

**POLICY ON LAND USE IN THE SELECTION OF  
REMEDY AT SITES ADDRESSED UNDER HSCA**

**Division:** Air & Waste Management

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**Section:** Waste Management

**Tracking Number:** \_\_\_\_\_

**Branch:** Superfund

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**Division Director's Approval:** \_\_\_\_\_

I. Issue: Guidelines for determining the future land use at sites during Investigation and Study and Remediation under the Hazardous Substance Cleanup Act (HSCA).

II. Background: The Regulations Governing Hazardous Substance Cleanup (Regulations) require that the Department consider the future land use of a site before a remedial alternative is selected. Typically the land use considerations are examined during the objective setting phase following the Remedial Investigation (RI) but before a risk assessment is performed. The future land use would thus drive the exposure scenarios considered during the risk assessment. The risk assessed will determine the appropriate cleanup levels necessary to reduce the risk to acceptable levels. The following guidelines are established through this policy in determining the future land use at a site being cleaned up under HSCA.

III. Policy: Discussion on the future land of a HSCA site should begin as early as possible, preferably, during the scoping of the RI, but in any case soon after completion of the investigation. The Department may discuss the reasonably expected future land use of the site at a minimum with the following:

- land use planning authorities
- local officials such as mayor, city managers, etc.
- local city council and/or legislative representatives
- the public
- the parties cleaning up the site
- the property owner (if not involved in site cleanups)

The following factors will be taken into account while deciding the land use:

- the current use of the land
- the current zoning of the land
- community master plans, if any (to include all future uses if site and surrounding properties)

- population growth patterns and projection, if available
- use of the land adjacent to and surrounding the site
- zoning of the adjacent and surrounding land
- proximity to floodplain
- location of wellhead protection area, recharge areas
- property owner's future uses if the site (if different than the current use)

Based on the discussions with parties and consideration of the factors listed above the Department will decide on one or more appropriate future land uses for the site. The risk posed by the contaminants at the site may be determined for the current land use and the expected future land uses. Based on the risk assessments, if necessary, an appropriate remedy will be selected to attain acceptable cleanup levels consistent with the Regulations, guidelines and policies implemented under the authority of HSCA for the expected land use of the site. In certain circumstances, the impact to the environment from the site could be such that, protecting the environment could lead to more stringent cleanup standards than those consistent with the future land use.

Approved: \_\_\_\_\_

Christophe A. G. Tulou  
Secretary

Date: \_\_\_\_\_

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