

Using the Superfund Redevelopment Program's Prospective Purchaser Inquiry Service to Support Superfund Site Reuse

EPA's Superfund Redevelopment Program works in partnership with EPA staff and communities to support the beneficial reuse of Superfund sites across the country. The Prospective Purchaser Inquiry (PPI) Service is an effective best practice that EPA regional site teams can use when they respond to inquiries from stakeholders interested in purchasing, reusing or facilitating the reuse of Superfund site properties. At the same time, the PPI Service can provide tribal, state and local governments, communities, developers and other stakeholders with valuable information on how EPA can support their reuse efforts.



EPA's Prospective Purchaser Inquiry (PPI) Service

EPA Regions use a variety of tools to support reuse at Superfund sites. EPA's PPI Service brings these tools together to provide accurate, comprehensive information about both removal and remedial Superfund sites. The information provided by EPA helps prospective purchasers make informed and timely decisions. The service is free of charge.

Through this service, EPA ensures that people have current and accurate information about a site's Superfund cleanup status and timelines, current and potential property restrictions, available liability protections, and any EPA lien status. When EPA site teams and Regional Superfund Redevelopment Coordinators offer the PPI Service, they help ensure that purchasers are informed, engage in redevelopment activities consistent with a site's cleanup, and coordinate with EPA to ensure the long-term protection of human health and the environment.

PPI Meeting Agenda and Discussion Topics

1. What is the current status of EPA's cleanup? What are the future anticipated actions?
2. Is the proposed reuse compatible with EPA's cleanup and the site's current or potential site restrictions?
3. Does the prospective purchaser understand applicable federal landowner liability protections?
4. How will EPA settle or resolve any Section 107(l) Superfund liens or Section 107(r) Windfall liens?
5. What EPA tools and support may be helpful?



What Can Happen during a PPI Meeting?

The following points provide a general process framework and best practices EPA Regions can use to respond to inquiries from stakeholders interested in purchasing, reusing or facilitating the reuse of Superfund site properties.



1 A prospective purchaser, local government or other stakeholder contacts EPA to request information about a particular Superfund site.



2 In response, the EPA Region can put together a PPI response team. The team often includes the EPA site project manager, the EPA site attorney, and the EPA Regional Superfund Redevelopment Coordinator, but this can vary.¹ Other EPA staff involved in responding to a request for information may include the Community Involvement Coordinator, Cost Recovery Specialist, a Regional Superfund Redevelopment Attorney, or others.



3 A person from EPA's PPI response team schedules a conference call or meeting with the PPI response team and the prospective purchaser or stakeholder.

¹ EPA attorneys provide legal information about site liability protections but do not offer legal advice to prospective purchasers or other stakeholders. The purchasers and stakeholders should obtain their own counsel for legal advice.

Getting Started with Supporting Reuse of a Superfund Site

Working on the reuse of Superfund sites usually involves tackling a range of issues and challenges for prospective purchasers and lenders, and for local and tribal governments and communities. Timely information and support from EPA regional site teams is a crucial factor in the success of reuse efforts. [Understanding issues that a prospective purchaser needs to consider is important](#), including:

- Gathering [site property](#) information and contacting the owner(s).
- Contacting [EPA's Regional Superfund Redevelopment Coordinator](#) and the [EPA regional site team](#).
- Understanding [Superfund liability protections and associated issues](#).
- Considering reuse possibilities and potential community and environmental benefits.
- Identifying potential reuse barriers and addressing any [potential lender concerns](#).
- Understanding potential reuse tools like [comfort/status letters](#) and [third-party reuse settlement agreements](#).



- Before the meeting, EPA’s PPI response team may provide an agenda. With the agenda, it might be helpful to send the [Top Ten Questions to Ask When Buying a Superfund Site fact sheet](#), and/or a link to the site’s web page. If available, the prospective purchaser may provide EPA with redevelopment plans, engineering maps and other project information.^{2,3}
- During the meeting, EPA’s PPI response team typically summarizes site conditions and cleanup status, including current/anticipated reuse restrictions, long-term operation and maintenance activities, site access requirements, liability protection tools, EPA liens and information resources. The prospective purchaser typically shares what they know about the redevelopment project and timeframes, including potential challenges and obstacles, as well as opportunities such as community benefits.
- EPA staff and the prospective purchaser can discuss the redevelopment plans (if known) and how they relate to the site’s cleanup and long-term remedy, and whether there are any obvious incompatibilities between the proposed redevelopment and the site cleanup and/or property restrictions. EPA’s discussions with prospective purchasers and the assumptions made are based on known current site conditions. EPA cannot warrant, approve or guarantee the compatibility of a cleanup with any specific site use.⁴
- At the end of the meeting, EPA can set up more meetings, offer tools such as comfort/status letters to provide information and summarize key discussion points, and offer to settle EPA’s lien authorities. Prospective purchasers can factor the latest information from the PPI meeting into their business decisions. EPA also encourages prospective purchasers to contact relevant state agencies to discuss any cleanup or liability issues not covered by Superfund liability protections.

2 This information is provided to aid in discussions with the prospective purchaser about its redevelopment plans; EPA does not conduct a formal review or approve such plans.

3 An Environmental Justice analysis should be conducted. EPA regions are encouraged to run an EJS SCREEN prior to the meeting to help inform the discussion of Environmental Justice concerns, if any, with the prospective purchaser.

4 EPA facilitates revitalization by providing environmental status information, engaging with prospective purchasers, communities and other site stakeholders, and supporting reuse planning efforts that take cleanup considerations into account. EPA does not determine specific reuses for a site or favor one developer over another. Land use determinations are primarily a local government responsibility.

Reuse and Cleanup Plan Considerations

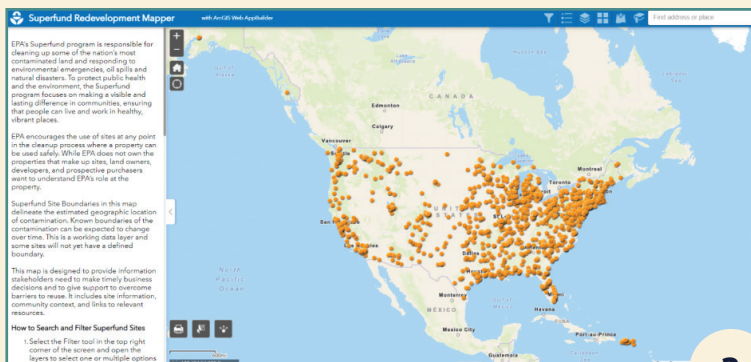
EPA may be able to adjust cleanup plans to accommodate a redevelopment project, particularly if the reuse strengthens the remedy’s protectiveness. For example, if a developer identifies a priority location for a parking lot at a site, EPA can evaluate whether the asphalt lot could serve as part of a site’s capped area, or whether monitoring wells could be flush mounted to minimize the impact on parking facilities.



Tool Spotlight

Superfund Redevelopment Mapper: www.epa.gov/superfund-redevelopment/superfund-redevelopment-mapper.

This web-based mapping tool helps stakeholders explore potential reuse opportunities at Superfund sites by providing users with Superfund site locations and options for adding data layers that highlight site features and site surroundings.



Additional Resources

- Find the Redevelopment Tool that Works for You: www.epa.gov/superfund-redevelopment/find-redevelopment-tool-works-you.
- Top Ten Questions to Ask When Buying a Superfund Site: www.epa.gov/superfund-redevelopment/top-10-questions-ask-when-buying-superfund-site.
- Learn About the Support EPA Can Provide for Reuse Planning: semsub.epa.gov/src/document/HQ/100002373.
- Find Information about Superfund Sites Currently in Reuse: www.epa.gov/superfund-redevelopment/find-superfund-sites-reuse.
- The Revitalization Handbook – Addressing Liability Concerns at Contaminated Properties: www.epa.gov/enforcement/revitalization-handbook.
- Comfort Letter Models: www.epa.gov/system/files/documents/2021-10/comfort-status-mod-letters-mem-2021.pdf.



Find the EPA Regional Superfund Redevelopment Coordinator for your area: www.epa.gov/superfund-redevelopment/regional-redevelopment-contacts.



For more information on EPA's Superfund Redevelopment Program, including its tools and support services for EPA staff and communities, visit: www.epa.gov/superfund-redevelopment.

