## Section B.1: Engineering Controls (ECs)

ECs, such as physical barriers, caps, covers, slurry walls, methane collection systems, and impermeable barriers, alone or in combination with other ECs, are designed to limit or prevent access and exposure to contamination or are designed to eliminate further migration of the contamination. Fences may never be used as stand-alone ECs, but only in combination with other types of ECs. Where an EC is used, a recorded IC should be put in place to ensure that the EC is properly maintained and FDEP has access to inspect the EC.[[1]](#footnote-2)

*Where an EC is used, an IC should be recorded.*

To ensure that future owners of contaminated property continue to maintain and repair an EC, those requirements are imposed through an IC that “runs with the land,” which is typically an RC. That means that all future owners are required by law to comply with the terms of the IC, including maintenance and repair of ECs, and this mechanism is the assurance FDEP needs to agree with the allowance of this type of control. The nature of the EC and the relationship between the IC (e.g., RC) and the EC should be very clear in the language in the Engineering Control Maintenance Plan (ECMP) referenced in the IC, including any requirements on the future maintenance or repair of the EC. The IC should ensure that maintenance and repair of the EC will be the responsibility of the present and subsequent owners of the property subject to the IC. The current use of the property and the property owner’s long-term plans for the property are of interest in the formulation of the text of the IC to ensure sufficient protection of human health and the environment.[[2]](#footnote-3)

1. See Attachment 31: Engineering Controls Reporting and Monitoring. [↑](#footnote-ref-2)
2. There may be certain instances when FDEP, to ensure the durability of the EC, may request that the owners/responsible parties present evidence that they have sufficient financial resources to maintain the EC. [↑](#footnote-ref-3)