

Life Cycle Stage 5: Site closure & institutional controls

Remediation PFAS Guidance

5.1 Site closure

The criteria used to determine eligibility for site closure for a PFAS release are the same as other types of hazardous substances. For a responsible party or state-led investigation, the full extent and magnitude of PFAS contamination must be defined and any necessary remediation or risk management actions completed, on both the source property and other off-site affected properties. Closure for a PFAS release at a responsible party site is provided by a No Action or No Further Action Determination.

For a non-responsible party enrolled in the Brownfield Program, site closure options are more varied, depending on the type of assurance letter requested. In all cases, potential on-site risk from exposure to PFAS-impacted media must be managed. It's important to note that closure of a brownfield site does not necessarily mean that the PFAS release is being closed. If the brownfield site investigation identifies the potential for off-site receptors to be at risk from PFAS contamination, the Brownfield Program will refer the PFAS release to the Minnesota Pollution Control Agency's (MPCA) Site Assessment Program for further evaluation and risk assessment. For additional information about PFAS decisions at non-responsible party sites, refer to the [Brownfield consideration cross cutting area](#) of the PFAS guidance.

The site closure process may establish certain activity restrictions or affirmative obligations for the long-term management of risk. The MPCA uses institutional controls, when appropriate, as part of the closure process to ensure that current and future property owners are aware of residual contamination at the site and comply with site-specific activity restrictions and affirmative obligations.

For any site, if an institutional control is required as part of the response action, the institutional control must be recorded with the appropriate county office and a copy of the recorded institutional control submitted to the MPCA before site closure will be granted.

5.2 What are institutional controls?

Institutional controls are legal or administrative controls imposed on properties to protect cleanup work and avoid exposure to any remaining contamination. Institutional controls may limit how the property is used, restrict certain activities at the site, or impose certain affirmative obligations on the property owner.

Examples of activity restrictions include but are not limited to:

- Prohibiting disturbance of soil beneath an established vertical buffer
- Prohibiting extraction of groundwater
- Prohibiting fishing at an impaired surface water body

Affirmative obligations refer to the responsibility of the property owner to operate, monitor, and/or maintain a remedy to ensure continued protectiveness of human health and the environment. Examples of affirmative obligations include but are not limited to:

- Maintaining a vertical soil buffer or hardscape to prevent exposure to underlying contamination
- Treating groundwater at point-of-use to ensure a safe drinking water supply

- Operating a groundwater remediation system to treat and/or control a contaminant plume
- Posting and maintaining signage to caution site occupants or the general public about risk associated with fish consumption or contact with PFAS foam.

Institutional controls are not intended to be a sole remedy but are often part of the overall remedy. A description of the types of institutional controls most often used by the MPCA and supporting guidance and templates can be found on the MPCA's [Cleanup Guidance and Assistance](#) webpage.

5.2.1 When will MPCA require an institutional control for PFAS?

The criteria used to determine the need for an institutional control for PFAS contamination are the same as for other types of hazardous substances:

- If environmental conditions at the time of site closure require activity restrictions and/or affirmative obligations to protect human health or the environment, then an Environmental Covenant and Easement (ECE) will be required. The ECE will require submittal of an annual compliance letter or report to document that the property owner is complying with the activity restrictions and/or affirmative obligations listed in the ECE.
- If no specific activity restriction or action is needed but notice of residual contamination on the property is warranted, then an Affidavit concerning real property contaminated with hazardous substances will be required.

An interactive map showing the location of MPCA sites with institutional controls and a link to download institutional control data can be found on the MPCA's [Cleanup guidance and assistance](#) webpage.

For widespread groundwater contamination that poses a potential risk to public health, the MPCA may request the Minnesota Department of Health to establish a Special Well and Boring Construction Area. This administrative action provides for controls on the drilling of water supply wells to prevent exposure to groundwater contamination.