

REQUEST FOR COMFORT LETTER

Request should be mailed to:

Douglas J. Hansen
Director
Division of Waste Management and Radiation Control
PO Box 144880
Salt Lake City, Utah 84114-4880

[The Director writes or declines to write a comfort letter at the Director's unreviewable discretion. No one has a right to a comfort letter. A comfort letter does not create rights or property interests. To receive a comfort letter, the Director expects you to state your commitment to comply with such controls as Site Management Plans and Environmental Covenants. These controls may apply to you when you take ownership of the Property you are buying whether you agree to abide by them or not.

Your comfort letter request should include the following information. Missing or inaccurate information may cause the Director to decline to write a comfort letter.

In tailoring your request, please use the paragraph headings that are in bold letters and underlined. Please delete the INSTRUCTIONS that are in bold letters, in all CAPITAL LETTERS, and not underlined. Please replace the words that are italicized, in all CAPITAL LETTERS (or in lower case italic letters), but not bolded, with the words that apply to your request. For example, your first paragraph could be patterned after the following example:

1. **Description and Location of the Property.** Dave's Auto Body, Inc. is acquiring Lot 1 of Car Repair Plaza, plat recorded on October 4, 2015 with the Utah County Recorder's Office as Entry 347982:2015, Tax I.D. Number 123321, located at 800 North 1500 West, Vineyard, Utah. A legal description is attached as Attachment 1.

RE: (APPROPRIATE SUBJECT LINE)

Dear Mr. Hansen:

(APPROPRIATE INTRODUCTORY LANGUAGE)

1. **Description and Location of the Property.** **PROVIDE DESCRIPTION OF AND LOCATION OF PROPERTY. FOR EXAMPLE:**

(NEW PROPERTY OWNER) ___ is acquiring **(PROPERTY DESCRIPTION: LOT NUMBER, PLAT NAME OR NUMBER)** ___, plat recorded on **(DATE RECORDED)** ___ as **(ENTRY NUMBER)** ___ with the **(LOCATION OF RECORDED DEED e.g., Utah County Recorder's Office)** ___ and located ___

(LOCATION OF PROPERTY), Utah (the Property). AS APPROPRIATE, ATTACH LEGAL DESCRIPTION, MAP.

2. **Current Ownership of the Property. PROVIDE NAME OF CURRENT PROPERTY OWNER. SUBMIT A COPY OF THE RECORDED DEED SHOWING THE CURRENT OWNER OF THE PROPERTY. THE DIRECTOR MAY ALSO REQUIRE A TITLE REPORT.**

3. **Contact Information. PROVIDE CONTACT NAME AND FULL MAILING ADDRESS OF NEW PROPERTY OWNER.**

4. **Owner Status. INDICATE STATUS OF NEW PROPERTY OWNER. FOR EXAMPLE:**

(NEW PROPERTY OWNER) is not a "Permittee" under any "operation plan" affecting the Property.

5. **Certification Regarding Compliance. PROVIDE CERTIFICATION REGARDING COMPLIANCE STATUS. FOR EXAMPLE:**

(NEW PROPERTY OWNER) certifies that it has not violated any provision of the Solid and Hazardous Waste Act, Utah Code Ann. § 19-6-101 *et seq.*, or any other environmental statute with respect to the Property.

6. **Certification Regarding Affiliation. PROVIDE CERTIFICATION REGARDING AFFILIATION. FOR EXAMPLE:**

(NEW PROPERTY OWNER) certifies that (a) none of its affiliates or agents has violated any provision of the Solid and Hazardous Waste Act, Utah Code Ann. §19-6-101 *et seq.*, or any other environmental statute with respect to the Property; (b) it is not potentially liable or affiliated with any other person that is potentially liable, for response costs at the Property through: (i) any direct or indirect familial relationship; or (ii) any contractual, corporate, or financial relationship (other than contractual, corporate, or financial relationship that is created by the instruments by which title to the Property is conveyed or financed or by a contract for the sale of goods or services); or (iii) the result of a reorganization of a business entity that was potentially liable.

7. **Certification Regarding Contamination. PROVIDE CERTIFICATION REGARDING ENVIRONMENTAL CONTAMINATION. FOR EXAMPLE:**

(NEW PROPERTY OWNER) certifies that it did not cause any environmental contamination on the Property. (NEW PROPERTY OWNER) further certifies that none of its affiliates or agents caused any environmental contamination of the Property.

8. Use of the Property. IDENTIFY PAST, PRESENT AND FUTURE USES OF PROPERTY. FOR EXAMPLE:

The Property was previously used as a ____ (STATE THE PREVIOUS USE OF THE PROPERTY, e.g., pipe production plant) _____. The Property currently is ____ (STATE THE CURRENT USE OF THE PROPERTY, e.g., a graveled industrial/commercial lot). ____ (NEW PROPERTY OWNER) 's planned future use for the Property IDENTIFY FUTURE USE OF PROPERTY; e.g., limited to industrial and commercial, a warehouse, apartment buildings).

9. Compliance with Existing and Future Access Requirements and Institutional Controls. PROVIDE STATEMENT OF INTENT TO COMPLY. FOR EXAMPLE:

(NEW PROPERTY OWNER) _ agrees to comply with all applicable access requirements or institutional controls set forth in a Site Management Plan, Environmental Covenant, or related document.

10. Appropriate Care. PROVIDE STATEMENT OF INTENT TO EXERCISE APPROPRIATE CARE. FOR EXAMPLE:

(NEW PROPERTY OWNER) _ agrees to exercise appropriate care with respect to hazardous substances or hazardous materials found or suspected at the Property and in particular, what reasonable steps ____ (NEW PROPERTY OWNER) ____ has determined are necessary to: (a) stop any continuing release; (b) prevent any threatened future release; and (c) prevent or limit human, environmental, or natural resource exposure to any previously related hazardous substance or hazardous material.

11. Legally Required Notices. PROVIDE STATEMENT OF INTENT TO PROVIDE NOTICES. FOR EXAMPLE:

(NEW PROPERTY OWNER) _ agrees to provide all legally required notices with respect to the discovery or release of any hazardous substances or hazardous materials at the Property.

12. Bonafide Prospective Purchaser. PROVIDE STATEMENT REGARDING QUALIFICATION AS BONAFIDE PROSPECTIVE PURCHASER. FOR EXAMPLE:

(NEW PROPERTY OWNER) ____ has made all appropriate inquiries into the previous ownership and uses of the Property pursuant to 40 C.F.R. Part 312 and qualifies as a *bonafide* prospective purchaser under 42 U.S.C. § 9601(40).

13. Request for Comfort Letter. PROVIDE SPECIFIC REQUEST FOR WRITTEN ASSURANCE. FOR EXAMPLE:

Based on the foregoing, _____ (*NEW PROPERTY OWNER*) requests a “comfort letter” stating that the Director does not contemplate requiring _____ (*NEW PROPERTY OWNER*) to obtain a permit under the Utah Solid and Hazardous Waste Act or taking an enforcement action against _____ (*NEW PROPERTY OWNER*) for contamination that existed or for violations of the Utah Solid and Hazardous Waste Act that occurred before _____ (*NEW PROPERTY OWNER*) acquires or acquired an interest in the Property.

ADD APPROPRIATE CLOSING LANGUAGE.

PAYMENT INFORMATION

This Comfort Letter Request Form requires a \$500 processing fee at the same time as submitting this request form. Payment can be made by check or credit card as outlined below:

For Payment by Check:

Make the check out to the Division of Waste Management & Radiation Control and mail the \$500 payment to:

Division of Waste Management & Radiation Control
Attn: Accounts Payable
P.O. Box 144880
Salt Lake City, UT 84114-4880

Please enter “Comfort Letter Request for _____ *Insert Site Name Here* _____” on the check or stub.

For Credit Card Payment:

Go to the link below, enter \$500.00 in the amount paid field and then add “Comfort Letter Request for _____ *Insert Site Name Here* _____” in the ‘Description, Invoice #, etc.’ field.

Add credit card payment to the cart and checkout.

[Payment Portal Link](#)