

# Remedial Actions That Render Property Unusable

## SRRA Section 47g (1):

“The department may disapprove the selection of a remedial action for a site on which the proposed remedial action will render the property unusable for future redevelopment or for recreational use.”

# Remedial Actions That Render Property Unusable

- ◆ Intended to encourage reuse of remediated sites
- ◆ Local (municipal/regional) impact
- ◆ Any redevelopment
- ◆ Consistent with existing zoning
- ◆ Extremely small universe

# Remedial Actions That Render Property Unusable

- ◆ Permanent fencing or barriers that preclude access
- ◆ Treatment systems (wells and associated plumbing) that occupy greater than 20% of the developable land
- ◆ Interred material or containment systems that present structural challenges/ impediments for greater than 20% of the developable land
- ◆ Remedial actions that result in 30% or greater slope over 20% or more of the developable land

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- ◆ Remaining levels of contamination that impose regulatory limitations on site reuse, such as PCB contamination as subject to the federal TSCA, or radioactive materials
- ◆ Remaining physical hazards such as munitions and explosives of concern (MEC)
- ◆ Conditions that would result in an IEC if the property is developed including, but not limited to, vapor intrusion issues that cannot be addressed with engineering controls, and acute contaminant concentrations

# Remedial Actions That Render Property Unusable

If, in the opinion of the LSRP, a proposed remedial action will render a property “unusable”, the LSRP will...

- ◆ notify the department, and municipality and/or regional authority, as appropriate
- ◆ participate in a public hearing to discuss the proposed remedial action should a municipality and/or regional authority request a hearing
- ◆ not proceed with the selected remedial action if a municipality and/or regional authority objects

# Remedial Actions That Render Property Unusable

The department will...

- ◆ review all RAWs that render a property “unusable”, and consider a municipality’s and/or regional authority’s concerns in the evaluation
- ◆ approve or disapprove the RAW and notify the remediating party and/or LSRP and the municipality and/or regional authority
- ◆ invalidate an RAO that renders a property “unusable” without department approval
- ◆ limit the duration of an IRM that represents a significant impediment to redevelopment