

Model Good Samaritan Comfort/Status Letter

Dear *****,

At the request of **[INSERT NAME OF GOOD SAMARITAN REPRESENTATIVE]**, I have reviewed the submitted project plan for the performance of work at the **[INSERT NAME]** Site. The work involves _____ (*describe the work and how it relates to rendering care, assistance, or advice with respect to an incident creating a danger to public health or welfare or the environment resulting from the release of hazardous substance(s)*). **[NAME GOOD SAMARITAN]** seeks to limit its potential liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) as provided in Section 107(d)(1), 42 U.S.C. § 9607(d)(1), by ensuring the work performed at the **[INSERT NAME]** Site is consistent with the National Contingency Plan (NCP), 40 C.F.R. 300 et seq., and at the direction of an On-Scene Coordinator. The work will be consistent with the NCP if performed in accordance with the project plan you provided and that I have approved.

The project plan for the work performed at the **[INSERT NAME]** Site is generally in accordance with the NCP. (*If there are issues requiring modification prior to a finding that the plan is consistent with the NCP, note them here and indicate that if corrected, the plan will be in accordance with the NCP.*) (*If the work involves a discharge to a navigable water, consider adding the following language if the determination is justified in the Action Memorandum that is part of the Administrative Record for the site: As documented in the Action Memorandum located in the Administrative Record for this Site, and guided by 40 C.F.R. § 300.415(j), EPA has determined that attainment of water quality standards as a result of the work is not practicable considering the exigencies of the situation and the limited scope of the removal action to be conducted.*)

If you should choose to volunteer to perform cleanup at this site, I, the On-Scene Coordinator, direct you to perform the work in accordance with the project plan in order to remove the release described therein. You should proceed with work (“*after you have made the appropriate modifications to the project plan requested in this letter*”) by **[INSERT DATE TO BEGIN WORK]** and inform me when the work has been completed. EPA strongly supports your Good Samaritan efforts to protect public health and the environment by (*briefly describe activity*).

In the event that a third party brings or threatens to bring a CERCLA contribution lawsuit against you, EPA will be prepared to discuss with you entering into a Good Samaritan Settlement Agreement, if appropriate, providing for, among other things, protection from contribution suits. You can find the model Good Samaritan Agreement at <http://www.epa.gov/compliance/resources/policies/cleanup/superfund/goodsam-agreement-mod.pdf>

Thank you very much for your voluntary actions in this matter. If you have any questions or need further assistance, please call me at _____.

Sincerely,

On-Scene Coordinator, Region _____