manufacturing sites, often abandoned</p> <p>66% (N=48) of the PPA sites were unused or abandoned at the time of the PPA. PPA was effective in getting abandoned properties back into productive use</p> <p>12% (N=11) of PPA sites created green space or recreation areas. PPAs have led to the restoration of green space</p>	<p>40% (N=25) of the comfort/status letter sites were manufacturing sites, often abandoned</p> <p>68% (N=25) of the comfort/status letter sites were unused or abandoned at the time of the comfort/status letter. Comfort/status letters were effective in getting abandoned properties back into productive use</p>
<p>Problems parties have encountered while going through the PPA and comfort/status letter process, and the recommendations for addressing those problems</p> <p>** EPA's solutions to these problems are described in the next section of this report</p>	<p>The PPA process can take too long**</p> <p>PPA consideration paid to EPA can be too high**</p>	<p>The comfort/status letter process can be too long**</p> <p>Comfort/status letters need to have fewer caveats and stronger assurances**</p>

ICR Criteria	PPA	Comfort/Status Letter
<p>Alternatives to PPAs and comfort/status letters</p>	<p>Comfort/status letter -- 39% (N=28)</p> <p>Federal Indemnification Agreements -- 13% (N=9)</p> <p>State/Local Liability Reduction Options -- 8% (N=6)</p> <p>Although EPA personnel acknowledge they could be more diligent in exploring options to PPAs, at the great majority of the sites, PPAs were deemed the appropriate liability clarification tool</p>	<p>PPA – 8% (N=5)</p> <p>State/Local Liability Reduction Options -- 5% (N=3)</p> <p>State/Local Indemnification Agreements -- 3% (N=2)</p> <p>Private Indemnification Agreements -- 2% (N=1)</p> <p>Although EPA personnel acknowledge they could be more diligent in exploring options to comfort/status letters, at the great majority of the sites, comfort/status letters were deemed the appropriate liability clarification tool</p>

VII. Suggested Improvements and Conclusions

Comfort/Status Letters

Regional and private party respondents were given the opportunity to provide comments on their experiences in negotiating a comfort/status letter and provide suggestions for improving the process. As noted in the previous sections, the majority of private parties were satisfied with EPA's comfort/status letter process. Three-quarters (N=27) of the private party respondents offered suggestions for improving the comfort/status letter process, and consistent themes emerged that underscore the areas where EPA had identified areas for improvement. The following is a summation of the most consistent and significant suggestions offered by regional and private party respondents.

Improvement: *Accelerate the comfort/status letter process.*

The survey data and respondent comments highlighted the need to improve the efficiency of the comfort/status letter process. For example, one requester stated that comfort/status letters should be issued more promptly in cases where the state has the lead in conducting oversight. Another respondent commented that EPA should add administrative staff to reduce bottlenecks in issuing letters. Others commented that the time lapse between the request for the letter and EPA's response was too great. Although EPA was credited with meeting deadlines 83 percent (N=20) of the time, seven private party respondents indicated that the comfort/status letter process caused a delay in cleanup, purchase, and/or reuse anywhere from one month to more than one year.

The average time to complete a comfort/status letter was 7.4 weeks and the average amount of time spent by EPA personnel on comfort/status letters was 13.5 hours. OSRE was surprised at this finding, expecting that the availability of sample comfort/status letters would speed their completion.

Improvement: *Ensure that EPA and private parties explore other options that could alleviate concerns over Federal Superfund liability.*

Survey results show that while other options, both private and federal, exist, private parties availed themselves of these tools less than 20 percent of the time. Although EPA personnel discussed the possibility of invoking the Contaminated Aquifer Policy at 34 percent of the sites, all other options were discussed with private parties less than 11 percent of the time.

Improvement: *Strengthen assurance and reduce caveats in comfort/status letters.*

Six private party respondents stated that they felt that comfort/status letters should provide more comfort through stronger assurances concerning the potential for Superfund liability and fewer caveats concerning EPA's future stance at the site. One private party complained that the comfort/status letter "did not make any commitments by EPA concerning the property in question on groundwater." Another noted that comfort/status letters should "use more definitive language -- provide more comfort." One EPA Regional respondent concurred, stating "if we (EPA) never mean to sue the prospective purchaser, say so! It carries little real risk." Another EPA respondent also stated that "EPA needs to make the letter more of a true release to make these letters of more use to those they are issued to."

Improvement: *Archive sites that are eligible for comfort/status letters whenever possible.*

Some EPA Regional personnel expressed a strong preference for archiving sites when possible rather than issuing State Action comfort/status letters.

Conclusions

The comfort/status letter survey findings indicate that regional offices are effectively implementing the policy and that the letters have facilitated property reuse. Respondents also reported that comfort/status letters, for the most part, are relatively easy to obtain. As noted below, EPA has already made progress towards facilitating property reuse and addressing some of the challenges presented by survey respondents:

Completed

- ✓ EPA just developed a comfort/status letter tracking system within the Superfund database, CERCLIS/WasteLan. The system now allows EPA to track the total number of letters requested and issued. OSRE plans to work with regional offices to update the system to provide letter specific information.
- ✓ EPA issued "Procedures for Partial Deletions at NPL Sites," on April 30, 1996. This document acknowledges that whole site cleanups may take years, yet portions of NPL may be clean and ready for reuse. Therefore, deletion of these cleaned up parcels may encourage reuse.
- ✓ EPA issued "Closeout Procedures for NPL Sites," on January 3, 2000. This document includes a detailed discussion of construction completion, closeout procedures, NPL site deletion and partial deletions.

Ongoing

- OSRE continues to assist regional staff in drafting comfort/status letter language. For example, many of the regional offices have issued comfort/status letters covering RCRA property.
- EPA is working to expand the capability of WasteLAN to better track the site specific nature of comfort/status letters.
- EPA plans to evaluate the survey data to determine whether and what comfort/status letter policy changes are needed.

Prospective Purchaser Agreements

As noted in the previous sections, the majority of private parties were satisfied with EPA's PPA process. Regional and private party respondents were given the opportunity to provide comments on their experiences in negotiating a PPA and provide suggestions for improving the process. Although respondents provided relatively few comments, there were consistent themes that underscore the areas that EPA had identified areas for improvement. The following is a summation of the most consistent and significant suggestions offered by regional and private party respondents.

Improvement: *Streamline the PPA process.*

The survey data and respondent comments highlighted the need to improve the efficiency of the PPA process. For example, one requester precisely stated that EPA's business history and financial analysis requirements are too time consuming and a burden on small businesses. Another respondent commented that the drafting and negotiating stage took too long. Others commented that the multi-levels of approval within EPA and Department of Justice (DOJ) make the process too time consuming, and that giving EPA regional offices broader authority would expedite successful agreements. Although EPA was credited with meeting deadlines 74 percent (N=17) of the time, 19 private party respondents indicated that the PPA process caused a delay in cleanup, purchase, and/or reuse anywhere from three months to more than one year.

Improvement: *The more fully characterized a site, the faster EPA and purchasers finalize the PPA.*

Where the extent of contamination at a site was fully characterized, PPA negotiations were completed within seven months. While at first glance this may seem like a long period of time, it should be noted that where a private party indicated there was a deadline associated with completing the PPA, EPA met that deadline 74 percent (N=17) of the time. In 8 percent (N=2) of cases where a PPA deadline was not met, the delay was generally procedural in nature. Generally, purchasers were satisfied with the level of effort required to complete the PPA process, with 66 percent (N=23) indicating that they found the level of effort to be reasonable or very reasonable.

Improvement: *Ensure that EPA and private parties explore other options that could alleviate concerns over Federal Superfund liability.*

Because EPA and private parties have an understanding of the time and costs involved in negotiating PPAs, the availability of other tools, such as comfort/status letters and private indemnification agreements should be considered by regional staff and the private party. Survey results show that while other options, both private and federal, exist, private parties availed themselves of these tools only 34 percent (N=21) of the time. EPA personnel discussed the possibility of obtaining comfort/status letters at only 39 percent (N=28) of the PPA sites included in the survey.

Improvement: *Provide guidelines on appropriate consideration.*

Private party respondents stated that the agreement should be “friendlier,” and in particular, EPA should avoid re-openers for purchaser liability. Both private and EPA respondents recommended making the transferability of the covenant-not-to-sue within the model agreement more automatic. Survey respondents recommended EPA issue guidance clarifying the amount of cost reimbursement or cleanup work required from purchasers. Private respondents also suggested that EPA reduce the amount of consideration a purchaser must provide to receive a covenant-not-to-sue.

Improvement: *Improve communication with states, local governments, and local communities.*

One respondent suggested that opportunities for public comment should be enhanced. Another requested that, on a case-by-case basis, EPA establish goals and/or requirements that the PPA must achieve and make these expectations available to the public. Survey results indicated that the level of state and local government involvement in the PPA process varied significantly.

Conclusion

The PPA survey findings indicate that EPA is effectively implementing its PPA guidance to encourage and facilitate the cleanup and reuse of Superfund sites and that the number of successful agreements has increased significantly in recent years. Respondents also reported that EPA, for the most part, has been responsive to purchasers in meeting their needs in a timely manner. At the same time, the respondents commented that EPA still could improve the process of obtaining PPAs. For example, some respondents recommended that EPA more efficiently analyze PPA requests within a time frame consistent with the pace of the real estate market in order to reasonably meet the needs of purchasers. As outlined below, EPA has already made progress towards its goals of improving the PPA process and addressing the difficulties private parties encountered while obtaining a PPA:

Completed

- ✓ EPA and the Department of Justice (DOJ) each have designated a PPA expediter who will work with the EPA and DOJ staff assigned to a particular PPA to quickly resolve issues that impede timely completion of negotiations.
- ✓ EPA has developed a PPA tracking system within the Superfund database, CERCLIS/WasteLan. The system allows EPA to track individual PPA requests, evaluate the timeliness of EPA's response, and identify where in the process delays are occurring.
- ✓ EPA has issued a model letter that acknowledges PPA requests and a checklist of information that EPA generally will require to evaluate PPAs. The letter and checklist will standardize the PPA process and allow for a quicker review of requests. Additionally, PPA requesters and other interested parties will be able to obtain a description of the information EPA generally requires to evaluate requests. For more information, please see the October 1, 1999 memorandum from Barry Breen to EPA regions, "*Expediting Requests for Prospective Purchaser Agreements.*" (www.epa.gov/oeca/osre)

Ongoing

- EPA has formed a workgroup led by OSRE with participation of representatives from all ten regional offices, the Office of General Counsel, the Office of Solid Waste and Emergency Response, and DOJ to identify additional ways to improve the PPA process.
- EPA plans to issue revisions to the 1995 PPA guidance in the near future.
- EPA is exploring potential clarifications to the 1995 PPA Guidance that focus on calculating the appropriate amount of money or cleanup work EPA will require in exchange for the covenant-not-to-sue.

For further information on comfort/status letters, contact Elisabeth Freed at (202) 564-5117 or freed.elisabeth@epa.gov . For site specific PPA inquiries, contact Helen Keplinger at (202) 564-4221 or keplinger.helen@epa.gov , or contact the appropriate regional office. (See <http://www.epa.gov> for addresses and phone numbers of EPA regional offices.)

Appendix

**SURVEY INSTRUMENT -- EPA REGIONAL PERSONNEL SURVEY:
PROPERTIES WITH PROSPECTIVE PURCHASER AGREEMENTS (PPAs)**

**EPA REGIONAL PERSONNEL SURVEY:
PROPERTIES WITH PROSPECTIVE PURCHASER AGREEMENTS (PPAs)**

Please complete this questionnaire for each property for which your Region has entered into a Prospective Purchaser Agreement. Please be sure to answer each question. If you need clarification or have any questions, please contact Elisabeth Freed at 202/564-5117

A. GENERAL INFORMATION

- 1) Property Name _____
- Property Location (City, State) _____
- Parties to the PPA _____
- Date PPA was Signed _____

B. BACKGROUND

- 2) Where in the investigation/cleanup process was the site when a PPA was requested?
(check all those which had been completed or were in progress)
- No investigation or cleanup was planned or initiated
 - Investigation and/or cleanup planned or initiated under a state program
 - Phase I Assessment
 - Phase II Assessment
 - Listed in CERCLIS
 - Preliminary Assessment
 - Site Inspection
 - Removal Action
 - Hazard Ranking Score package prepared
 - Proposed for listing on the National Priorities List
 - Listed on National Priorities List
 - Remedial Investigation/Feasibility Study
 - Remedial Design/Remedial Action
 - Cleanup Underway
 - Cleanup Completed
 - None of the above
 - Other (please explain) _____

3) Was the “contamination existing prior to purchase” at the property covered by the PPA clearly characterized?

- Yes
- No
- Don't Know

4) Who characterized the “contamination existing prior to purchase”?

- EPA
- Purchaser
- State
- Other PRPs at the site
- Local government
- Developer
- Current owner
- Don't know
- Other, please explain _____

5) Is cleanup of the property covered by the PPA required under CERCLA?

- Yes
- No
- Do not know yet

6) Is the site listed or proposed for listing on the NPL?

- Yes
- No

7) What is the estimated acreage of the property addressed by the PPA?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know

- 8) How many of these acres are contaminated with hazardous substances requiring cleanup?
- <1 acre
 - 1 - 5 acres
 - 6 - 10 acres
 - 11 - 25 acres
 - 26 - 50 acres
 - 51 - 100 acres
 - >100 acres
 - Don't know
 - Not applicable
- 9) If applicable, what type of cleanup is planned or has occurred at the property covered by the PPA? (check one or more as appropriate)
- Groundwater Cleanup
 - Soil Cleanup
 - Off-Site Treatment
 - On-Site Treatment
 - Institutional Controls (Zoning for Specific Future Land Use, Future Site Security Provisions, etc.)
 - Monitoring of Cleanup Activities
 - Operation and Maintenance
 - No cleanup decisions have been made
 - Cleanup is not required
 - Don't know
 - Operation and Maintenance
- 10) If cleanup is required, what is the total estimated cleanup cost for the property covered by the PPA?
- | | |
|--|---|
| <input type="checkbox"/> < \$100,000 | <input type="checkbox"/> \$3 million - \$5 million |
| <input type="checkbox"/> \$100,000 - \$500,000 | <input type="checkbox"/> \$5 million - \$10 million |
| <input type="checkbox"/> \$500,000 - \$1 million | <input type="checkbox"/> \$ 10 million - \$20 million |
| <input type="checkbox"/> \$1 million - \$3 million | <input type="checkbox"/> > \$20 million |
| <input type="checkbox"/> Don't Know | <input type="checkbox"/> Not applicable |
- 11) Is the property addressed by the PPA part of a larger site?
- Yes
 - No
 - Don't Know

12) If the property addressed by the PPA is part of a larger site (e.g., NPL site), what is the estimated acreage of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

13) How many acres of the property addressed by the PPA are within the boundaries of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- None
- Don't know
- Not applicable

14) If applicable, what type of cleanup is planned or has occurred at the larger site? (check one or more as appropriate)

- Groundwater Cleanup
- Soil Cleanup
- Off-Site Treatment
- On-Site Treatment
- Institutional Controls (Zoning for Specific Future Land Use, Future Site Security Provisions, etc.)
- Monitoring of Cleanup Activities
- Operation and Maintenance
- No cleanup decisions have been made
- Cleanup is not required
- Not applicable
- Don't know

15) If cleanup is necessary or occurring, who is/will be conducting and paying for the cleanup of the larger site?

- EPA
- State government agency
- Local government agency
- Current property owner
- Prospective purchaser
- Other PRPs at the site
- Cleanup is not required
- Don't know
- Not applicable
- Other parties, please explain: _____

16) If the property covered by the PPA is part of a larger site, what is the total estimated cleanup cost for that site?

- | | |
|--|--|
| <input type="checkbox"/> < \$100,000 | <input type="checkbox"/> \$5 million - \$10 million |
| <input type="checkbox"/> \$100,000 - \$500,000 | <input type="checkbox"/> \$10 million - \$20 million |
| <input type="checkbox"/> \$500,000 - \$1 million | <input type="checkbox"/> >\$20 million |
| <input type="checkbox"/> \$1 million - \$3 million | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> \$3 million - \$5 million | <input type="checkbox"/> Not applicable |

17) Has a PRP Search been conducted?

- Yes
- No
- Don't know

18) If institutional controls were adopted to control future land use at the property covered by the PPA, was the community notified of the potential future use of the property and involved in the decision-making process?

- Yes
- No
- Not applicable
- Don't Know

19) If applicable, who is completing and paying for the cleanup of the property covered by the PPA?

- EPA
- State government agency
- Local government agency
- Current property owner
- Prospective purchaser
- Other PRPs at the site
- Cleanup is not required
- Don't know
- Other parties, please explain: _____

20) If applicable, who is completing and paying for the cleanup of the larger site?

- EPA
- State government agency
- Local government agency
- Current property owner
- Prospective purchaser
- Other PRPs at the site
- Cleanup is not required
- Don't know
- Other parties, please explain: _____

21) Why was a PPA requested?

- The party wanted protection from environmental liability due to previous activities at the property
- The party wanted protection from future environmental liability
- The party wanted protection from third party contribution lawsuits
- The party was concerned about possible undiscovered contamination
- The party was concerned about contamination of nearby properties
- The State agency suggested it
- EPA suggested it
- The party's counsel suggested it
- The party's lender required or recommended it
- The party's insurer required or recommended it
- Other, please explain _____

22) Did EPA file a lien on this property?

- Yes
- No
- Don't Know

C. THE PROSPECTIVE PURCHASER AGREEMENT (PPA) PROCESS

23) How much time elapsed between the date that the PPA was requested and the date it was signed?

- < 1 month
- 1 - 2 months
- 2 - 4 months
- Don't know
- 4 - 6 months
- 6 - 12 months
- > 12 months

24) If there was a deadline for obtaining the PPA, was EPA able to meet the deadline?

- Yes
- No
- There was no deadline

25) If known, please describe the nature of the deadline.

26) If the deadline was not met, why was it not met?

27) If the PPA delayed the cleanup and/or reuse of the site, what was the source of the delay?
(Check all that apply)

- Purchaser requested additional time to provide information on the environmental impact of site operations
- EPA requested additional information from the purchaser
- EPA requested more time to evaluate the PPA
- The public was given additional time to comment
- The public had objections to the PPA
- DOJ requested additional information from the purchaser
- DOJ requested more time to evaluate the PPA
- Local government officials requested additional review and concurrence time
- Local government officials had objections to the PPA
- State government officials requested additional review and concurrence time
- State government officials had objections to the PPA
- Other (describe) _____

28) Approximately how many hours did EPA personnel work on this PPA?

29) Did you suggest or recommend other options available for alleviating the party's concern about federal Superfund environmental liability?

- | | | |
|---|------------------------------|-----------------------------|
| Federal Comfort/Status Letter | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Private indemnification agreements | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| State or local liability reduction options
(i.e., State Comfort Letter or PPA) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| State or local government indemnification agreements | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| State or local government insurance arrangements | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Private insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input type="checkbox"/> None | | |
| <input type="checkbox"/> Other, please explain _____ | | |

30) If you selected any answer other than "None" for question 29, please indicate whether the tools were (check all that apply):

- Considered but not obtained
- Considered but not eligible for use at the site
- Obtained and used at the site
- Don't know
- Other, please explain: _____

31) If you selected any answer other than "None" for question 29, please explain why a PPA was also sought.

32) Why were the options in Question 29 not sufficient for alleviating the party's concern about federal Superfund environmental liability?

- Concern was over federal liability, rather than state or local liability
- The party was threatened by third party litigation
- State or local policies did not provide adequate assurances of reducing environmental liability
- Private Indemnification/Insurance inadequate
- Don't know
- Other, please explain _____

33) What, if any, financial or other incentives were provided by the state or locality in order to attract or spur reuse of the property?

- Tax Reduction (how much and for what length of time) _____
- Contribution of funds towards property cleanup
- Contribution of funds towards construction of reuse project
- Don't know
- Other, please explain _____

34) Did you recommend or direct the party to any of the policy or guidance documents listed below?

	Yes	No	Don't know
Policy Toward Owners of Residential Property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy Toward Owners of Property Containing Contaminated Aquifers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy Toward Small Volume Waste Contributors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lender Liability Rule (Asset Conservation Act)		<input type="checkbox"/>	<input type="checkbox"/>
Policy on Partial Deletions from NPL Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soil Screening Guidance		<input type="checkbox"/>	<input type="checkbox"/>
Future Land Use Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Presumptive Remedies Guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Archiving of CERCLIS Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Were any other federal agencies party to the PPA? If yes, who?

- No
- Yes, _____

36) If not, what was the level of other federal agency involvement?

- Notified of PPA
 - Consulted concerning the PPA
 - Participated during negotiation of the PPA
 - Not involved in the PPA discussions
 - Other (describe) _____
- Please indicate which federal agency: _____

37) Was the State a party to the PPA?

- Yes
- No
- Don't Know

38) If not, what was the level of state involvement?

- State was notified of PPA
- State was consulted concerning the PPA
- State participated during negotiation of the PPA
- State was not involved in the PPA
- Other (describe) _____
- Not applicable

39) Was the local government a party to the PPA?

- Yes
- No
- Don't Know

40) If not, what was the level of local government involvement?

- Local government was notified of PPA
- Local government was consulted concerning the PPA
- Local government participated during negotiations of the PPA
- Local government was not involved in the PPA
- Other (describe) _____
- N/A

41) What consideration will/has EPA received in relation to the PPA at this site? (Check all that apply)

A. Direct Benefits

- Money received equal to:
 - Past costs (or a portion of)
 - Future costs (or a portion of)
 - Market value of property
 - Purchase price of property
 - Value of lien
 - Maintenance of institutional controls
 - No direct benefit to the Agency
 - Other (describe) _____
- Work performed at the site
- Access to the property
- Operation and Maintenance at the site
- Other (describe) _____

B. Indirect Benefits

- Economic redevelopment
- Job creation
- Increased tax base
- Infrastructure development
- Restoration of “green” spaces such as parks
- Environmental justice benefits (*e.g.*, replacing Brownfields with green space in minority areas)
- Development of public facilities such as libraries, historical sites, or public golf courses
- No Indirect benefits
- Other (describe) _____

42) What other factors did EPA consider in evaluating whether to enter into the PPA?

- Other PRPs who can perform cleanup work at the site
- Purchaser paid reduced price for the property
- Likely property value increase
- Size and nature of the purchaser (commercial, small business, non-profit)
- Proposed use of the property
- Past costs recoverable from another PRP
- Threat of third party litigation
- Other (describe) _____

43) Will EPA have any unrecovered costs at the site?

- Yes
- No
- Don't Know

44) If yes, estimate the amount of unrecovered costs.

- | | |
|--|---|
| <input type="checkbox"/> < \$100,000 | <input type="checkbox"/> \$3 million - \$5 million |
| <input type="checkbox"/> \$100,000 - \$500,000 | <input type="checkbox"/> \$5 million - \$10 million |
| <input type="checkbox"/> \$500,000 - \$1 million | <input type="checkbox"/> \$ 10 million - \$20 million |
| <input type="checkbox"/> \$1 million - \$3 million | <input type="checkbox"/> > \$20 million |
| <input type="checkbox"/> Not applicable | <input type="checkbox"/> Don't Know |

45) What changes to the PPA process or guidance document do you think would make such agreements more effective?

46) What changes to existing laws, regulations, and/or policies would you recommend to make PPAs more effective?

47) Please include any other comments you have concerning this PPA

If the property for which the PPA was issued will be reused, please complete Section D.

*If the property for which the PPA was issued will not be reused, this completes the survey.
Thank you for your help.*

D. PROPERTY REUSE AND ITS ECONOMIC EFFECTS

48) Was the property in use when the PPA was obtained from EPA?

- Yes
- No
- Don't Know

49) Which category best describes the property's most recent use? (Please check all that apply)

- manufacturing
- commercial transportation (railyard, trucking operation, etc.)
- commercial non-transportation (retail, offices, etc.)
- government facility (office, labs, etc.)
- utility (natural gas, electric, etc.)
- school/library
- residential
- waste treatment and/or disposal
- mining
- recreation or green space
- don't know
- other, please specify: _____

50) Which category best describes the actual or planned reuse of the property? (Please check all that apply)

- manufacturing
- commercial transportation (railyard, trucking operation, etc.)
- commercial non-transportation (retail, offices, etc.)
- school/library
- government facility (office, labs, etc.)
- utility (natural gas, electric, etc.)
- residential
- waste treatment and/or disposal
- mining
- recreation or green space
- don't know
- other, please specify: _____

51) If the answer to Question 44 was yes, how many jobs were involved?

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know
- Not applicable

52) How many new short term and permanent jobs will be created by the reuse of the property?
(i.e., new jobs meaning those over and above the jobs already in existence before this reuse.)

Short term jobs (e.g., construction jobs)

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

Permanent jobs

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

53) Is the reuse project the one for which the property was originally purchased?

- Yes
- No
- Don't know

54) If no, why not? (Check all that apply)

- Unable to obtain financing
- Local or state government restrictions
- Community concerns
- Original reuse project not economically viable
- Other (please explain) _____

55) What is the total estimated cost of the reuse project (not including cleanup costs)?

- < \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$1 million
- \$1 million - \$3 million
- Don't know
- \$3 million - \$5 million
- \$5 million - \$10 million
- \$10 million - \$20 million
- > \$20 million

56) Would purchase and/or reuse of this site have occurred without a PPA?

- Yes
- No
- Don't Know

57) Please estimate the annual local tax revenue to be generated by the reuse project.

- < \$10,000
- \$10,000 - \$50,000
- Don't Know
- \$50,000 - \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$1 million
- > \$1 million

58) Of the property covered by the PPA, how many acres are part of the reuse or development project, including any open space?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- N/A

Thank you for your help!

**SURVEY INSTRUMENT -- PRIVATE PARTY SURVEY:
PROPERTIES WITH PROSPECTIVE PURCHASER AGREEMENTS**

EPA's Office of Site Remediation Enforcement plans to use this survey effort to evaluate the effectiveness of the Guidance on Settlements with Prospective Purchasers of Contaminated Property (May 1995) and Policy on the Issuance of Status/Comfort Letters (November 1996). OSRE will also evaluate the effectiveness of the guidance and policy in meeting the needs of the parties who requested Prospective Purchaser Agreements and/or Status/Comfort Letters. This collection of information is a one-time and voluntary effort.

The public reporting and record keeping burden for this collection of information is estimated to range from 36-54 minutes per respondent annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions, compile survey information, complete the survey, and return the survey by mail. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington, D.C. 20460. Include the OMB control number in any correspondence.

Do not send the completed survey to this address.

Survey approved
OMB Control #2020-0013
Approval expires 4/30/99

PRIVATE PARTY SURVEY: PROPERTIES WITH PROSPECTIVE PURCHASER AGREEMENTS

This questionnaire is property-specific, please complete this questionnaire for each property for which a PPA was entered.

A. GENERAL INFORMATION

- 1) Survey Code:
- 2) If you are not the prospective purchaser, which category best describes you?
 - Developer
 - Tenant
 - Lender
 - Insurer
 - Other (describe) _____

B. THE PROSPECTIVE PURCHASER AGREEMENT PROCESS

3) Where in the investigation/cleanup process was the site when the PPA was requested? (check all those which had been completed or were in progress)

- No investigation or cleanup was planned or initiated
- Investigation and/or cleanup planned or initiated under a state program
- Phase I Assessment
- Phase II Assessment
- Listed on CERCLIS
- Preliminary Assessment
- Site Inspection
- Removal Action
- Hazard Ranking Score package prepared
- Proposed for listing on the National Priorities List
- Listed on National Priorities List
- Remedial Investigation/Feasibility Study
- Remedial Design/Remedial Action
- Cleanup Underway
- Cleanup Completed
- None of the above
- Other (please explain) _____

4) Why did you request a PPA at this site?

- Wanted protection from environmental liability due to previous activities at the property
- Wanted protection from future environmental liability
- Wanted protection from third party contribution lawsuits
- Concerned about possible undiscovered contamination
- Concerned about contamination of nearby properties
- The State agency suggested it
- EPA suggested it
- Counsel suggested it
- Lender required or recommended it
- Insurer required or recommended it
- Other, please explain _____

5) Would your purchase and/or reuse of the property have occurred without a PPA?

- Yes
- No
- Don't Know

6) To what extent do you believe that the PPA helped to facilitate or hinder the cleanup and reuse of the property?

- PPA greatly facilitated cleanup and reuse
- PPA facilitated the cleanup and reuse somewhat
- PPA neither facilitated nor hindered cleanup and reuse
- PPA hindered the cleanup and reuse somewhat
- PPA prevented cleanup and reuse of the site
- Other, please explain _____

7) How much time elapsed between the date that the PPA was requested and the date it was signed?

- < 1 month
- 1 - 2 months
- 2 - 4 months
- Don't know
- 4 - 6 months
- 6 - 12 months
- > 12 months

8) When was the PPA finalized?

9) If there was a deadline for obtaining the PPA, was EPA responsive to your need to meet that deadline?

- Yes
- No
- There was no deadline (proceed to Question 12)

10) Please describe the nature of the deadline and whether it was met.

11) If the deadline was not met, why was it not met?

12) If the PPA process delayed purchase, cleanup, and/or reuse at the site, how long was the delay?

- < 2 weeks
- 2 - 4 weeks
- 1 - 3 months
- 3 - 6 months
- 6 months - 1 year
- > 1 year
- Don't know

13) If the PPA process expedited the purchase, cleanup, and/or reuse of the site, how much sooner did they occur?

- < 2 weeks
- 1 - 3 months
- 6 months - 1 year
- Don't know
- 2 - 4 weeks
- 3 - 6 months
- > 1 year

14) If the PPA delayed the cleanup and/or reuse of the site, what was the source of the delay? (Check all that apply)

- Purchaser requested additional time to provide information on the environmental impact of site operations
- EPA requested additional information from the purchaser
- EPA requested more time to evaluate the PPA
- The public was given additional time to comment
- The public had objections to the PPA
- DOJ requested additional information from the purchaser
- DOJ requested more time to evaluate the PPA
- Local government officials requested additional review and concurrence time
- Local government officials had objections to the PPA
- State government officials requested additional review and concurrence time
- State government officials had objections to the PPA
- Other (describe) _____

15) In your opinion, how reasonable was the level of effort required by you and your company to complete the PPA process and obtain the PPA?

- Very reasonable
- Reasonable
- Somewhat unreasonable
- Very unreasonable

Please explain your response. (What could have been done to make the process better?)

16) Approximately what was the cost to your company to obtain the PPA? (Please consider clerical, technical, managerial, and legal labor, as well as the costs of outside consultants or counsel. Please also consider any costs resulting from any delay in purchase of the property.)

17) Were there other options available for alleviating your concern about federal Superfund environmental liability at the site?

- Federal prospective purchaser agreement
If you selected the above, did EPA suggest it: Yes No
- Private indemnification agreements
If you selected the above, did EPA suggest it: Yes No
- State or local liability reduction options
(i.e., State Comfort Letter or PPA)
If you selected the above, did EPA suggest it: Yes No
- State or local government indemnification agreements
If you selected the above, did EPA suggest it: Yes No
- State or local government insurance arrangements
If you selected the above, did EPA suggest it: Yes No
- Private insurance
If you selected the above, did EPA suggest it: Yes No
- None
- Other, please explain _____

18) If you selected any answer other than "None" for question 17, please indicate whether the tools were (please check all that apply):

- Considered but not obtained
- Considered but not eligible to be used at the site
- Obtained and used at the site
- Other, please explain _____

19) If you selected any answer other than "None" for question 17, please tell us why you also sought a PPA.

20) Why were the options you selected in Question 17 not sufficient for alleviating your concern about environmental liability at the site?

- Concern was over federal liability, rather than state or local liability
- Needed protection from third party litigation
- State or local policies did not provide adequate assurances of reducing environmental liability
- Private indemnification/insurance inadequate
- Don't know
- Other, please explain _____

21) What, if any, financial or other incentives were provided by the state or locality in order to attract or spur reuse of the property?

- Tax Reduction (how much and for what length of time) _____
- Contribution of funds towards property cleanup
- Contribution of funds towards construction of reuse project
- Other, please explain _____

22) What other factors did you consider in evaluating whether to enter into the PPA?

- Redevelopment potential of the site
- Extent of the contamination at the site
- Location of the property
- PRPs at the site responsible for cleanup
- Purchase price
- EPA conditions for entering into the PPA (e.g., funding for cleanup)
- Other, please explain _____

23) Now that you have gone through the PPA process, what changes to PPAs or the PPA process would make such agreements more effective in facilitating property purchase, cleanup, or reuse?

24) Now that you have gone through the PPA process, what changes to existing laws, regulation, and/or policies would you recommend to facilitate property purchase, cleanup, and reuse?

25) Did any of the policy or guidance documents listed below facilitate cleanup and/or reuse of the property? (If none applied, please proceed to question 28)

	Yes	No	Don't know	
Policy Toward Owners of Residential Property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Policy Toward Owners of Property Containing Contaminated Aquifers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Policy Toward Small Volume Waste Contributors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lender Liability Rule (Asset Conservation Act)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy on Partial Deletions from NPL Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Soil Screening Guidance		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Land Use Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Presumptive Remedies Guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Archiving of CERCLIS Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

26) If any of the options listed in question 25 applied, why did you also obtain a PPA?

27) Were any of the options listed in question 25 counterproductive to the purchase, cleanup, and reuse of the property?

- Yes
- No
- Don't know

If yes, which one(s), and why? _____

28) Is (was) cleanup of this site required?

- Yes
- No
- Don't know

If yes, who is requiring the cleanup?

- Federal government
- State government
- Local government
- Other (e.g., bank), please specify: _____

29) What is the estimated acreage of the property addressed by the PPA?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know

30) How many of these acres are contaminated with hazardous substances requiring cleanup?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

31) If the property addressed by the PPA is part of a larger site (e.g., NPL site), what is the estimated acreage of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

32) How many acres of the property addressed by the PPA are within the boundaries of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

33) Please include any other comments you have concerning the PPA at this site and your experience working with EPA.

***If the property for which the PPA was issued will be reused, please complete Section C.
If the property for which the PPA was issued will not be reused, this completes the survey. Thank you for your help.***

C. PROPERTY REUSE AND ITS ECONOMIC EFFECTS

34) Was the property in use when the PPA was obtained from EPA?

- Yes
- No
- Don't Know

35) Which category best describes the property's most recent use? (Please check all that apply)

- manufacturing
- commercial transportation (railyard, trucking operation, etc.)
- commercial non-transportation (retail, offices, etc.)
- government facility (office, labs, etc.)
- utility (natural gas, electric, etc.)
- school/library
- residential
- waste treatment and/or disposal
- mining
- recreation or green space
- don't know
- other, please specify: _____

36) Which category best describes the actual or planned reuse of the property? (Please check all that apply)

- manufacturing
- commercial transportation (railyard, trucking operation, etc.)
- commercial non-transportation (retail, offices, etc.)
- school/library
- government facility (office, labs, etc.)
- utility (natural gas, electric, etc.)
- residential
- waste treatment and/or disposal
- mining
- recreation or green space
- don't know
- other, please specify: _____

37) If the answer to Question 35 was yes, how many jobs were involved in the existing use?

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know
- Not applicable

38) How many new short term and permanent jobs will be created by the reuse of the property? (i.e., new jobs meaning those over and above the jobs already in existence before this reuse.)

Short term jobs (e.g., construction jobs)

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

Permanent jobs

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

39) Is the reuse project the one for which the property was originally purchased?

- Yes
- No
- Don't know

40) If no, why not? (Check all that apply)

- Unable to obtain financing
- Local or state government restrictions
- Community concerns
- Original reuse project not economically viable
- Other (please explain) _____

41) When will the reuse project be completed? _____

42) What is the total estimated cost of the reuse project (not including cleanup costs)?

- < \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$1 million
- \$1 million - \$3 million
- Don't know
- \$3 million - \$5 million
- \$5 million - \$10 million
- \$ 10 million - \$20 million
- > \$20 million

43) Would purchase and/or reuse of this site have occurred without a PPA?

- Yes
- No
- Don't Know

44) To what extent has the PPA affected the economic viability of the reuse project?

- Substantial negative effect
- Some negative effect
- No effect
- Some positive effect
- Substantial positive effect

45) In accordance with EPA's 1995 PPA guidance, EPA will consider entering PPAs for less in terms of cleanup or funding for cleanup if such agreement brings a benefit to the community in terms of jobs, economic development, etc. In your opinion, did EPA give sufficient consideration to the reuse project's economic benefits to the community when it evaluated the benefits to be received in return for the PPA?

- Much too little consideration
- Somewhat too little consideration
- About right level of consideration
- Somewhat too much consideration
- Much too much consideration

46) Of the property covered by the PPA, how many of acres are part of the reuse or development project, including any open space?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres

Thank you for your help!

**SURVEY INSTRUMENT -- EPA REGIONAL PERSONNEL SURVEY:
PROPERTIES WHERE COMFORT/STATUS LETTERS WERE ISSUED**

**EPA REGIONAL PERSONNEL SURVEY:
PROPERTIES WHERE COMFORT/STATUS LETTERS WERE ISSUED**

Please complete this questionnaire with respect to sites for which a Comfort/Status Letter has been issued in your Region. If your Region has issued more than 20 Comfort/Status Letters, it will not be necessary to answer these questions for each site. Rather, please answer these questions for a representative sampling of 20 sites where you issued Comfort/Status Letters. Please be sure to answer each question. If you need clarification or have any questions, please contact Elisabeth Freed at (202) 564-5117.

A. GENERAL INFORMATION

7) Property Name _____

Property Location (City, State) _____

Recipient(s) of Comfort/Status Letter _____

Date of Comfort/Status Letter _____

B. BACKGROUND

2) Where in the investigation/cleanup process was the site when the Comfort/Status Letter was requested? (Please check all those which had been completed or were in progress)

- No investigation or cleanup was planned or initiated
- Investigation and/or cleanup planned or initiated under a state program
- Phase I Assessment
- Phase II Assessment
- Listed in CERCLIS
- Preliminary Assessment
- Site Inspection
- Removal Action
- Hazard Ranking Score package prepared
- Proposed for listing on the National Priorities List
- Listed on National Priorities List
- Remedial Investigation/Feasibility Study
- Remedial Design/Remedial Action
- Cleanup Underway
- Cleanup Completed
- None of the above
- Other (please explain) _____

- 3) Is (was) cleanup of the property addressed by the Comfort/Status Letter required?
- Yes
 - No
 - Don't Know
- 4) If yes, who is requiring the cleanup?
- Federal government
 - State government
 - Local government
 - Not applicable
- 5) If the Federal government is requiring cleanup, please indicate under what statute the cleanup is being compelled:
- | | |
|---------------------------------|---|
| <input type="checkbox"/> CERCLA | <input type="checkbox"/> TSCA |
| <input type="checkbox"/> RCRA | <input type="checkbox"/> Other, please specify: _____ |
| <input type="checkbox"/> OPA | <input type="checkbox"/> Not applicable |
| <input type="checkbox"/> CWA | |
| <input type="checkbox"/> CAA | |
- 6) What is the estimated acreage of the property addressed by the Comfort/Status Letter?
- <1 acre
 - 1 - 5 acres
 - 6 - 10 acres
 - 11 - 25 acres
 - 26 - 50 acres
 - 51 - 100 acres
 - >100 acres
 - Don't know
- 7) How many of these acres are contaminated with hazardous substances requiring cleanup?
- <1 acre
 - 1 - 5 acres
 - 6 - 10 acres
 - 11 - 25 acres
 - 26 - 50 acres
 - 51 - 100 acres
 - >100 acres
 - Don't know
 - Not applicable

8) If applicable, what type of cleanup is planned or has occurred at the property covered by the Comfort/Status Letter? (check one or more as appropriate)

- Groundwater Cleanup
- Soil Cleanup
- Off-Site Treatment
- On-Site Treatment
- Institutional Controls (Zoning for Specific Future Land Use, Future Site Security Provisions, etc.)
- Monitoring of Cleanup Activities
- Operation and Maintenance
- No cleanup decisions have been made
- Cleanup is not required
- Don't know

9) If cleanup is necessary or occurring who is/will be conducting and paying for the cleanup of the property covered by the Comfort/Status Letter?

- EPA
- State government agency
- Local government agency
- Current property owner
- Prospective purchaser
- Other PRPs at the site
- Cleanup is not necessary
- Don't know
- Other parties, please explain: _____

10) If cleanup is required, what is the total estimated cleanup cost for the property covered by the Comfort/Status Letter?

- | | |
|--|--|
| <input type="checkbox"/> < \$100,000 | <input type="checkbox"/> \$5 million - \$10 million |
| <input type="checkbox"/> \$100,000 - \$500,000 | <input type="checkbox"/> \$10 million - \$20 million |
| <input type="checkbox"/> \$500,000 - \$1 million | <input type="checkbox"/> >\$20 million |
| <input type="checkbox"/> \$1 million - \$3 million | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> \$3 million - \$5 million | <input type="checkbox"/> Not applicable |

11) Which category best describes the party who requested the Comfort/Status Letter?

- Property owner
- Owner of/interested in a property contiguous to a property with known/suspected contamination
- Owner of/interested in a property nearby property with known/suspected contamination
- Prospective purchaser
- Tenant
- Developer
- Lender
- Insurer
- Don't know
- Other, please specify: _____

12) Why was a Comfort/Status Letter requested for the property? (Check as all that apply)

- The requester wanted to clarify the status of their potential environmental liability
- The requester was concerned about possible undiscovered contamination
- The requester was concerned about contamination of nearby properties
- The state agency suggested it
- EPA suggested it
- The requester's counsel suggested it
- The party received an unsolicited Comfort/Status Letter from EPA
- The requester's lender required or recommended it
- The requester's insurer required or recommended it
- Don't know
- Other, please explain: _____

13) Is the property addressed by the Comfort/Status Letter part of a larger site?

- Yes
- No
- Don't know

14) If the property addressed by the Comfort/Status Letter is part of a larger site (e.g., NPL site), what is the estimated acreage of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

15) How many acres of the property addressed by the Comfort/Status Letter are within the boundaries of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- None
- Don't know
- Not applicable

16) If applicable, what type of cleanup is planned or has occurred at the larger site? (check one or more as appropriate)

- Groundwater Cleanup
- Soil Cleanup
- Off-Site Treatment
- On-Site Treatment
- Institutional Controls (Zoning for Specific Future Land Use, Future Site Security Provisions, etc.)
- Monitoring of Cleanup Activities
- Operation and Maintenance
- No cleanup decisions have been made
- Cleanup is not required
- Not applicable
- Don't know

17) If cleanup is necessary or occurring, who is/will be conducting and paying for the cleanup of the larger site?

- EPA
- State government agency
- Local government agency
- Current property owner
- Prospective purchaser
- Other PRPs at the site
- Cleanup is not required
- Don't know
- Not applicable
- Other parties, please explain: _____

18) If the property covered by the Comfort/Status Letter is part of a larger site, what is the total estimated cleanup cost for that site?

- | | |
|--|--|
| <input type="checkbox"/> < \$100,000 | <input type="checkbox"/> \$5 million - \$10 million |
| <input type="checkbox"/> \$100,000 - \$500,000 | <input type="checkbox"/> \$10 million - \$20 million |
| <input type="checkbox"/> \$500,000 - \$1 million | <input type="checkbox"/> >\$20 million |
| <input type="checkbox"/> \$1 million - \$3 million | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> \$3 million - \$5 million | <input type="checkbox"/> Not applicable |

19) Has a PRP Search been conducted at the larger site?

- Yes
- No
- Don't know

20) What type of Comfort/Status Letter was issued?

- No Previous Federal Superfund Interest Letter
- No Current Federal Superfund Interest Letter
- Federal Interest Letter
- State Action Letter
- Other, please describe: _____

21) Why did EPA agree to issue the Comfort/Status Letter? (Check all that apply)

- The situation met the conditions required by the Comfort/Status Letter Policy
- The Comfort/Status Letter was necessary to complete the purchase/reuse of the site
- The project was in the public interest
- In response to environmental justice issues at the site
- Due to the anticipated economic redevelopment and job creation benefits
- Don't know
- Other (specify) _____

22) What situation did the Comfort/Status Letter address? (Check all that apply)

If a "No Previous Federal Superfund Interest Letter" was issued:

- No active or archived CERCLIS listing
- No other evidence of historical federal Superfund involvement
- No current plans for federal Superfund activities
- The property is being addressed under another statute (e.g., RCRA, OPA, etc.)

If a "No Current Superfund Interest Letter" was issued:

- The property has been or is contained within a site that was archived and removed from CERCLIS
- The property has been or is contained within a site that has been deleted from the NPL
- The property was included in a partial deletion from the NPL
- The property is located near, but not part of, a CERCLIS site

If a "Federal Superfund Interest Letter" was issued:

- EPA had previously taken Superfund evaluation or response activity at the site
- EPA is currently taking a Superfund evaluation or response activity at the site
- EPA is planning to take Superfund evaluation or response activity at the site
- Requesting party or site circumstances are addressed by an EPA policy, guidance, or statutory or regulatory provision

If a "State Action Letter" was issued:

- The site falls under the federal Superfund program, but has been designated a state-lead
- The site falls under the federal Superfund program, but EPA is not taking action while the state addresses environmental concerns under its own state authorities (i.e., site is designated "Deferred to State" in CERCLIS)
- Site was designated "Deferred to State" and subsequently archived in CERCLIS
- Site is listed in CERCLIS and is being addressed under a state voluntary cleanup program.

23) Was the party that requested the Comfort/Status Letter interested in (please check all that apply):

- Purchasing a property
- Cleaning up a property for reuse
- Developing a property
- Learning more about the property
- Don't Know
- Other, please explain: _____

C. THE COMFORT/STATUS LETTER PROCESS

24) How much time elapsed between the date that the Comfort/Status Letter was requested and the date it was issued?

- < 1 week
- 1 - 2 weeks
- 2 - 4 weeks
- 1 - 2 months
- 2 - 4 months
- 4 - 6 months
- > 6 months
- Don't know

25) If there was a deadline for obtaining the Comfort/Status Letter, was EPA able to meet the deadline?

- Yes
- No
- There was no deadline

26) If known, please describe the nature of the deadline.

27) If the deadline was not met, why was it not met?

28) Did you suggest or recommend other options available for alleviating the party's concern about federal Superfund environmental liability?

- Federal prospective purchaser agreement Yes No
- Private indemnification agreements Yes No
- State or local liability reduction options Yes No
- (i.e., State Comfort Letter or PPA) Yes No
- State or local government indemnification agreements Yes No
- State or local government insurance arrangements Yes No
- Private insurance Yes No
- None
- Other, please explain _____

29) If you selected any answer other than "None" for question 28, please indicate whether the tools were (check all that apply):

- Considered but not obtained
- Considered but not eligible to be used at the site
- Obtained and used at the site
- Don't know
- Other, please explain _____

30) If you selected any answer other than "None" for question 28, please explain why a Comfort/Status Letter was also sought.

31) Why were the options in Question 28 not sufficient for alleviating the party's concern about federal Superfund environmental liability at the site?

- Concern was over federal liability, rather than state or local liability
- State or local policies did not provide adequate assurances of reducing environmental liability
- Private Indemnification/Insurance inadequate
- Don't know
- Other, please explain _____

32) What, if any, financial or other incentives were provided by the state or locality in order to attract or spur reuse of the property?

- Tax Reduction (how much and for what length of time) _____
- Contribution of funds towards property cleanup
- Contribution of funds towards construction of reuse project
- Don't know
- None
- Other, please explain _____

33) Did you recommend or direct the party to any of the policy or guidance documents listed below?

	Yes	No	Don't know	
Policy Toward Owners of Residential Property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Policy Toward Owners of Property Containing Contaminated Aquifers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Policy Toward Small Volume Waste Contributors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lender Liability Rule (Asset Conservation Act)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy on Partial Deletions from NPL Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Soil Screening Guidance		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Land Use Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Presumptive Remedies Guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Archiving of CERCLIS Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

34) Now that you have gone through the Comfort/Status Letter process, what changes to the process or current policy do you think would make the letters more effective?

35) Now that you have gone through the Comfort/Status Letter process, what changes to existing laws, regulations, and/or policies would you recommend to make the letters more effective?

36) Approximately how many hours did EPA personnel work on this Comfort/Status Letter?

37) Please include any other comments you have concerning this Comfort/Status Letter.

If the property for which the Comfort/Status Letter was issued will be reused, please complete Section D.

If the property for which the Comfort/Status Letter was issued will not be reused, this completes the survey. Thank you for your help.

D. PROPERTY REUSE AND ITS ECONOMIC EFFECTS

38) Was the property in use when the Comfort/Status Letter was requested from EPA?

- Yes
- No
- Don't Know

39) Which category best describes the property's most recent use? (Please check all that apply)

- manufacturing
- commercial transportation (railyard, trucking operation, etc.)
- commercial non-transportation (retail, offices, etc.)
- government facility (office, labs, etc.)
- utility (natural gas, electric, etc.)
- residential
- school/library
- waste treatment and/or disposal
- mining
- recreation or green space
- don't know
- other, please specify: _____

40) Which category best describes the actual or planned reuse of the property? (Please check all that apply)

- manufacturing
- commercial transportation (railyard, trucking operation, etc.)
- commercial non-transportation (retail, offices, etc.)
- government facility (office, labs, etc.)
- utility (natural gas, electric, etc.)
- residential
- school/library
- waste treatment and/or disposal
- mining
- recreation or green space
- don't know
- other, please specify: _____

41) If the answer to Question 38 was yes, how many jobs were involved?

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know
- Not applicable

42) How many new short term and permanent jobs will be created by the reuse of the property? (i.e., new jobs meaning those over and above the jobs already in existence before this reuse.)

Short term jobs (i.e., construction jobs)

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

Permanent jobs

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

43) Is the reuse project the one for which the Comfort/Status Letter was originally sought?

- Yes
- No
- Don't know

44) If no, why not? (Check all that apply)

- Unable to obtain financing
- Local or state government restrictions
- Community concerns
- Original reuse project not economically viable
- Don't know
- Other (please explain) _____

45) What is the total estimated cost of the reuse plan (not including cleanup costs)?

- < \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$1 million
- \$1 million - \$3 million
- \$3 million - \$5 million
- \$5 million - \$10 million
- \$10 million - \$20 million
- > \$20 million
- Don't know

46) Do you believe purchase and/or reuse of the property would have occurred without the Comfort/Status Letter?

- Yes
- No
- Don't Know

47) Please estimate the annual local tax revenue to be generated by the reuse project.

- < \$10,000
- \$10,000 - \$50,000
- Don't know
- \$50,000 - \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$1 million
- > \$1 million

48) Of the property addressed by the Comfort/Status Letter, how many acres are part of the reuse or development project, including any undeveloped space?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know

Thank you for your help!

**SURVEY INSTRUMENT -- PRIVATE PARTY SURVEY:
PROPERTIES WHERE COMFORT/STATUS LETTERS WERE ISSUED**

EPA's Office of Site Remediation Enforcement plans to use this survey effort to evaluate the effectiveness of the Guidance on Settlements with Prospective Purchasers of Contaminated Property (May 1995) and Policy on the Issuance of Status/Comfort Letters (November 1996). OSRE will also evaluate the effectiveness of the guidance and policy in meeting the needs of the parties who requested Prospective Purchaser Agreements and/or Status/Comfort Letters. This collection of information is a one-time and voluntary effort.

The public reporting and record keeping burden for this collection of information is estimated to range from 36-54 minutes per respondent annually. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions, compile survey information, complete the survey, and return the survey by mail. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (2137), 401 M St., S.W., Washington, D.C. 20460. Include the OMB control number in any correspondence.

Do not send the completed survey to this address.

Survey approved
OMB Control #2020-0013
Approval expires 4/30/99

PRIVATE PARTY SURVEY: PROPERTIES WHERE COMFORT/STATUS LETTERS WERE ISSUED

This questionnaire is property-specific, please complete this questionnaire with respect to each property for which a Comfort/Status Letter was issued.

A. GENERAL INFORMATION

1) Survey Code:

2) Which category best describes you?

- Property owner
- Owner of /interested in a property contiguous to a property known or suspected to be contaminated
- Owner of/interested in a property nearby a property known or suspected to be contaminated
- Prospective purchaser
- Tenant
- Developer
- Lender
- Insurer
- Other (describe) _____

B. THE COMFORT/STATUS LETTER PROCESS

3) Where in the investigation/cleanup process was the site when the Comfort/Status Letter was requested? (Please check all those which had been completed or were in progress)

- No investigation or cleanup was planned or initiated
- Investigation and/or cleanup planned or initiated under a state program
- Phase I Assessment
- Phase II Assessment
- Listed on CERCLIS
- Preliminary Assessment
- Site Inspection
- Removal Action
- Hazard Ranking Score package prepared
- Proposed for listing on the National Priorities List
- Listed on National Priorities List
- Remedial Investigation/Feasibility Study
- Remedial Design/Remedial Action
- Cleanup Underway
- Cleanup Completed
- None of the above
- Other (please explain) _____

4) Why did you request a Comfort/Status Letter for this site?

- Wanted to clarify the status of our potential environmental liability
- Concerned about possible undiscovered contamination
- Concerned about contamination of nearby properties
- State agency suggested it
- EPA suggested it
- Counsel suggested it
- Lender required or recommend it
- Insurer required or recommend it
- Don't know
- Other, please explain _____

- 5) Were (are) you interested in (please check all that apply):
- Purchasing a property
 - Cleaning up a property for reuse
 - Developing a property
 - Learning more about a property
 - Don't know
 - Other, please explain: _____
- 6) Would your purchase and/or reuse of the property have occurred without a Comfort/Status Letter?
(If you are the original owner of the property, please answer this question regarding reuse of the property).
- Yes
 - No
 - Don't Know
- 7) To what extent do you believe that the Comfort/Status Letter facilitated or hindered the cleanup of the property?
- Comfort/Status Letter greatly facilitated cleanup
 - Comfort/Status Letter facilitated the cleanup somewhat
 - Comfort/Status Letter neither facilitated nor hindered cleanup
 - Comfort/Status Letter hindered the cleanup somewhat
 - Comfort/Status Letter prevented cleanup of the site
 - Other, please explain _____
- 8) How much time elapsed between the date that the Comfort/Status Letter was requested and the date it was issued?
- | | |
|---------------------------------------|---------------------------------------|
| <input type="checkbox"/> < 1 week | <input type="checkbox"/> 2 - 4 months |
| <input type="checkbox"/> 1 - 2 weeks | <input type="checkbox"/> 4 - 6 months |
| <input type="checkbox"/> 2 - 4 weeks | <input type="checkbox"/> > 6 months |
| <input type="checkbox"/> 1 - 2 months | <input type="checkbox"/> Don't know |
- 9) When was the Comfort/Status letter finalized? _____
- 10) If there was a deadline for obtaining the Comfort/Status Letter, was EPA responsive to your need to meet that deadline?
- Yes

- No
- There was no deadline (proceed to Question 12)

11) Please describe the nature of the deadline and whether it was met.

12) If the deadline was not met, why was it not met?

13) If the Comfort/Status Letter process delayed cleanup and/or reuse of the site, how long was the delay?

- | | | | |
|--------------------------------------|---------------------------------------|--|-------------------------------------|
| <input type="checkbox"/> < 2 weeks | <input type="checkbox"/> 1 - 3 months | <input type="checkbox"/> 6 months - 1 year | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> 2 - 4 weeks | <input type="checkbox"/> 3 - 6 months | <input type="checkbox"/> > 1 year | |

14) If the Comfort/Status Letter process expedited the cleanup and/or reuse of the site, how much sooner did they occur?

- | | | | |
|--------------------------------------|---------------------------------------|--|-------------------------------------|
| <input type="checkbox"/> < 2 weeks | <input type="checkbox"/> 1 - 3 months | <input type="checkbox"/> 6 months - 1 year | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> 2 - 4 weeks | <input type="checkbox"/> 3 - 6 months | <input type="checkbox"/> > 1 year | |

15) If the Comfort/Status Letter delayed the cleanup and/or reuse of the site, what was the source of the delay? (Check all that apply)

- Purchaser requested additional time to provide information on the environmental impact of site operations
- EPA requested additional information from the purchaser
- EPA requested more time to evaluate the Comfort/Status Letter
- The public was given additional time to comment
- The public had objections to the Comfort/Status Letter
- Local government officials requested additional review and concurrence time
- Local government officials had objections to the Comfort/Status Letter
- State government officials requested additional review and concurrence time
- State government officials had objections to the Comfort/Status Letter
- Other (please describe) _____

16) In your opinion, how reasonable was the level of effort required by you and your company to complete the Comfort/Status Letter process and obtain the Comfort/Status Letter?

- Very reasonable
- Reasonable
- Somewhat unreasonable
- Very unreasonable

Please explain your response. (What could have been done to make the process better?)

17) Approximately what was the cost to your company to obtain the Comfort/Status Letter? (Please consider clerical, technical, managerial, and legal labor, as well as the costs of outside consultants or counsel)

18) Were there other options available for alleviating your concern about federal Superfund environmental liability?

- Federal prospective purchaser agreement
If you selected the above, did EPA suggest it: Yes No
- Private indemnification agreements
If you selected the above, did EPA suggest it: Yes No
- State or local liability reduction options
(i.e., State Comfort Letter or PPA)
If you selected the above, did EPA suggest it: Yes No
- State or local government indemnification agreements
If you selected the above, did EPA suggest it: Yes No
- State or local government insurance arrangements
If you selected the above, did EPA suggest it: Yes No
- Private insurance
If you selected the above, did EPA suggest it: Yes No
- None
- Other, please explain _____

19) If you selected any answer other than "None" for question 18, please indicate whether the tools were (check all that apply):

- Considered but not obtained
- Considered but not eligible to be used at the site
- Obtained and used at the site
- Other, please explain _____

20) If you selected any answer other than "None" for question 18, please tell us why you also sought a Comfort/Status Letter.

21) Why were the options you selected in Question 18 not sufficient for alleviating your concern about federal Superfund environmental liability?

- Concern was over federal liability, rather than state or local liability
- State or local policies did not provide adequate assurances of reducing environmental liability
- Private Indemnification/Insurance inadequate
- Other, please explain _____

22) What, if any, financial or other incentives were provided by the state or locality in order to attract or spur reuse of the property?

- Tax Reduction (how much and for what length of time) _____
- Contribution of funds towards property cleanup
- Contribution of funds towards construction of reuse project
- Other, please explain _____

23) What did the Comfort/Status Letter offer that was most attractive to you? (Check all that apply)

- Assurance that EPA did not anticipate taking action at the site
- Information on cleanup progress plans
- Assurance that property reuse could proceed
- Cooperation with EPA in redeveloping brownfield sites
- Clarification that a particular policy applied to my situation
- Other, please explain _____

24) Now that you have gone through the Comfort/Status Letter process, what changes to the process do you think would make such agreements more effective in facilitating property purchase, cleanup, or reuse?

25) Now that you have gone through the Comfort/Status Letter process, what changes to existing laws, regulations, and/or policies would you recommend to facilitate property purchase, cleanup, and reuse?

26) Did any of the policy or guidance documents listed below facilitate cleanup and/or reuse of the property?

	Yes	No	Don't know
Policy Toward Owners of Residential Property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy Toward Owners of Property Containing Contaminated Aquifers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy Toward Small Volume Waste Contributors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lender Liability Rule (Asset Conservation Act)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Policy on Partial Deletions from NPL Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soil Screening Guidance		<input type="checkbox"/>	<input type="checkbox"/>
Future Land Use Directive	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Presumptive Remedies Guidance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Archiving of CERCLIS Sites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

27) If any of the options listed in question 26 applied, why did you also obtain a Comfort/Status Letter?

28) Were any of the policy or guidance documents listed in question 26 counterproductive to the purchase, cleanup, and reuse of the property?

- Yes
- No
- Don't Know

If yes, which one(s), and why? _____

29) Is (was) cleanup of the property required?

- Yes
- No
- Don't Know

If yes, who is requiring the cleanup?

- Federal government
- State government
- Local government
- Not applicable

30) What is the estimated acreage of the property addressed by the Comfort/Status Letter?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

31) How many of these acres are contaminated with hazardous substances requiring cleanup?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- None

32) If the property addressed by the Comfort/Status Letter is part of a larger site (e.g., NPL site), what is the estimated acreage of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

33) If the answer to Question 32 is yes, how many acres of the property addressed by the Comfort/Status Letter are within the boundaries of the larger site?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know
- Not applicable

34) Please include any other comments you have concerning the Comfort/Status Letter at this site and your experience working with EPA.

If the property for which the Comfort/Status Letter was received will be reused, please complete Section C.

If the property for which the Comfort/Status Letter was received will not be reused, this completes the survey. Thank you for your help.

C. PROPERTY REUSE AND ITS ECONOMIC EFFECTS

35) Which category best describes the actual or planned reuse of the property? (If you check more than one type, please circle the predominant type.)

- manufacturing
- commercial transportation (railyard, trucking operation, etc.)
- commercial non-transportation (retail, offices, etc.)
- government facility (office, labs, etc.)
- utility (natural gas, electric, etc.)
- residential
- school/library
- waste treatment and/or disposal
- mining
- recreation or green space
- don't know
- other, please specify: _____

36) When will the reuse project be completed? _____

37) Is the reuse project the one for which the Comfort/Status Letter was originally sought?

- Yes
- No
- Don't know

38) If no, why not? (Check all that apply)

- Unable to obtain financing
- Local or state government restrictions
- Community concerns
- Original reuse project not economically viable
- Other (please explain) _____

39) To what extent did the Comfort/Status Letter affect the economic viability of the reuse project?

- Substantial negative effect
- Some negative effect
- No effect
- Some positive effect
- Substantial positive effect

40) What is the total estimated cost of the reuse plan (not including cleanup costs)?

- < \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$1 million
- \$1 million - \$3 million
- Don't know
- \$3 million - \$5 million
- \$5 million - \$10 million
- \$ 10 million - \$20 million
- > \$20 million

41) Was the property in use when the Comfort/Status Letter was obtained from EPA?

- Yes
- No
- Don't Know

42) If the answer to Question 41 was yes, how many jobs were involved in the existing use?

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know
- Not applicable

43) How many new short term and permanent jobs will be created by the reuse of the property? (i.e., new jobs meaning those over and above the jobs already in existence before this reuse.)

Short term jobs (i.e., construction jobs)

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

Permanent jobs

- < 10
- 11-25
- 26-50
- 51-100
- 101-500
- >500
- Don't know

44) Of the property addressed by the Comfort/Status Letter, how many acres are part of the reuse or development project, including any open space?

- <1 acre
- 1 - 5 acres
- 6 - 10 acres
- 11 - 25 acres
- 26 - 50 acres
- 51 - 100 acres
- >100 acres
- Don't know

Thank you for your help!