



Indiana Brownfields Program Comfort/Site Status Letter Request Supplemental Information

**Please include the following information in a transmittal letter with your
Comfort and Site Status Letter Request Form to facilitate the review of your request:**

1. Identify the basis in statute or enforcement discretion policy for the Comfort Letter request:
 - *the Stakeholder is a government entity exempt from liability under IC 13-25-4-8(e), IC 13-11-2-150(d), or IC 13-11-2-151(b);*
 - *the Stakeholder is a creditor, lender, or fiduciary exempt from liability under IC 13-23-13-14 (IC 13-11-2-150(b)), IC 13-23-13-15, IC 13-24-1-10 (IC 13-11-2-151(d)), IC 13-24-1-11, or IC 13-25-4-8(c);*
 - *the Stakeholder is not the statutory owner of an underground storage tank pursuant to IC 13-11-2-150(a) because the tank was not used after November 8, 1984 and the Stakeholder was not the person who owned the tank immediately before the discontinuation of the tank's use;*
 - *the Stakeholder is exempt from liability or eligible for a defense to liability as a bona fide prospective purchaser (BFPP), contiguous property owner (CPO) or innocent landowner (ILO) pursuant to IC 13-25-4-8(b), IC 13-11-2-150(f), IC 13-11-2-150(g), IC 13-11-2-151(g), or IC 13-11-2-151(h);*
 - *the Stakeholder is a nonprofit corporation exempt from liability under IC 13-25-4-8(h), IC 13-11-2-150(e), or IC 13-11-2-151(f); or,*
 - *the Stakeholder satisfies the conditions of IDEM Nonrule Policy Document W-0047, "Property Containing Contaminated Aquifers" (20 IR 1674, January 30, 1997), or IDEM Nonrule Policy Document W-0038 "Property Containing Contaminated Aquifers/Underground Storage Tanks" (23 IR 2141, April 20, 2000).*
2. Identify the parcel(s) comprising the site and the corresponding 18-digit parcel number(s)
3. A legible copy of the recorded deed(s) or a surveyed legal description(s) for the parcel(s) comprising the site*
4. The date of property acquisition (or proposed property transfer/closing date)
5. A black & white site map (no aerial photos) depicting property boundaries, parcel(s) & parcel number(s)
6. A site redevelopment/design plan (if available)

If the basis for a Comfort Letter request is the BFPP liability exemption, please complete the attached checklist of additional information required to be submitted with your Comfort Letter request.

**The following additional information *may* be requested following Program review
of available site investigation data/reports:**

1. Data table(s) with sample results compared to applicable IDEM screening levels (e.g., residential, commercial/industrial, recreational)
2. A black & white map (no aerial photos) with contaminant locations above applicable IDEM screening levels
3. A table with GPS coordinates of sample locations at which contaminants of concern have been detected above applicable IDEM screening levels
4. A Site map with survey or GPS coordinates establishing the boundaries of any "Affected Area" to which a land use restriction will be tied

***Note:** *if you are a prospective purchaser, and an environmental restrictive covenant is required to be recorded on the deed(s) for the site, your new deed(s) will be utilized at the time of recording.*



Indiana Brownfields Program BFPP (Bona Fide Prospective Purchaser) Comfort Letter Request Checklist

Date of Phase I report: ____/____/____

Entity for which the Phase I report/Phase I Update was prepared (User): _____

Which of the following describes the User? (check the applicable box):

- Prospective Purchaser (has not purchased)
- Prospective Tenant (has not executed lease)
- Current Owner (seller or already purchased)
- Current Tenant (seeking liability protection under existing lease or intending to buy)

Is the User the stakeholder requesting the Comfort Letter? Yes No

Who answered the User-specific questions in the Phase I/Phase I Update? _____

- Were the questions answered on behalf of the BFPP seeking comfort? Yes No

If the User identified above is not the BFPP, has the BFPP obtained a Phase I Update in its name and/or a reliance letter to utilize the Phase I report? Yes No

- If yes: Date of the Phase I Update or reliance letter obtained for the BFPP? ____/____/____
- If yes: Did the BFPP complete a User-questionnaire for itself when obtaining the Phase I Update or reliance letter? Yes No

Date of property acquisition (or proposed date): ____/____/____

Date by which ideally would like to receive Comfort Letter: ____/____/____

Phase I report completed (dated) within 180 days of (prior to) acquisition?¹ Yes No

- If no: Has the User/BFPP obtained a Phase I Update? Yes No
- If yes: Date of the Phase I Update: ____/____/____

Do the Phase I User name and the name of the purchasing entity (to be) listed on the deed match exactly?
 Yes No (If no, need to obtain a reliance letter or a Phase I Update and a complete a new User Questionnaire on behalf of the correct entity)

Phase I/Phase I Update completed in accordance with ASTM E1527-05, ASTM E1527-13, or 40 CFR Part 312? Yes No

Phase I signed by qualified Environmental Professional with the required certification statement? Yes No

Is the BFPP "affiliated with" another party who is potentially liable at the site? Yes No

1. Direct or indirect familial relationship?
2. Any contractual, corporate, or financial relationship (other than property transfer instrument)?

¹ Required updates after 180 days include: interviews, lien searches, government records, visual inspections, and Environmental Professional declaration.



Indiana Brownfields Program
BFPP (Bona Fide Prospective Purchaser)
Comfort Letter Request Checklist (*continued*)

3. *Reorganization of a business entity that was potentially liable?*

For sites already acquired, has the BFPP satisfied continuing obligations since acquisition?

1. *Provided all legally required notices with respect to discovery/release of hazardous substances²* Yes No Not Applicable
2. *Taken reasonable steps to stop continuing releases, prevent any threatened future releases, prevent or limit exposure to any previously released hazardous substances* Yes No Not Applicable
3. *Provided full cooperation, assistance and access to persons conducting response actions* Yes No Not Applicable
4. *In compliance with any land use restrictions already established and not impeding the effectiveness or integrity of any institutional control employed at the site in connection with a response action* Yes No Not Applicable
5. *Complied with any request for information or administrative subpoena issued by the U. S. EPA* Yes No Not Applicable

² *If applying for comfort based on BFPP status for a petroleum-contaminated site, evaluate these criteria for petroleum releases rather than/in addition to hazardous substances.*