



**BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
POLICY
EVALUATING FUTURE LAND USE**

**BER POLICY # BER-RS-005
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Bureau Manager:  **Date:** 12/30/05

REVISIONS

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ORIGINATOR

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Remedial Section staff must consider future land use in making corrective action decisions under the State Cooperative, State Water Plan, Brownfields, Voluntary Cleanup, and Environmental Use Control Programs. Future land use will influence the types and frequencies of exposures that may occur from any residual contamination remaining on the site.

Current and future land uses and zoning must be considered in arriving at a land use designation. Both the site itself and the surrounding area, and the activities and activity patterns of the potentially exposed population must be considered in consultation with local land use planning authorities in developing the land use designation. A major component of this process is early community involvement and planning that should start as part of the investigative process.

Residential land use is defined by BER as any property currently proposed for use as one of the following: 1) a residence or dwelling, including a house, apartment, mobile home, nursing home, or condominium; or 2) a public use area, including a school, educational center, day care center, Playground, unrestricted outdoor recreational area, or park.

1. Activities contemplated during the investigative and risk assessment phases should include the following:

- a. Discussions with local land use planning authorities to determine the currently designated or anticipated future land use for the site,
- b. Discussions with impacted property owners to determine if environmental use controls (EUCs) are a potentially viable remedy component,
- c. Discussions with the public through the Public Information Program.

Documenting future land use assumptions will allow preliminary remediation goals to be determined during the risk assessment and/or use of the Risk-based Standards for Kansas document (RSK Manual) and/or EUC Agreements, thus allowing "common sense" and cost effective remedial alternatives to be developed during the CAS.

2. Activities finalized during development of the Draft CAD:

- a. Land uses that will be available following completion of the preferred remedial alternative, determined, as part of the selection process must be clearly stated.
- b. Selection of Environmental Use Controls as part of the preferred remedial alternative requires filing of the EUCA prior to finalization of the CAD and/or inclusion of contingency remedial alternatives if the landowner does not voluntarily apply EUCs to the impacted property.

Please refer to the federal **OSWER Directive No. 9355.7-04** for ideas to develop assumptions regarding reasonably anticipated future land use.