
BASEWIDE LAND USE CONTROLS (LUC)

Joint Base Andrews

April 2022

BACKGROUND

The Joint Base Andrews (JBA) Base-wide Land Use Controls Implementation Plan (LUCIP) outlines specific requirements for the establishment, implementation, and maintenance of land use controls (LUCs) at JBA, in Prince George's County, Maryland. LUCs are in place for all sites that have a signed Record of Decision (ROD) and a selected Remedy in Place (RIP), and interim LUCs are in place for the remaining sites that have yet to obtain a signed ROD and RIP, spelled out in the Interim Remedial Action Completion Report (IRACR). Both the ROD and IRACR are legally binding documents adopted by the U.S. Air Force (USAF) and the U.S. Environmental Protection Agency (EPA), with the concurrence of the Maryland Department of the Environment (MDE). In short, the EPA's signature and approval of the IRACR or ROD signifies RIP, with the appropriate remedies chosen in these documents in accordance with Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA).

The USAF has the authority and responsibility for implementing, monitoring, maintaining, reporting on, and enforcing the LUCs at all sites at any point during the CERCLA process. While the USAF and the EPA use different definitions for the various phases of the CERCLA cleanup process, as well as different metrics to track successful performances within the CERCLA program, these differences are not insurmountable in achieving desired site closure (SC). The differences are outlined in the Recommendations from the Department of Defense (DoD) and the EPA Goal Harmonization Workgroup dated 14 December 2011 and include EPA guidance related to LUCs.

DEFINITION OF LAND USE CONTROLS

LUCs are defined as any type of physical, legal, or administrative mechanism that restricts the use of, or limits access to, real property to prevent exposure to contaminants above permissible levels. The intent of using LUCs is to protect human health, the environment, and the integrity of an engineering remedy by limiting the activities that may occur at a particular contaminated site. The three types of LUCs are described below:

- Physical Mechanisms or Engineering Controls (EC) include a variety of engineered remedies to contain or reduce access to existing or potential contamination, and/or physical barriers intended to limit access to property. These mechanisms are typically implemented as fences, signs, and guard stations.
- Legal Mechanisms or Institutional Controls (IC) are methods of restricting access to or use of contaminated property

through legal channels, such as property deeds, local statutes, and property sale requirements. These mechanisms include restrictive covenants, negative easements, equitable servitudes, and deed notices that are meant to ensure the continued effectiveness of land use restrictions imposed as part of a remedial decision.

- Administrative Mechanisms are also ICs and include notices, adopted local land use plans and ordinances, construction permitting, or other existing land use management systems that may be used to ensure compliance with use restrictions.

While Non-Department of Defense (DoD) organizations often use a separate designation for LUCs and ICs, the USAF follows the DoD terminology, utilizing the term LUC to include both ECs and ICs.

CHALLENGES

Both final and interim LUCs at JBA occupy a combined total of 574 acres, or 13.5 percent of the total 4,300 acres. This does not include the 10-foot buffer required around all of the 400 or so monitoring wells located base-wide when working, digging or otherwise. In addition, the two JBA ERP satellite sites, Davidsonville (SS-11) and Brandywine (SS-01) also have final LUC's in place. Challenges to maintaining LUCs for such a large area are compounded by the constant infrastructure improvement projects taking place at the Base including, but not limited to: new construction, building demolition and/or renovation, and improvements to water, sewer, electrical, and communication lines base-wide. Many of these sites have a National Environmental Policy Act (NEPA) component to them as well, further complicating the management of LUCs. Dig permits and LUC waiver letters are required from the ERP for all contractors performing work that may negatively impact a LUC area.

In addition, many of the 27* active ERP sites for which LUCs are present (18 interim and 9 final, 2017) extend beneath highly secure buildings and facilities, airfield aprons, and secured taxiways and runways. Classified underground utilities are present, as well as many other unclassified but sensitive utilities. Access to areas of these sites require significant efforts, including airfield construction waivers, wing-tip restriction Notices to Airmen (NOTAMS), and in some cases, Presidential taxiway closure. Additionally, some of the LUC sites, such as Site LF-05 located in the SE corner of the Base, have off-base LUC restrictions placed on them as well.

The following base-wide ERP map, generated in 2022, exhibits the existing ERP sites and their LUC boundaries, as well as other features such as monitoring wells located at JBA.

*Number subject to change

**Joint Base Andrews
NAF Washington
Camp Springs, Maryland
Environmental
Restoration Program
Land Use Control Restrictions**

January 2022

