

DUMMY DOC: Local Government Planning Tool to Calculate Institutional and Engineering Control Costs for Brownfield Properties Developed by EPA's Office of Brownfields and Land Revitalization

Overview: This cost calculator is designed as a voluntary guide for municipal or local governments to assist in calculating their expected costs of implementing and conducting long-term stewardship (LTS) of institutional controls (ICs) and engineering controls (ECs) at brownfield properties. ICs are administrative and legal controls designed to minimize exposure to remaining on-site contamination and to protect constructed remedies. ECs are constructed remedies at contaminated properties and typically include caps, sub-surface venting systems, barriers, and fences. LTS refers to the activities necessary to ensure that ECs are maintained and that ICs continue in force. In general, primary responsibility for maintaining ICs/ECs rest with the property owner and others responsible for cleanup. The state response program often plays a large role in selecting, implementing, and monitoring ICs/ECs; however, local governments, as controllers of local land use and zoning, often have responsibilities associated with ICs/ECs and LTS at brownfield properties. Each of these separate entities may have different roles, responsibilities and costs. It is important to calculate the full cost of LTS for ICs and ECs, both short- and long-term to ensure adequate resources are available for their management over time. This cost calculator assumes that the local government's role at a brownfield is as a governmental entity with jurisdiction over the property and not as a responsible party. This cost calculator may not identify all of the activities that a local government that is also a responsible party might be required to undertake. In most instances a state's response program will set the rules for ICs, ECs and LTS. The state program may specify roles, responsibilities, or activities for the local government. Best practice is for the state response program, local government, and other parties with IC/EC/LTS responsibilities to communicate clearly about the property. Many states have enacted the Uniform Environmental Covenants Act (UECA) or similar laws, which set rules for environmental covenants imposed on the property. This law and related legislation can address issues such as allowing the IC to "run with the land", IC language, notification to lessees of the IC, enforcement, and the elimination of common law impediments.