

# Institutional Control Support Available Under the Superfund Redevelopment Contract

Because of the entwined nature of cleanups, institutional controls (ICs) and land use, EPA's Superfund Redevelopment Program (SRP) has performed numerous activities related to the selection, implementation and enforcement of ICs.

SRP has IC experience related to:

1. Evaluation of ICs as part of EPA's Five-Year Review process.
2. Reuse planning, where SRP worked with regions and stakeholders to discuss ICs related to remedy selection, stakeholder engagement or selecting appropriate reuses based on ICs already in place.
3. Conducting property research and securing title searches to assist site teams in IC selection, implementation and enforcement; remove barriers to reuse; and clarify safe and appropriate land use.
4. Technical support provided on an ad hoc basis to assist with selection, implementation or enforcement of ICs. This includes the development of Institutional Control Implementation and Assurance Plans (ICIAPs).
5. Review of the current status of each construction complete site as related to the Sitewide Ready for Anticipated Use (SWRAU)-eligible universe to identify barriers to SWRAU. These efforts revealed IC implementation as the primary challenge sites face in achieving SWRAU.
6. Development of Ready for Reuse Determinations, which serve as informational ICs and reinforce ICs already in place.

The tables below summarize services performed in the above areas and provide examples of products produced. These services support redevelopment and SRP's mission by:

1. Protecting human health and the environment while encouraging reuse through the effective selection, implementation and enforcement of ICs that involve relevant stakeholders.
2. Ensuring EPA site teams and local stakeholders have information related to property ownership, land use, community goals and ICs to support property transfer and reuse.
3. Helping the Agency meet the SWRAU performance measure targets.
4. Supporting the goals outlined in recent Agency activities such as the Superfund Task Force, OLEM's Environmental Justice Action Plan and Justice 40.

For more information, contact:  
 Chelsea Sebetich | (202)-566-1151  
 sebetich.chelsea@epa.gov

<i>IC Support Associated with Reuse Planning</i>	
Types of Service	Example
Community Engagement and Education	<u>Idaho Pole Co. site (Region 8)</u> : SRP developed a Frequently Asked Questions handout, including a map, to explain ICs to local stakeholders to build support and improve effectiveness.
Informing IC Selection	<p><u>Arrowhead Refinery Co. site (Region 5)</u>: SRP supported Region 5 with a reuse evaluation to inform IC options at the site and subsequently provided additional support for the finalization of an environmental restrictive covenant. SRP reviewed and evaluated site documents, reuse plans, and state Uniform Environmental Covenant and Easement templates and suggested viable IC options that satisfied IC requirements and aligned with site owner goals and reuse plans.</p> <p><u>Carter Carburetor site (Region 7)</u>: To assist EPA in preparing for a Prospective Purchaser Agreement with the Boys &amp; Girls Club, SRP secured title searches and assisted Region 7 in documenting liens on the property. In addition, Region 7 developed a supplemental analysis of cap vegetation and reuse concepts for a pollinator garden. Region 7 will use the supplemental analysis to work with site stakeholders to determine options for soil placement and revegetation and select and implement a final surface cover for the capped area of the site.</p>
Parcel Identification, Mapping and Analysis	<u>St. Francois County, Missouri sites (Region 7)</u> : SRP supported Region 7 with a site-wide analysis to identify specific parcels overlapping source areas where ICs are required to limit uses and soil management. Outcomes included site-wide and detailed maps highlighting individual source areas and parcels where ICs are in place and a characterization of property types to address reuse barriers and uncertainty for development. The analysis helped clarify specific commercial/industrial properties countywide where Superfund limitations apply. To help resolve uncertainty for local stakeholders, the project also clarified commercial/industrial areas that are not subject to ICs under Superfund.
Property Ownership Research	<p><u>Walton &amp; Lonsbury Inc. site (Region 1)</u>: SRP supported Region 1 with an in-depth reuse assessment prior to remedy implementation. As part of the assessment, SRP conducted detailed ownership research and facilitated prospective purchaser inquiry discussions. These support activities helped EPA identify clear options to resolve ownership issues.</p> <p><u>Smokey Mountain Smelters site (Region 4)</u>: SRP secured a title search for the site properties then conducted detailed ownership research and developed a reuse assessment addendum focused on current ownership status and options local stakeholders could take to help facilitate property transfer.</p>

<i>Site-Specific Technical Support Related to ICs</i>	
<b>Types of Service</b>	<b>Example</b>
Technical Writing	SRP provided technical writing support to help the Agency develop Explanation of Significant Differences (ESDs) needed to change the remedy IC requirements for Superfund sites in Region 4. Documenting the changes to remedy IC requirements in a decision document was required prior to the sites achieving EPA's SWRAU performance measure.
Mapping	SRP developed groundwater contamination plume maps to help identify affected parcels for use in Region 4 ESDs. The state agency requested these maps to help the site remedy to meet state requirements for ICs.
Identifying IC Requirements and IC Mechanisms	<u>Camilla Wood Preserving site (Region 4)</u> : SRP conducted research on state and local laws and related issues to assist in consideration of site ICs and development of an IC report.
	<u>Sonford Products site (Region 4)</u> : SRP provided considerations and preliminary recommendations regarding potential use of ICs. Suggestions included facilitating or supporting future IC-related discussions, helping prepare for IC-related presentations to the board of aldermen and working directly with property owners to help negotiate IC acceptance and implementation.
	<u>Interstate Lead Co. (ILCO) site (Region 4)</u> : SRP provided support to Region 4 to research and review IC documents to identify parcels at the site subject to existing ICs as well as parcels that require ICs. SRP developed tables and maps detailing the status of ICs at each parcel. The Region will use this information to work with property owners to add ICs to parcels as needed. Once all ICs are in place, the site will achieve EPA's SWRAU performance measure.
	<u>Sapp Battery Salvage site (Region 4)</u> : EPA has been unable to implement all required ICs at the site due to an uncooperative owner. Following a recent sale of the property, Region 4 began working with the Florida Department of Environmental Protection and the new owner to implement the required ICs. SRP assisted Region 4 with development of a combined Operation and Maintenance Plan to act as an Environmental Control Management Plan, which will support IC implementation. Once all ICs are in place, the site will achieve EPA's SWRAU performance measure.
Property Ownership Research	<u>RSR Corporation site (Region 6)</u> : SRP provided support to Region 6 to identify impediments to the site achieving the SWRAU performance measure. The site remedy calls for ICs. SRP researched property ownership and parcel information for an extensive area of parcels in operable units 3, 4 and 5, which have undergone changes in land use and ownership. Region 6 will use this information to work with property owners to add ICs to their properties. Once all ICs are in place, the site will achieve EPA's SWRAU performance measure.
Alternatives to ICs/ Informational ICs	<u>State Road 114 Groundwater Plume site (Region 6)</u> : SRP provided support to Region 6 to develop layered informational ICs for the site, enabling it to achieve the SWRAU performance measure. SRP support helped to develop a mailing/outreach program, including a cover letter, a Frequently Asked Questions document and a map that the Region will provide to residents with properties affected by the groundwater contaminant plume on an annual basis. This support also included development of materials for the local government and realtors to illustrate impacted areas.
Developing ICIAPs	<u>State Road 114 Groundwater Plume site (Region 6)</u> : SRP supported Region 6 with development of an ICIAP, which described the implementation, monitoring and assurance procedures for groundwater plume-related restrictions at the site, and will serve as a template for similar groundwater plume sites in Texas.
	<u>Ott/Story/Cordova Site (Region 5)</u> : EPA is working with state agency partners to evaluate IC effectiveness. SRP provided Region 5 with IC research, writing and mapping support for an ICIAP that establishes and documents IC implementation and long-term stewardship activities for the site and specifies the entities responsible for conducting the activities.
Title Searches	<u>A.L. Taylor (Valley of Drums) site (Region 4)</u> : EPA has been unable to implement all required ICs at the site because the property does not have an owner. SRP supported Region 4 with its efforts to develop an ICIAP for the site, which will be used to evaluate IC options. EPA plans to issue an ESD to include the ICs identified in the ICIAP. Once all ICs are in place, the site will achieve EPA's SWRAU performance measure.
	<u>New Hampshire Plating Co. site (Region 1)</u> : SRP verified property ownership and obtained title searches for parcels at the site that require activity and use limitations.
	<u>Western Processing Co., Inc. site (Region 10)</u> : SRP prepared a memorandum outlining parcel status and IC requirements to support Region 10 in finalizing ICs for the site. These activities are helping to finalize ICs needed for the site to achieve EPA's SWRAU performance measure.