## Section B.4: Institutional Controls on Non-Source Properties

If the remaining contamination extends off the source property and that contamination otherwise meets the technical and rule requirements for conditional closure, the FDEP site manager may be asked if an IC can be placed on the non-source contaminated property. There are a number of site-specific issues that should be evaluated prior to approving such a request, which is described as a closure with conditions under RMO III. See subsection 62-780.680(3), F.A.C.

Because of the complexities in RMO III, and in working with non-source properties, before attempting to answer this question, FDEP site managers should contact their supervisor and coordinate with the appropriate attorney and Tallahassee Division staff to discuss the specifics of the contamination and properties in question. If such a request is approved, the governing statute and rule require that notice must be provided to the local governments and other parties having interests in the non-source property. Notice of proposed controls on non-source properties should also be given to non-source property interest holders (e.g., easement holders) who may be likely to encounter contamination during the use of their property interest in most cases. See subsection 62-780.220(7), F.A.C.

In these cases, the CSRCO should reflect the type of control used to effect closure, and may include different language than that typical for closure using a different type of IC. Additionally, the IC for the non-source property should be prepared[[1]](#footnote-2) and reviewed, along with the title work, and any other necessary documentation for that non-source property. The documentation required for such non-source properties will vary depending on site specific factors such as the type of IC being considered, the size of the contaminated area, the type of contamination, and the location of the affected media.

1. As described in subsequent sections, in certain circumstances FDEP will agree to rely on existing governmental controls that may exist on non-source property as ICs. [↑](#footnote-ref-2)