

Land use restrictions

Institutional Controls (ICs) - <http://www.epa.gov/superfund/policy/ic/guide/guide.pdf>

Institutional controls are actions, such as legal controls, that help minimize the potential for human exposure to contamination by ensuring appropriate land or resource use. Although it is EPA's expectation that treatment or engineering controls will be used to address principle threat wastes and that groundwater will be returned to its beneficial use whenever practicable, ICs can and do play an important role in remedies.

ICs are used when contamination is first discovered, when remedies are ongoing and when residual contamination remains onsite at a level that does not allow for unrestricted use and unlimited exposure after cleanup.

- Deed restriction on allowed uses of property (non-residential, industrial, etc.)
- Deed restriction on ground water use
- Deed Notice (Information that must be attached to deed)
- “Structural” Restrictions - Required fencing; requiring that certain areas be paved; forbidding basements; requiring special venting systems; etc.
- Required listing in OWRB rules Appendix H
- Recorded Easement (e.g. to allow access to monitor groundwater)
- Reversionary interest (a reversionary interest is created when a landowner deeds property to another, but the deed specifies that the property will revert to the original owner under specified conditions)
- Conservation easement (requiring open space, greenspace or recreational land use)
- Other Consent decree or order requirements