



24-012 – Instructions for Annual Notification for Compliance with Activity and Use Limitations

Revised
May 2024

Background

The use of institutional controls is increasingly common because of state cleanup programs' use of risk-based cleanups, which allow some contamination to be left in place depending on future land use of a contaminated site. Institutional controls are defined as non-engineered instruments, such as administrative and/or legal controls, that help to minimize the potential for human exposure to any contamination left in place and/or to protect the integrity of a remedy. Examples of common institutional controls include easements, covenants, groundwater use restriction ordinances, zoning restrictions, and special building permit requirements.

Nebraska's Uniform Environmental Covenants Act allows the use of a restrictive covenant that is fully integrated into the traditional real property system to ensure long-term durability of the covenant. The Nebraska Department of Environment and Energy (NDEE) has developed a model covenant pursuant to the Uniform Environmental Covenants Act to assist in the preparation of an environmental covenant as part of an overall cleanup plan.

The model covenant includes language that the current fee simple owner of the property submits written documentation to NDEE on an annual basis verifying that the activity and use limitations remain in place and are being complied with. These instructions and the attached Annual Notification for Compliance with Activity and Use Limitations form are meant to assist the current fee simple owner of the property in providing the necessary information to NDEE in a consistent reporting format. NDEE will review the report to determine whether the property use is in compliance with the established activity and use limitations and meets any other obligations of the environmental covenant.

Instructions

The Annual Notification for Compliance with Activity and Use Limitations form is intended to assist the current fee simple owner of the property with the required compliance reporting provision in the environmental covenant. Please attach any necessary pertinent and/or supporting documentation when completing this form. An electronic version of the template letter can also be found on the NDEE website at: <https://dee.ne.gov/Publica.nsf/pages/24-012>.

Forms may be submitted by mail or email to the contact listed on the enclosed form. Please direct any questions to NDEE's Brownfields and Voluntary Cleanup Program Coordinator at (402) 471-6411 or ndee.vcpbrownfields@nebraska.gov.

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Site Information

Site Name:	
Facility ID:	
Program ID:	
Property Address:	
Parcel ID:	
Legal Description (optional):	

Owner Information

Name:	
Mailing Address:	
Phone Number:	
E-mail Address:	
Were there any ownership changes since the last reporting year?	
If so, was a notice upon conveyance provided to the Agency?	

Activity and Use Limitations

The activity and use limitation(s) that apply to the property as listed in the environmental covenant include:

Is this property being used in compliance with the activity and use limitation(s)?

Yes No

If no, explain:

Describe the current land/property use, and if applicable, describe the area(s) of the property that were inspected to verify compliance with the activity and use limitations:

Summarize any changes to the property since the last reporting period (i.e., new construction or earth moving activities, changes in businesses present on the property, or property transfers):

Certification Statement

As the current owner of this property, I certify that the foregoing information on this form, including attachments and supporting data, is true, accurate, and complete to the best of my knowledge and belief.

Signature:	
Printed Name:	
Title:	
Date	

Submit completed forms to:

By Mail:	Brownfields and Voluntary Cleanup Program Coordinator Monitoring and Remediation Division Nebraska Department of Environment and Energy 245 Fallbrook Blvd., Suite #100 Lincoln, NE 68521
By E-Mail:	ndee.vcpbrownfields@nebraska.gov