

MEMORANDUM

SUBJECT: Transmittal of Final Fact Sheet Entitled “Institutional Controls: A Site Manager’s Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups”

FROM: Timothy Fields, Jr., Assistant Administrator *s/ Timothy Fields, Jr.*
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TO: Regional Waste Policy Managers
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Regions 1 - 10

PURPOSE

The purpose of this memorandum is to transmit the final fact sheet entitled “Institutional Controls: A Site Manager’s Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups” EPA 540-F-00-005, OSWER 9355.0-74FS-P, dated September 2000. This fact sheet is intended to provide Superfund and RCRA site managers and other decision makers with an overview of the types of institutional controls (ICs) that are commonly available, including their relative strengths and weaknesses, and to provide a discussion of the key factors to consider when evaluating and selecting ICs in Superfund and RCRA Corrective Action cleanups.

OBJECTIVE AND IMPLEMENTATION

This fact sheet was written for EPA site managers at Superfund and RCRA sites. However, many of the concepts are directly applicable to States (especially when they implement the RCRA programs), Federal Facilities, Tribes, local agencies and private individuals that contemplate the use of ICs. For this reason we are also making the fact sheet publicly available by posting it on the EPA internet. I encourage you to pass on the information to other interested parties.

Some of the key messages from this fact sheet are: 1) if the cleanup does not result in unrestricted use and unlimited exposure at a site, an IC is likely appropriate, 2) understand the life-cycle strengths, weaknesses and costs for implementation, monitoring and enforcement before choosing an IC, 3) coordinate early with all state and local governments that may have responsibilities for the ICs, 4) evaluate ICs as rigorously as you would any other remedial alternative, 5) layer and/or place ICs in series to increase their reliability, 6) when writing decision documents, make sure that the objective(s) of the IC are clear, 7) get assurances (in writing if possible) from entities that will be responsible for implementing, monitoring, and enforcing ICs, and 8) remember that since all ICs have weaknesses, the role of the decision maker is to select the best ICs to protect human health and the environment.

This fact sheet is the first of several cross program activities that place increased emphasis and priority on the appropriate identification, evaluation and use of institutional controls at RCRA and Superfund sites. As a follow-up to this fact sheet, work has begun on a second fact sheet that

focuses on issues involving the implementation, monitoring and enforcement of ICs. This fact sheet is tentatively planned for fall 2001.

In closing, thanks to all the Regions, States, Tribes and others for your comments on the fact sheet, as these comments have significantly improved the document. If you have questions regarding this memo or the attached fact sheet, please feel free to contact Michael Bellot at (703) 603-8905 for Superfund or Carlos M. Lago for RCRA at 703-308-8642.

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