



Leaking Underground Storage Tank Program Environmental Land Use Control Fact Sheet

What is an Environmental Land Use Control?

An Environmental Land Use Control (ELUC) is an institutional control used to impose land use limitations or requirements related to environmental contamination. In the Leaking Underground Storage Tank Program, an ELUC may be used to address off-site contamination caused by a release from an underground storage tank (UST) system. Examples of land use limitations or requirements that could be imposed in an ELUC include a prohibition of use of groundwater for potable purposes, an industrial/commercial property use restriction, maintenance of an engineered barrier, and a construction worker safety plan. An ELUC is a legal document that becomes a permanent part of the chain of title for each affected property.

Please refer to 35 Illinois Administrative Code (35 Ill. Adm. Code) 742.Subpart J for regulations governing ELUCs and other instruments that may be used as institutional controls. Examples of other instruments that may be used as institutional controls include a Land Use Control Memorandum of Agreement for federally owned property and a Highway Authority Agreement for the highway right of way.

When is an ELUC used?

An ELUC is used when contamination that exceeds the most stringent Tier 1 remediation objectives (found in 35 Ill. Adm. Code 742) is left in place on an off-site property. An ELUC may be used in lieu of traditional remediation methods to address off-site contamination that will not be remediated.

Why is an ELUC used?

An ELUC is used to protect human health by reducing the risk of exposure to soil and/or groundwater contamination that could otherwise be harmful. It is implemented when the current and future land use of the off-site property

allows for (and the off-site property owner agrees to) such restriction. An ELUC may be considered to be the only viable option for sites in which a more conventional method of remediation (such as excavation and disposal of contaminated soil) is not practical.

What steps are necessary to obtain an ELUC?

All affected parties must agree to the ELUC. This includes the owner or operator of the UST system, as well as the off-site property owner. The ELUC must be signed by all parties and submitted to the Illinois EPA for review. Upon acceptance by the Illinois EPA, the off-site property owner must file the ELUC in the county recorder's office for the county in which the off-site property is located. A copy of the recorded ELUC must then be submitted to the Illinois EPA prior to the issuance of a No Further Remediation Letter.

Who is responsible for implementing the ELUC?

The off-site property owner is responsible for implementation of the ELUC. While it is the responsibility of the owner or operator of the UST system to address all contamination caused by the release from the UST system, it is the responsibility of the off-site property owner to ensure that the land use limitations or requirements are followed and that the integrity of any engineered barriers is maintained.

Where can I get more information?

More information regarding ELUCs can be found at the Illinois EPA Web site. Included on this Web site is a [model ELUC document](#). Moreover, the project manager on call for the Leaking Underground Storage Tank Section (217-782-6762 or 888-299-9533) can answer questions regarding ELUCs.

The Environmental Land Use Control Fact Sheet is for general information only and is not intended to replace, interpret, or modify laws, rules, or regulations.