

Exhibit B. Decision Document

Exposure of Environmentally Isolated Soil to Infiltration of Water Restriction Form

In accordance with Section 22a-133k-2(c)(4)(A) of the Regulations of Connecticut State Agencies (RCSA) **the Pollutant Mobility Criteria do not apply to environmentally isolated soil** provided an Environmental Land Use Restriction is in effect with respect to the subject Property, or portion thereof, containing such soil which Environmental Land Use Restriction ensures that such soil will not be exposed to infiltration of soil water due to, among other things, demolition of the building.¹

Purpose:

The purpose of this Environmental Land Use Restriction (ELUR) is to ensure that polluted soil that is environmentally isolated (as defined in RCSA Section 22a-133k-1(18)) at the Subject Area(s) ("Subject Area") designated below will not be exposed to infiltration of soil water due to, among other things, demolition of the building.

Check the applicable box(es) to identify the Property-specific approach(es) taken to render the polluted soil environmentally isolated pursuant to RCSA Section 22a-133k-1(18), or "NA" (not applicable), as follows:

Pursuant to RCSA Section 22a-133k-1(18):

- 1) The environmentally isolated soil is polluted soil which is beneath an existing building; not a continuing source of pollution; not polluted with volatile organic substances or, if it is polluted with such substances, the concentration of such substances has been reduced in concentration to the maximum extent prudent; and above the seasonal high water table.

or

NA

Restrictions Applicable to the Subject Area:

The Grantor shall ensure that use, occupancy, and activity of and at the Subject Area (as depicted on Exhibit C – Class A-2 Survey) are restricted as follows:

(Check box(es) as applicable; enter Subject Area(s) designation.)

- The environmentally isolated soil at Subject Area [] will not be exposed to infiltration of soil water due to, among other things, demolition of the **entire building**.

and/or

- The environmentally isolated soil will not be exposed to infiltration of soil water due to, among other things, demolition of the building **at Subject Area** [].

Note that the building consists of the roof, structural walls, and building slabs, which collectively act to isolate polluted soil.

and/or

¹ For a complete description of the rationale for the restriction, see the referenced regulatory citation.

Declaration of Environmental Land Use Restriction and Grant of Easement

Pursuant to RCSA Section 22a-133k-1(18):

- 2) The environmentally isolated soil is polluted soil which is beneath another existing and permanent structure which the Commissioner has determined in writing would prevent the migration of pollutants; not a continuing source of pollution; not polluted with volatile organic substances or, if it is polluted with such substances, the concentration of such substances has been reduced in concentration to the maximum extent prudent; and above the seasonal high water table.

Description of permanent structure: [redacted]

Date of Commissioner's written determination that the permanent structure would prevent the migration of pollutants: [redacted]

or

NA

Restrictions Applicable to the Subject Area:

The Grantor shall ensure that use, occupancy, and activity of and at the Subject Area (as depicted on Exhibit C – Class A-2 Survey) are restricted as follows:

(Check box(es) as applicable; enter Subject Area(s) designation.)

- The environmentally isolated soil at Subject Area [redacted] will not be exposed to infiltration of soil water due to, among other things, demolition of the **entire permanent structure**.

and/or

- The environmentally isolated soil will not be exposed to infiltration of soil water due to, among other things, demolition of the permanent structure **at Subject Area** [redacted].

Note that the permanent structure consists of describe the permanent structure which acts to isolate polluted soil.

AND

Declaration of Environmental Land Use Restriction and Grant of Easement

Type and Location of Substances at Subject Area:

(At concentrations greater than the Pollutant Mobility Criteria for soil)

(Enter the type of substances, e.g., by substance name or category, at each Subject Area.)

Text box - enter text directly into the space provided (unlimited).

Reasons Restriction or Limitation are Necessary to Adequately Protect Human Health and the Environment:

If the building or permanent structure is demolished such that the environmentally isolated soil is exposed to the infiltration of water, such polluted soil may pose an unacceptable risk to groundwater quality.

Provided the polluted soil is not exposed to infiltration of water, such polluted soil does not pose an unacceptable risk to groundwater quality.

Restriction or Limitation is Consistent with the Remediation Standard Regulations (RSRs) Sections 22a-133k-1 through 22a-133k-3, inclusive, of the RCSA, as amended, and as follows:

(Check both boxes; enter Subject Area(s) designation(s); and enter document title and date, as requested)

The Pollutant Mobility Criteria do not apply to environmentally isolated soil (as defined in RCSA Section 22a-133k-1(18)) at Subject Area .

and

Such soils will not be exposed to infiltration of soil water due to, among other things, demolition of the building in accordance with RCSA Section 22a-133k-2(c)(4)(A).

If applicable, documentation that demonstrates that volatile organic substances located beneath the building or permanent structure have been reduced in concentration to the maximum extent prudent has been submitted to the Connecticut Department of Energy & Environmental Protection.

Title and Date:

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Supplemental Information

If the Subject Area will be only a portion of the building or permanent structure, complete the following:

Explain why the restriction is needed for only a portion of the building or permanent structure:

Explain how the portion of the building or permanent structure will “stand alone” if the building or permanent structure is demolished, for example, “the Subject Area will be in an area of the building that can “stand alone” and still consist of a roof, structural walls, and building slab which will collectively act to isolate polluted soil”:

If alternative language is proposed, complete the following:

Explain why alternative language is needed:

The proposed alternative language is:

If pertinent to the Application, enter additional information below (optional):

Text box - enter text directly or copy and paste Word Document into the space provided (unlimited).

✓ Insert electronic copies of tables and figures below.

*  This section is not locked; insert document(s) as applicable.