

## Exhibit B. Decision Document

### **Residential Activity Restriction - Soil Form**

In accordance with Section 22a-133k-2(b)(2)(A) of the Regulations of Connecticut State Agencies (RCSA) polluted soil may be remediated to the Industrial/Commercial Direct Exposure Criteria for each substance (except polychlorinated biphenyls (PCBs)) if access is limited to individuals working at or people temporarily visiting the subject Property and an Environmental Land Use Restriction is in effect which ensures that the Property or restricted portion thereof is not used for any residential activity in the future and that any future use is limited to an industrial or commercial activity.<sup>1</sup>

#### **Purpose:**

The purpose of this Environmental Land Use Restriction (ELUR) is to ensure that the Subject Area(s) ("Subject Area") designated below is not used for any residential activity (as defined in RCSA Section 22a-133k-1(58)) in the future and that any future use is limited to an industrial or commercial activity.

#### **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:

No residential activity shall be permitted at the Subject Area designated below in accordance with RCSA Section 22a-133k-2(b)(2)(A).

*(Check box that applies; enter Subject Area(s) designation.)*

Subject Area [ ] is the entire Property.

or

Subject Area [ ] is/are a portion or portions thereof the Property.

#### **Type and Location of Substances at Subject Area:**

(At concentrations greater than the Residential Direct Exposure Criteria and less than the Industrial/Commercial Direct Exposure 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).

<sup>1</sup> 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

**AND**

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

If the Subject Area is used for residential activities, as defined in RCSA Section 22a-133k-1(58), the substance(s) present in the soil may pose an unacceptable risk to human health.

Provided the Subject Area is not used for residential activities, the substance(s) present do not pose an unacceptable risk to human health.

**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.)*

Polluted soil is remediated to a concentration at which the Industrial/Commercial Direct Exposure Criteria for soil, as defined in RCSA Section 22a-133k-1(34), for each substance (except for PCBs) is met.

and

The ELUR prohibits the use of Subject Area [redacted] for residential activities in accordance with RCSA Section 22a-133k-2(b)(2)(A). Any future use of Subject Area [redacted] is limited to an industrial or commercial activity.

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#### Supplemental Information

**If the Residential Activity Restriction - Soil will be applied to only a portion of the Property complete the following:**

Explain why the restriction is needed for only a portion of the Property:

Explain how the portion of the Property (i.e., Subject Area), which will be restricted from residential activity, will be identifiable in the field. The Subject Area should be easily identifiable to prevent the residential activity, which otherwise would not be restricted on the remainder of the Property, from encroaching into the Subject Area. For example, the Subject Area is identifiable by site-specific features, such as a stream, pond, road owned by the municipality which divides the Property, or other prominent topographic features:

**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.

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