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FACT SHEET UPDATE ON INSTITUTIONAL CONTROLS NTC ORLANDO FL
7/1/1997
NAVFAC SOUTHERN

Naval Training Cente
Orlando, Florida

13.06.00.0006

ID-00414

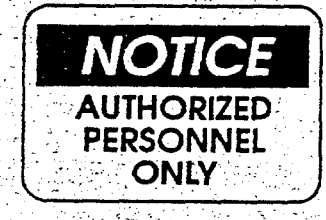
Institutional Controls

This fact sheet was developed to inform interested citizens about the Naval Training Center, Orlando environmental program. Fact sheets will be distributed periodically to keep the community informed. Additional copies of these fact sheets can be obtained by calling the NTC, Orlando Public Affairs Office at (407) 646-4430.

July 1997

What Are Institutional Controls?

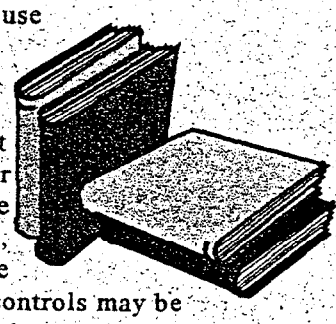
The term "institutional controls" refers to physical or legal mechanisms that protect public health by limiting human activities at sites where chemicals will remain in place after cleanup. Signs and fences are examples of physical methods, while legal methods refer to deed restrictions. Institutional controls may be a remedy in and of themselves but are often coupled with engineering controls to ensure that the cleanup selected for the site continues to be effective. For example, if the chosen remedy is to cover (or cap) a landfill, a deed restriction that limits excavation may be drafted in order to maintain the integrity and protectiveness of the cap.



Institutional controls are not meant to be a substitute for active cleanup but are commonly used when the cost of removing all of the waste from the site outweighs the benefit or the technology does not exist to clean up the site. Also, at particular sites (e.g., hazardous waste landfills), it is often more protective of human health and the environment not to remove site contaminants but to leave them in place, thereby reducing their mobility and minimizing exposure.

Where Does the Authority for Institutional Controls Come From?

The legal authority for the use of institutional controls comes from the National Contingency Plan (NCP), the Federal regulations that provide the framework for most hazardous waste site cleanups. Specifically, section 300.430(a)(1) of the NCP states, "Institutional controls may be used during the conduct of the remedial investigation/feasibility study (RI/FS) and implementation of the remedial action and, where necessary, as a component of the completed remedy." Under the NCP, institutional controls may be used for long-term or short-term management of a site and may be modified or terminated as necessary.



Some Common Institutional Controls

- Water-Use Restrictions (see below)
- Land-Use Restrictions, including zoning (see below)
- Deed Restrictions
- Well-Drilling Prohibitions
- Building Permits
- Well-Use Advisories
- Deed Notices

Groundwater and surface water restrictions may include (1) prohibitions against drinking the water, (2) prohibitions against using groundwater from existing wells, (3) prohibitions against recreational use (e.g., swimming or fishing) of the water, or (4) restrictions to maintain the integrity of wells installed as part of the cleanup plan for the site.

Land-use restrictions may include (1) prohibitions against excavation, construction, drilling, or disturbance of the soil to maintain the landfill cap, or (2) property zoning restrictions (i.e., industrial, recreational, or commercial).

How Are Institutional Controls Enforced?

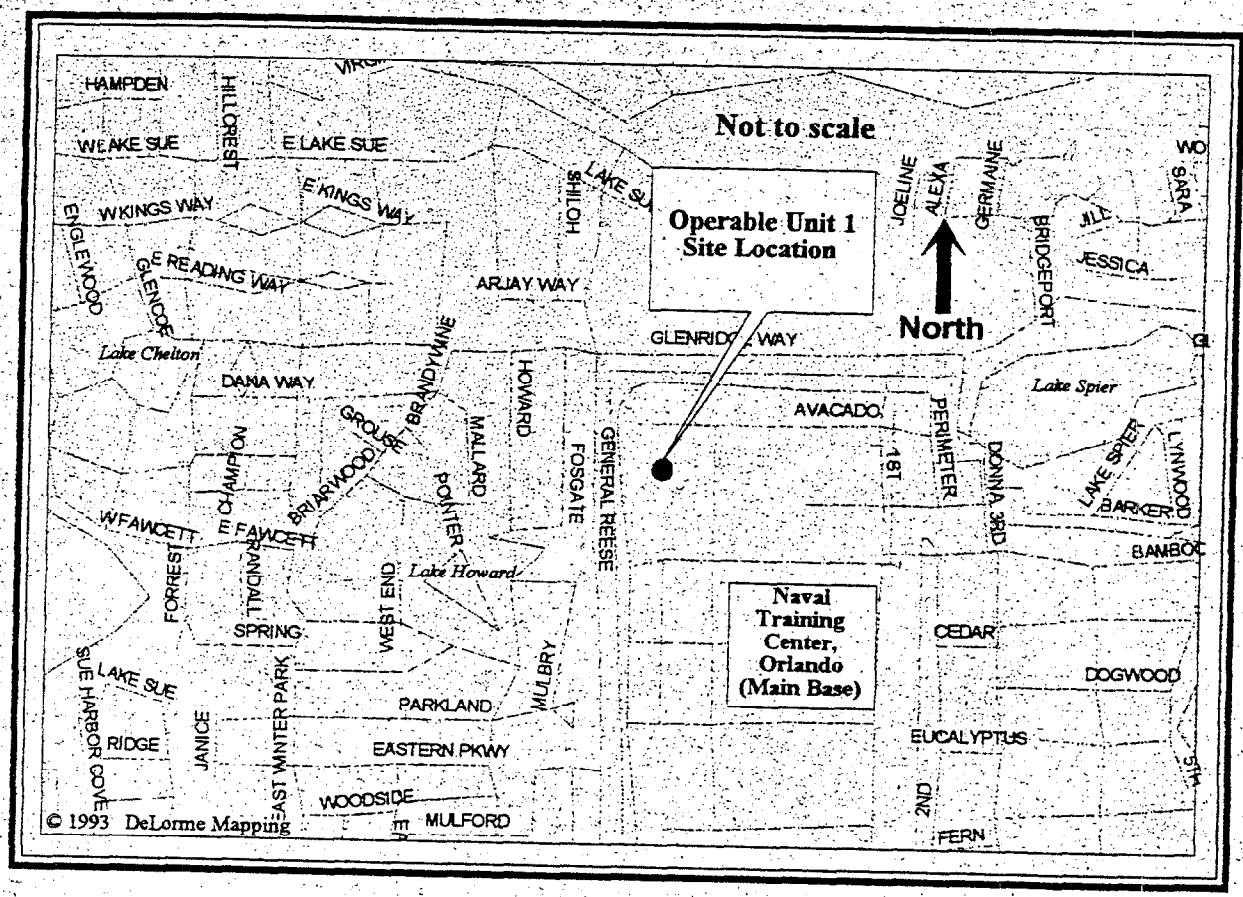
Regular monitoring is the most effective way to enforce institutional controls. Many State and local governments work cooperatively to inspect former hazardous waste sites to ensure that institutional controls remain in place and effective.

Legal institutional controls, such as deed restrictions, are generally enforceable by the grantor of the deed restriction (for example, the Department of Defense for NTC) against subsequent purchasers of the property. State law defines the other parties that may enforce deed restrictions.

Types of Institutional Controls at Operable Unit (OU) 1

At OU 1 (the former North Grinder Landfill, see map), the landfill materials will be left onsite. In addition to the engineering components of groundwater monitoring and landfill inspections, institutional controls in the form of deed restrictions will be used to limit activity in and around the landfill. These controls will be inserted in the property deed and transfer documents and consist of the following:

- restricting the use of surficial aquifer groundwater in the vicinity of the landfill such that drinking and irrigation are not allowed
- instituting safeguards for performing activities that would disturb the landfill cap
- restricting the use of the land within the landfill boundary to nonresidential uses (e.g., industrial or recreational uses)



For More Information

For further information on the Installation Restoration environmental program at NTC, Orlando, please call:

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