

What's New in the World of Institutional Controls?

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Institutional Controls (ICs) – Questions

- What are they?
 - Legal document that provides for protection from exposure to contamination
 - Restrictive Covenants(Deed Restrictions) – placed on the deed of the property
 - Municipal Ordinances – most commonly used to restrict exposure to contaminated groundwater
 - Others that address contamination in roadways, aesthetic concerns, etc
 - Newest Addition! – “Health Department Alternative Instrument”
- Why are they used?
 - State and Federal Laws/Rules allow for the contamination to remain if extent defined and exposure is restricted through an “institutional control”.
- Where did this “Health Department Alternative” come from?



Where did this “Health Department Alternative Instrument” come from?

- Amendments to the statutes allowed for alternative institutional controls to be proposed/implemented
- Numerous inquiries about the use of Part 127 as a “stand alone”
- EGLE assessment - Part 127 could not be used by itself
 - needed to be paired with another to allow for long term reliability, enforcement, etc.

Developing an Alternative – Part 127/ local health code

- Committee formed!
- Meant to gather input of LHDs to direct generation of acceptable “alternative”

Participants:

Livingston County HD
District 10 HD
Kent County HD
Washtenaw County HD
Oakland County HD
Kalamazoo County HD
DEQ Drinking Water Staff
IC TAPS Reps



HD Request? Share info on groundwater contaminant plume dimension

HD input - provide a statement about using the plume information when permitting

Subsequent Results?

- Generation of an “Alternative” Institutional Control that could be approved by EGLE to restrict GW use
- Pair Part 127 (Well Construction Code) with the enforceability of the local health code
- HD uses info provided to them when considering any well permits in/around the proposed “restricted zone”
- The “alternative” developed is considered a reliable, protective and enforceable IC
- **Site by site assessment for applicability**



Details

- ▶ Used for restricting exposure through the groundwater route restriction
- ▶ **Process must start with the IC POC** - All proposals must move through the IC TAPS team prior to HD contact
- ▶ Each use is considered on a site-specific basis for appropriateness
- ▶ **Team Approach** - PM, IC TAPS POC, Consultant, LHD
- ▶ Local health department must be in agreement (IC POC will initiate contact to explain and gauge receptiveness)
- ▶ Can be used in areas with or without municipal water





STEPS

1. Consultants/State PMs must start with IC Point of Contact
2. IC POC reachout to IC TAPS Team, contact LHD to provide explanation of process/benefit
3. Consultant generates draft tech report, proposed restricted zone developed
4. State PM reviews, consultant performs well survey (multiple lines)/has contact with owners
5. Consultant provides draft report to LHD/EGLE, if HD desires review
6. Consultant finalizes report with well survey data (plugs any wells with owner's permission/potential reimbursement) and provides copies to EGLE and HD

STEPS (cont.)

7. HD confirms in writing to consultant/EGLE that they will use the information when reviewing well permits in/around restricted zone in the future
8. POC brings to IC TAPS for final review/recommendation to District, SF, etc.
9. If District proceeds, then consultant sends copies of the final doc to the affected parcel owners. Cover letter needs to clearly state impact to owner
10. Restricted Zone mapped on Environmental Mapper - copy of report attached as PDF



Impact on the Local Health Department?

- Participate in initial meeting to explain process, background of contamination site
- Review draft summary report (if desired) and provide comments, if there are any (reports are averaging 6-8 pages, with attachments)
- Review/file Final Summary Report (associated restricted zone)
- Provide written confirmation to EGLE/consultant that the summary report information will be used when considering well permits in the area of the restricted zone



BENEFITS?

- ▶ Health Department has contaminated groundwater plume mapped - have the knowledge of plume dimensions they desire
- ▶ Well surveys of contaminated area occur, resulting in elimination of potential points of exposure
- ▶ Public access to plume dimensions through Environmental Mapper



IC TAPS Team Point of Contacts (RRD Districts/Superfund)

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Questions?

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