

**Institutional Controls
Instruments, Implementation, Enforcement and Long Term
Stewardship**

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By

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I. Institutional Controls Under Illinois Law

- Allowed and Encouraged
- Environmental Protection Act
- Tiered Approach to Corrective Action Objectives (TACO)
- Site Remediation and Underground Tank Program
 - No further Remediation Letters

II. Types of Institutional Controls

- Deed Notices – including NFR Letters
- Ordinances
- Highway Authority Agreements
- Environmental Land use Controls
- Engineered Barriers
- Other

III. Issues

- Maintenance of Controls and Engineered Barriers
- Protection of Human Health and the environment

IV. Approach

- Administrative Procedure
 - Prioritize by category
 - 100 X Tier 1 Residential std
 - other
 - Review every 5 years
 - Title Searches
 - Ordinance Reviews
 - Inspections

Resource Considerations

Develop List of sites	1/2-2hrs
Prepare for field visit	1-2 hr
Site visit – travel, inspection, etc	2-4 hr
Post visit evaluation – notes etc.	1-3 hr
Title search (Agency v. Contractor @ \$450/search)	1 hr
Follow up calls, letters, visits	?

V. Defining Problems is difficult

- Small Cracks Vs Large
- Asphalt Vs Concrete
- Some legal issues complicated

VI. Summary –

- Sites With NFR Letters – 1,300 SRP/11,331 LUST
- Sites With an Industrial/commercial Land Use Limitation – 765 SRP/1,003 LUST
- Sites Relying on Ordinances 123 SRP/ 568 LUST
- Sites Reviewed/inspected – 571
- Need Further Work – 31
- NFR Letters Voided – 4
- % Letters Voided 0.7%

VII. Conclusion

- Try to focus on situations where risk is greatest if IC fails
- Compliance generally good in Illinois