



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATER PROTECTION AND LAND REUSE
REMEDATION DIVISION
(860) 424-3705 www.ct.gov/dep/remediation**

DEP Use Only
Date Stamp

**DRAFT
APPLICATION FOR
ENVIRONMENTAL LAND USE RESTRICTION
FOR THE COMMISSIONER'S REVIEW AND APPROVAL**

This form should be completed in its entirety for the processing of an Application for an Environmental Land Use Restriction (ELUR) pursuant to Connecticut General Statutes section 22a-133n to 22a-133s, inclusive. Complete this form in accordance with the instructions (DEP-ELUR-INST-Draft Rev. 2/18/10) and other information on the CTDEP ELUR webpage at <http://www.ct.gov/dep/remediation> to ensure the proper handling and processing of your application. Print or type unless otherwise noted.

SECTION A. APPLICANT INFORMATION

Part I. Parcel Information

Property/ Facility Name:		
Address:		
City/Town:	State:	Zip Code: -
Business Phone: - -	Ext.:	Fax: - -
Remediation Division Site Identification Number (REM ID#):		

Part II: Owner Information

Name of Property Owner:		
Address:		E-mail Address:
City/Town:	State:	Zip Code: -
Business Phone: - -	Ext.:	Fax: - -

Part III: Licensed Environmental Professional (LEP) Information

LEP Name:		License #:
Firm Name:		E-mail Address:
Address:		
City/Town:	State:	Zip Code: -
Business Phone: - -	Ext.:	Fax: - -

Part IV: Attorney Information

Attorney Name:	Firm Name:	
Address:	E-mail Address:	
City/Town:	State:	Zip Code: -
Business Phone: - -	Ext.:	Fax: - -
Date admitted to practice law in Connecticut:		

Part V: CTDEP Program Involvement

Identify the Remediation Division Program(s) in which this site is involved by checking the applicable box(es):

<input type="checkbox"/> Property Transfer Program under CGS section 22a-134a
<input type="checkbox"/> Voluntary Remediation Program under CGS section 22a-133x
<input type="checkbox"/> Resource Conservation and Recovery Act Corrective (RCRA) Action Program
<input type="checkbox"/> State or Federal Superfund Program
<input type="checkbox"/> Final Administrative (Unilateral or Consent) Order issued by the CTDEP or final judicial stipulated judgment which requires investigation and remediation of hazardous wastes or substances to achieve the RSRs
<input type="checkbox"/> Other CTDEP Program, [specify program] which requires investigation and remediation of hazardous wastes or substances to the satisfaction of the Commissioner or the RSRs

**SECTION B. DECLARATION OF ENVIRONMENTAL LAND USE RESTRICTION
AND GRANT OF EASEMENT**

DECLARATION OF ENVIRONMENTAL LAND USE RESTRICTION
AND GRANT OF EASEMENT

This Declaration of environmental land use restriction and Grant of Easement is made this _____ day of _____, _____, between [Grantor's Name] (the "Grantor") and the Commissioner of Environmental Protection of the State of Connecticut (the "Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee simple of certain real property (the "Property") known as [Address/Location], located in [Town or City], in [Name of County] County designated as [Map # , Block #, Lot #] on the tax map of [Town or City], in [Name of County] County, more particularly described on Exhibit A which is attached hereto and made a part hereof; and

WHEREAS, the Grantee has determined that the environmental land use restriction set forth below is consistent with regulations adopted by him pursuant to Section 22a-133k of the Connecticut General Statutes; and

WHEREAS, the Grantee has determined that this environmental land use restriction will effectively protect public health and the environment from the hazards of pollution; and

WHEREAS, the Grantee's written approval of this Environmental land use restriction is contained in the document attached hereto as Exhibit B (the "Decision Document") which is made a part hereof; and

WHEREAS, the property or portion thereof identified in the class A-2 survey (the "Subject Area") which survey is attached hereto as Exhibit C which is made a part hereof, contains pollutants; and

WHEREAS, to prevent exposure to or migration of such pollutants and to abate hazards to human health and the environment, and in accordance with the Decision Document, the Grantor desires to impose certain restrictions upon the use, occupancy, and activities of and at the Subject Area, and to grant this environmental land use restriction to the Grantee on the terms and conditions set forth below; and

WHEREAS, Grantor intends that such restrictions shall run with the land and be binding upon and enforceable against Grantor and Grantor's successors and assigns;

NOW, THEREFORE, Grantor agrees as follows:

1. Purpose. In accordance with the Decision Document, the purpose of this Environmental land use restriction is to assure [INSERT THE APPLICABLE LANGUAGE FROM THE EXAMPLE DECLARATION PARAGRAPHS].

2. Restrictions Applicable to the Subject Area. In furtherance of the purposes of this environmental land use restriction, Grantor shall assure that use, occupancy, and activity of and at the Subject Area are restricted as follows:

A. [INSERT THE APPLICABLE LANGUAGE FROM THE EXAMPLE DECLARATION PARAGRAPHS]

3. Except as provided in Paragraph 4 below, no action shall be taken, allowed, suffered, or omitted if such action or omission is reasonably likely to:

- i. Create a risk of migration of pollutants or a potential hazard to human health or the environment; or
- ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain pollutants or limit human exposure to pollutants.

Declaration of Environmental Land Use Restriction and Grant of Easement
[Address/Location], [Town or City], Connecticut

4. Emergencies. In the event of an emergency which presents a significant risk to human health or the environment, the application of Paragraph 3 above may be suspended, provided such risk cannot be abated without suspending such Paragraph and the Grantor:

- i. Immediately notifies the Grantee of the emergency;
- ii. Limits both the extent and duration of the suspension to the minimum reasonably necessary to adequately respond to the emergency;
- iii. Implements all measures necessary to limit actual and potential present and future risk to human health and the environment resulting from such suspension; and
- iv. Implements a plan approved in writing by the Grantee, on a schedule approved by the Grantee, to ensure that the Subject Area is remediated in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive, or restored to its condition prior to such emergency.

5. Release of Restriction; Alterations of Subject Area. Grantor shall not make, or allow or suffer to be made, any alteration of any kind in, to, or about any portion of any of the Subject Area inconsistent with this Environmental land use restriction unless the Grantor has first recorded the Grantee's written approval of such alteration upon the land records of [name of municipality where Subject Area is located]. The Grantee shall not approve any such alteration and shall not release the Property from the provisions of this environmental land use restriction unless the Grantor demonstrates to the Grantee's satisfaction that Grantor has remediated the Subject Area in accordance with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive.

6. Grant of Easement to the Grantee. Grantor hereby grants and conveys to the Grantee, his agents, contractors, and employees, and to any person performing pollution remediation activities under the direction thereof, a non-exclusive easement (the "Easement") over the Subject Area and over such other parts of the Property as are necessary for access to the Subject Area or for carrying out any actions to abate a threat to human health or the environment associated with the Subject Area. Pursuant to this Easement, the Grantee, his agents, contractors, and employees, and any person performing pollution remediation activities under the direction thereof, may enter upon and inspect the Property and perform such investigations and actions as the Grantee deems necessary for any one or more of the following purposes:

- i. Ensuring that use, occupancy, and activities of and at the Property are consistent with this environmental land use restriction;
- ii. Ensuring that any remediation implemented complies with R.C.S.A. sections 22a-133k-1 through 22a-133k-3, inclusive;
- iii. Performing any additional investigations or remediation necessary to protect human health and the environment;
- [iv. Ensuring the structural integrity of any engineering controls described in this Environmental land use restriction and Grant of Easement and their continuing effectiveness in containing pollutants and limiting human exposure to pollutants.]

7. Notice and Time of Entry onto Property. Entry onto the Property by the Grantee pursuant to this Easement shall be upon reasonable notice and at reasonable times, provided that entry shall not be subject to these limitations if the Grantee determines that immediate entry is necessary to protect human health or the environment.

8. Notice to Lessees and Other Holders of Interests in the Property. Grantor, or any future holder of any interest in the property, shall cause any lease, grant, or other transfer of any interest in the Property to include a provision expressly requiring the lessee, grantee, or transferee to comply with this environmental land use restriction and Grant of Easement. The failure to include such provision shall not affect the validity or applicability to the Property of this environmental land use restriction and Grant of Easement.

9. Persons Entitled to Enforce Restrictions. The restrictions in this environmental land use restriction on use, occupancy, and activity of and at the Property shall be enforceable in accordance with section 22a-133p of the General Statutes.

Declaration of Environmental Land Use Restriction and Grant of Easement
[Address/Location], [Town or City], Connecticut

10. Severability and Termination. If any court of competent jurisdiction determines that any provision of this environmental land use restriction or Grant of Easement is invalid or unenforceable, such provision shall be deemed to have been modified automatically to conform to the requirements for validity and enforceability as determined by such court. In the event that the provision invalidated is of such nature that it cannot be so modified, the provision shall be deemed deleted from this instrument as though it had never been included herein. In either case, the remaining provisions of this instrument shall remain in full force and effect. Further, in either case, the Grantor shall submit a copy of this restriction and of the judgement of the Court to the Grantee in accordance with R.C.S.A. section 22a-133q-1(l). This environmental land use restriction shall be terminated if the Grantee provides notification pursuant to R.C.S.A. section 22a-133q-1(l).

11. Binding Effect. All of the terms, covenants and conditions of this environmental land use restriction and grant of easement shall run with the land and shall be binding on the Grantor, the Grantor's successors and assigns, and each owner and any other party entitled to possession or use of the Property during such period of ownership or possession.

12. Terms Used Herein. The definitions of terms used herein shall be the same as the definitions contained in sections 22a-133k-1 and 22a-133q-1 of the Regulations of Connecticut State Agencies as such sections existed on the date of execution of this environmental land use restriction.

[Signature Page Follows]

Declaration of Environmental Land Use Restriction and Grant of Easement
[Address/Location], [Town or City], Connecticut

GRANTOR:

Date

[Grantor's Name]
Duly Authorized
[Title (if applicable)]
[Company (if applicable)]

Witnesses:

Signature

Printed/Typed Name

Signature

Printed/Typed Name

STATE OF _____)

) ss. < _____ >

< _____ >

COUNTY OF _____)

Personally appeared _____, _____ of _____,
signer and sealer of the foregoing instrument, and acknowledged the same to be his/her free act and deed, and the
free act and deed of said corporation, before me.

Notary Public/Commissioner of the Superior Court

GRANTEE: Grantee, the Commissioner of Environmental Protection, by her duly designated agent, Betsey
Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse.

Date

Betsey Wingfield, Bureau Chief
Bureau of Water Protection & Land Reuse
Connecticut Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

SECTION C. EXHIBITS TO THE ENVIRONMENTAL LAND USE RESTRICTION

This section must include the following:

Exhibit A – Property Description

Exhibit B – Decision Document - Overview Sheet, Restrictions Sheet(s), and Public Notice Form

Exhibit C – Easement Survey

Exhibit D – Description of Engineered Control (if applicable)

EXHIBIT A
PROPERTY DESCRIPTION (METES AND BOUNDS)

A metes and bounds description of the property is attached.

**EXHIBIT B
DECISION DOCUMENT
OVERVIEW SHEET**

The purpose of this Decision Document is to describe:

- 1) The type and location of pollutants in the soil, soil vapor, or groundwater at specific Subject Area(s) noted below at the above-referenced property for which an Environmental Land Use Restriction is necessary;
- 2) The provisions of the Environmental Land Use Restriction and the reasons why such restriction(s) or limitation(s) on the use of the Property or portions of the Property are necessary to adequately protect human health and the environment; and
- 3) A description of how the Environmental Land Use Restriction is consistent with the Remediation Standard Regulations (RSRs), Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies.

This decision document consists of the following restrictions, the forms for which are attached:

Restriction	Subject Area(s)
<input type="checkbox"/> Industrial/Commercial Use Restriction	
<input type="checkbox"/> Groundwater Use Restriction	
<input type="checkbox"/> Soil Disturbance Restriction	
<input type="checkbox"/> Water Infiltration Restriction	
<input type="checkbox"/> Building Construction Restriction	
<input type="checkbox"/> Restriction for an Engineered Control to address both the Direct Exposure and Pollutant Mobility Criteria	
<input type="checkbox"/> Restriction for an Engineered Control to address the Direct Exposure Criteria	

**EXHIBIT B
DECISION DOCUMENT
INDUSTRIAL/COMMERCIAL USE RESTRICTION**

The purpose of this Environmental Land Use Restriction is to ensure that the property is not used for residential activities as defined in section 22a-133k-1 of the Regulations of Connecticut State Agencies (RCSA).

The location and type of pollutants present at the Subject Area are described below. The Subject Area is the entire property shown on Exhibit C of this Declaration of Environmental Land Use Restriction and Grant of Easement.

Restriction:	
No residential activity shall be permitted at Subject Area (the entire property) designated below. The use of the Subject Area is limited to industrial/commercial use as required by sections 22a-133k-2(b)(2)(A), 22a-133k-2(b)(2)(B), 22a-133k-3(c)(2), or 22a-133k-3(c)(3)(B) of the RCSA.	
Applicable RSR Criteria:	
Industrial/commercial direct exposure criteria for soil defined in section 22a-133k-1 of the RCSA, and/or industrial/commercial volatilization criteria defined in section 22a-133k-1 of the RCSA.	
Impacted media containing pollutants at concentrations greater than RSR criteria:	
<input type="checkbox"/> soil	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:
<input type="checkbox"/> soil vapor	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:
<input type="checkbox"/> groundwater	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:
Consistency with the RSRs – ELUR Appropriateness:	
<input type="checkbox"/> If the Property was used for residential activities, as defined in section 22a-133k-1 of the RCSA, the pollutant(s) present in the soil, soil vapor, or groundwater may pose an unacceptable risk to human health. Provided the Property is not used for residential activities, the pollutant(s) present at the property do not pose an unacceptable risk to human health. This Environmental Land Use Restriction prohibits the use of the Property for residential activities, as required by sections 22a-133k-2(b)(2)(A), 22a-133k-2(b)(2)(B), 22a-133k-3(c)(2), or 22a-133k-3(c)(3)(B) of the RCSA.	

**EXHIBIT B
DECISION DOCUMENT
GROUNDWATER USE RESTRICTION**

The purpose of this Environmental Land Use Restriction is to ensure that groundwater at the subject area designated below is not utilized for drinking or other domestic purposes.

The location and type of pollutants present at the Subject Area are described below. The location of the Subject Area is shown on Exhibit C of this Declaration of Environmental Land Use Restriction and Grant of Easement.

Restriction:	
Groundwater at Subject Area shall not be used for drinking or other domestic purposes.	
Applicable RSR Criteria:	
Groundwater Protection Criteria as defined in section 22a-133k-1 of the Regulations of Connecticut State Agencies (RCSA).	
Impacted media containing pollutants at concentrations greater than RSR criteria:	
groundwater	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:
Consistency with the RSRs – ELUR Appropriateness:	
<input type="checkbox"/> The Commissioner of Environmental Protection has granted a variance due to the technical impracticability of groundwater remediation, pursuant to section 22a-133k-3(f)(2)(D) of the RCSA. The groundwater plume has been determined to be technically impracticable to remediate to a concentration equal to or less than the Groundwater Protection Criteria. If the groundwater was used for drinking or other domestic purposes, such polluted groundwater may pose an unacceptable risk to human health. Such polluted groundwater does not pose a direct risk to human health, provided the groundwater is not used for drinking or other domestic purposes. This Environmental Land Use Restriction prohibits the use of groundwater in the Subject Area for drinking, or other domestic purposes, as required by Section 22a-133k-3(f)(2)(D) of the RCSA.	
Date of Commissioner's approval of the technical impracticability variance:	
<input type="checkbox"/> A copy is attached, on the Technical Impracticability Variance Form prescribed by the Commissioner, that affirms (1) written notice of the pollution has been provided to each owner of property overlying the ground-water plume; (2) certification that written notice of the pollution and a description of the extent and degree has been sent to the Director of Health of the municipality where the ground-water plume is located; (3) and certification that best efforts have been made to ensure an ELUR has been recorded by each owner of property overlying the ground-water plume to ensure that the ground-water plume is not used for drinking or other domestic purposes.	

**EXHIBIT B
DECISION DOCUMENT
SOIL DISTURBANCE RESTRICTION**

The purpose of this Environmental Land Use Restriction is to ensure that humans are not exposed to soils at the subject area(s) designated below that are polluted with substances at concentrations exceeding the Direct Exposure Criteria established in or pursuant to sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA).

The location and type of pollutants present at the Subject Area(s) are described below and are shown on Exhibit C of this Declaration of Environmental Land Use Restriction and Grant of Easement:

Restrictions:	Subject Area(s):
<input type="checkbox"/> Soil at the Subject Area shall not be disturbed in any manner by activities such as demolition, excavation or other intrusive activities.	
<input type="checkbox"/> Soil shall not be exposed or disturbed at depths greater than _____ feet below grade and _____ feet in relation to mean sea level (msl) in relation to the North American Vertical Datum of 1983 (NGVD).	
<input type="checkbox"/> Soil shall not be exposed or disturbed at depths greater than _____ feet below grade and _____ feet in relation to mean sea level (msl) in relation to the North American Vertical Datum of 1983 (NGVD).	
<input type="checkbox"/> Soil shall not be exposed or disturbed at depths greater than _____ feet below grade and _____ feet in relation to mean sea level (msl) in relation to the North American Vertical Datum of 1983 (NGVD).	
<input type="checkbox"/> Soil shall not be exposed or disturbed below the concrete building slab(s). The building slab(s) at the Subject Area shall not be disturbed in any manner by activities such as demolition, excavation or other intrusive activities. Demolition of the building(s) at the Subject Area shall not be permitted.	
<input type="checkbox"/> Soil shall not be exposed or disturbed below the bituminous concrete, concrete, or pavement. The bituminous concrete, concrete, or pavement at the Subject Area shall not be disturbed in any manner by activities such as demolition, excavation or other intrusive activities. The bituminous concrete, concrete, or pavement shall be maintained in good condition in accordance with the maintenance and monitoring plan specified below on file at the Connecticut Department of Environmental Protection. Monitoring and maintenance plan on file at the Connecticut Department of Environmental Protection: Title: Date:	
<input type="checkbox"/> Soil shall not be exposed or disturbed below the permanent structure(s) described below. The permanent structure at the Subject Area shall not be disturbed in any manner by activities such as demolition, excavation or other intrusive activities. Demolition of the permanent structure(s) at the Subject Area(s) shall not be permitted. Description of permanent structure(s):	

**EXHIBIT B
DECISION DOCUMENT
SOIL DISTURBANCE RESTRICTION (CONTINUED)**

Applicable RSR Criteria:		
Inaccessible soil as defined in RCSA section 22a-133k-1.		
Impacted media containing pollutants at concentrations greater than RSR criteria:		
soil	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:	Subject Area:
soil	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:	Subject Area:
soil	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:	Subject Area:
soil	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:	Subject Area:
soil	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:	Subject Area:

See attached sheets for other Subject Areas

Consistency with the RSRs – ELUR Appropriateness	
The polluted soil is inaccessible because it is:	Subject Area(s):
<input type="checkbox"/> more than four feet beneath the ground surface.	
<input type="checkbox"/> below a concrete building slab and building.	
<input type="checkbox"/> more than two feet below a paved surface comprised of a minimum of three inches of bituminous concrete or concrete, which two feet may include the depth of any material used as sub-base for the pavement.	
<input type="checkbox"/> beneath a permanent structure, for which notice has been provided to the Commissioner of Environmental Protection.	
<p>ELUR Appropriateness:</p> <p><input type="checkbox"/> Such polluted soil does not pose a risk to human health, provided the inaccessible soil is not exposed, excavated or disturbed such that people may come into contact with it. The ELUR prohibits the exposure or disturbance of inaccessible soil below specific depths and structures such as concrete building slabs and permanent structures to ensure that inaccessible soil is not exposed. If humans were to come into contact with the pollutants present in such polluted soil, these pollutant(s) may pose an unacceptable risk to human health. As required by section 22a-133k-2(b)(3) of the RCSA, this Environmental Land Use Restriction prohibits inaccessible soil from being exposed as a result of excavation or other intrusive activities. In addition, as required by section 22a-133k-2(b)(3) of the RCSA, this Environmental Land Use Restriction requires that bituminous concrete, concrete or pavement that is used to render soil inaccessible be maintained in good condition in accordance with the above referenced monitoring and maintenance plan.</p>	

**EXHIBIT B
DECISION DOCUMENT
WATER INFILTRATION RESTRICTION**

The purpose of this Environmental Land Use Restriction is to ensure that water does not infiltrate soils at the Subject Area designated below polluted with substances at concentrations exceeding the Pollutant Mobility Criteria established in or pursuant to sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA).

The location and type of pollutants present at the Subject Area are described below. The location of the Subject Area is shown on Exhibit C of this Declaration of Environmental Land Use Restriction and Grant of Easement.

Restriction(s):	
Demolition of the building(s) or permanent structure(s) within Subject Area shall not be permitted. Soil at the Subject Area shall not be exposed to the infiltration of water.	
Applicable RSR Criteria:	
Environmentally isolated soil as defined in section 22a-133k-1 of the RCSA.	
Impacted media containing pollutants at concentrations greater than RSR criteria:	
soil	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:
Consistency with the RSRs – ELUR Appropriateness:	
<input type="checkbox"/> The polluted soil does not pose a risk to groundwater quality provided such polluted soil is not exposed to infiltration of water, due to among other things, the demolition of the building(s) or permanent structure(s). If the building or permanent structure(s) are demolished or the polluted soil is exposed to the infiltration of water, such polluted soil may pose an unacceptable risk to groundwater quality. In accordance with section 22a-133k-2(c)(8)(B) of the RCSA, this Environmental Land Use Restriction prohibits demolition of the building(s) or permanent structure(s) and the infiltration of water into such polluted soil. Please note that the building consists of the roof, structural walls, and building slabs, which collectively act to isolate polluted soil.	
Description of permanent structure(s):	
A report (Report) that demonstrates that such volatile organic substances located below the building or permanent structure have been reduced in concentration to the maximum extent prudent is on file at the Connecticut Department of Environmental Protection.	
Title of Report:	
Date of Report:	
Date of Commissioner's approval of Report (if applicable):	

**EXHIBIT B
DECISION DOCUMENT
BUILDING CONSTRUCTION RESTRICTION**

The purpose of this Environmental Land Use Restriction is to ensure that buildings are not constructed at the Subject Area(s) designated below where such groundwater is polluted with substances at concentrations exceeding the volatilization criteria established in or pursuant to sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA).

The location and type of pollutants present at the Subject Area are described below. The location of the Subject Area is shown on Exhibit C of this Declaration of Environmental Land Use Restriction and Grant of Easement.

Restriction(s):	
Construction of buildings within Subject Area shall not be permitted.	
Applicable RSR Criteria:	
Volatilization Criteria for groundwater as defined in section 22a-133k-1 of the RCSA.	
Impacted media containing pollutants at concentrations greater than RSR criteria:	
groundwater	<input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:
Consistency with the RSRs – ELUR Appropriateness:	
<input type="checkbox"/> There are no buildings located within the Subject Area. Such polluted groundwater does not pose a risk to human health, provided that a building is not constructed over such polluted groundwater. If buildings were to be constructed within the Subject Area, the volatilization of pollutants from the polluted groundwater may pose an unacceptable risk to human health. This Environmental Land Use Restriction prohibits construction of buildings within the Subject Area, in accordance with section 22a-133k-3(c)(6)(A) of the RCSA.	

**EXHIBIT B
DECISION DOCUMENT
RESTRICTION FOR AN ENGINEERED CONTROL
TO ADDRESS BOTH THE DIRECT EXPOSURE AND POLLUTANT MOBILITY CRITERIA**

The purposes of this Environmental Land Use Restriction are to:

1. Ensure that the Engineered Control at the Subject Area designated below is not disturbed and is (are) properly maintained and monitored to ensure the continued operation of such Engineered Control;
2. That soil underlying the Engineered Control is not exposed or disturbed so as to prevent human exposure to soil at the Subject Area designated below, where such soil is polluted with substances at concentrations exceeding the Direct Exposure Criteria established in or pursuant to sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA); and
3. That water does not infiltrate soil underlying the engineered control at the Subject Area designated below, where such soil is polluted with substances at concentrations exceeding the Pollutant Mobility Criteria established in or pursuant to sections 22a-133k-1 through 22a-133k-3, inclusive, of the RCSA.

The location and type of pollutants present at the Subject Area are described below. The location of the Subject Area is shown on Exhibit C of this Declaration of Environmental Land Use Restriction and Grant of Easement.

Restriction(s):	
<p>The Engineered Control or soil underlying such Engineered Control at Subject Area shall not be exposed or disturbed in any manner as a result of excavation, demolition, plant root growth, or other activities. Water shall not infiltrate the soil underlying the Engineered Control. The maintenance and monitoring plan (Plan) referenced below for the Engineered Control is on file at the Connecticut Department of Environmental Protection.</p> <p>Title of Plan: Date of Plan:</p>	
<p>The Engineered Control at the Subject Area is described in and attached hereto and is made a part hereof as Exhibit D.</p>	
Applicable RSR Citation:	
<p>Engineered Control Variance in section 22a-133k-2(f)(2)(B) of the RCSA and the Direct Exposure Criteria and Pollutant Mobility Criteria defined in section 22a-133k-1 of the RCSA.</p>	
Impacted media containing pollutants at concentrations greater than RSR criteria:	
<p>soil</p>	<p><input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:</p>

EXHIBIT B
DECISION DOCUMENT
RESTRICTION FOR AN ENGINEERED CONTROL
TO ADDRESS BOTH THE DIRECT EXPOSURE AND POLLUTANT MOBILITY CRITERIA
(CONTINUED)

Consistency with the RSRs – ELUR Appropriateness:

The polluted soil is located beneath an Engineered Control pursuant to Section 22a-133k-2(f)(2)(B) of the RCSA. The Engineered Control is described in the above-referenced Exhibit of this Environmental Land Use Restriction. Such polluted soil does not pose a risk to human health, provided the Engineered Control or underlying polluted soil is not exposed or disturbed such that people may come into contact with such polluted soil. If humans were to come into contact with the polluted soil, such polluted soil may pose an unacceptable risk to human health. The Environmental Land Use Restriction prohibits use of the Subject Area in a manner that may cause disturbance of the Engineered Control or causes the exposure of disturbance of the underlying polluted soil, in accordance with Section 22a-133k-2(f)(2)(B)(v) of the RCSA.

The polluted soil does not pose a risk to groundwater quality, provided that water does not infiltration the soil underlying the Engineered Control. If water infiltrations the soil underlying the Engineered Control, infiltration of water through such polluted soil may pose an unacceptable risk to groundwater quality. The Environmental Land Use Restriction prohibits the infiltration of water into the soil underlying the Engineered Control.

**EXHIBIT B
DECISION DOCUMENT
RESTRICTION FOR AN ENGINEERED CONTROL
TO ADDRESS THE DIRECT EXPOSURE CRITERIA**

The purpose of this Environmental Land Use Restriction is to ensure that:

1. The Engineered Control at the Subject Area designated below is not disturbed and is properly maintained and monitored to ensure the continued operation of such Engineered Control; and
2. That soil underlying the Engineered Control is not exposed or disturbed so as to prevent human exposure to soil at the Subject Area designated below, where such soil is polluted with substances at concentrations exceeding the Direct Exposure Criteria established in or pursuant to sections 22a-133k-1 through 22a-133k-3, inclusive, of the Regulations of Connecticut State Agencies (RCSA).

The location and type of pollutants present at the Subject Area are described below. The location of the Subject Area is shown on Exhibit C of this Declaration of Environmental Land Use Restriction and Grant of Easement.

Restriction(s):	
<p>The Engineered Control or soil underlying such Engineered Control at Subject Area shall not be disturbed in any manner as a result of excavation, demolition, or other activities. Any bituminous concrete, concrete, or other material, surface or configuration which constitutes the Engineered Control, shall be maintained in good condition. The maintenance and monitoring plan (Plan) referenced below for the Engineered Control is on file at the Connecticut Department of Environmental Protection.</p> <p>If the Engineered Control is not constructed of not bituminous concrete, or concrete describe the surface or configuration which constitutes the Engineered Control: Not Applicable <input type="checkbox"/></p> <p>Title of Plan: Date of Plan:</p>	
<p>The Engineered Control at the Subject Area is described in and attached hereto and is made a part hereof as Exhibit D.</p>	
Applicable RSR Citation:	
<p>Engineered Control Variance in section 22a-133k-2(f)(2)(B) of the RCSA and the Direct Exposure Criteria defined in section 22a-133k-1 of the RCSA.</p>	
Impacted media containing pollutants at concentrations greater than RSR criteria:	
<p>soil</p>	<p><input type="checkbox"/> see addendum table <input type="checkbox"/> list pollutants:</p>

EXHIBIT B
DECISION DOCUMENT
RESTRICTION FOR AN ENGINEERED CONTROL
TO ADDRESS THE DIRECT EXPOSURE CRITERIA
(CONTINUED)

Consistency with the RSRs – ELUR Appropriateness:

The polluted soil is located beneath an Engineered Control, which has been approved by the Commissioner, pursuant to Section 22a-133k-2(f)(2)(B) of the RCSA. The Engineered Control is described in the above-referenced Exhibit of this Environmental Land Use Restriction. Such polluted soil does not pose a risk to human health, provided the Engineered Control or underlying polluted soil is not exposed or disturbed such that people may come into contact with such polluted soil. If humans were to come into contact with the polluted soil, such polluted soil may pose an unacceptable risk to human health. This Environmental Land Use Restriction prohibits use of the Subject Area in a manner that may cause disturbance of the Engineered Control or underlying polluted soil, in accordance with Section 22a-133k-2(f)(2)(B)(v) of the RCSA.

**EXHIBIT C
CLASS A-2 SURVEY**

A hardcopy of the Class A-2 Survey is attached.

EXHIBIT D
DESCRIPTION OF ENGINEERED CONTROL(S)

A description of the engineered control(s) is attached.

SECTION D. SIGNATORY RESPONSIBILITY AND OWNERSHIP

Only an owner or a duly authorized agent of an owner may execute and record an ELUR, pursuant to section 22a-133o (a) of Connecticut General Statutes. This form indicates that the signatory for the Grantor is the owner or is duly authorized to execute the ELUR on behalf of the owner. The name of the owner and the property information provided in Part I and Part II of this form must be consistent with the information provided in Section A, Parts I and II of this application.

Part I: Individual/Company Information for Owner

1. Individual/Company Name:			
Contact Person:	Title:		
Mailing Address:			
City/Town:	State:	Zip Code:	-
Business Phone: - -	Ext.:	Fax: - -	
E-mail Address:			
2. Property/Facility Name:			
Address:			
City/Town:	State:	Zip Code:	-

Part II: Type of Entity

Type of Entity	Documents To Be Signed By
<input type="checkbox"/> Individual or Sole Proprietorship	The individual or proprietor
<input type="checkbox"/> Corporation	Any officer, employee, or representative of the corporation
<input type="checkbox"/> Partnership	A general partner
<input type="checkbox"/> Municipality	The person authorized by charter or resolution of the board of selectmen or town council or other governing body
<input type="checkbox"/> Federal Entity	The principal executive officer, statutorily authorized official, or by a federal employee or any other representative who has received legal delegation of authority
<input type="checkbox"/> State Entity	The statutorily authorized official or by a state employee or any other representative who has received legal delegation of authority
<input type="checkbox"/> Other Governmental or Quasi-Public Entity	A person who is authorized by such governmental or quasi-public entity
<input type="checkbox"/> Other Entity Type Not Listed Above	Specify Type:

SECTION D. SIGNATORY RESPONSIBILITY AND OWNERSHIP (CONTINUED)

Part III: Authorized Representative(s)

If there is more than one authorized representative, copy this page and complete this page for each representative.

1.	Name:		E-mail Address:
	Title:		
	Mailing Address:		
	City/Town:	State:	Zip Code: -
	Business Phone: - -	Ext.:	Fax: - -
2.	Effective Date of Authorization:		
3.	If the entity type is a corporation, certify by checking the box below that this person has the responsibility for the environmental matters of the company. <input type="checkbox"/>		
4.	Is this person replacing a previously designated authorized representative? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, list the name(s) of the previous designee(s):		
5.	Is this person in addition to a previously designated authorized representative? <input type="checkbox"/> Yes <input type="checkbox"/> No		
	If yes, list the name(s) of the additional designee(s):		

Part IV: Supporting Documents

Enter a check mark by the appropriate attachment as confirmation that the necessary documentation has been submitted with this signatory responsibility form. When submitting any supporting documents, please label the documents as indicated in this part (e.g., Attachment A, etc.) and be sure to include the company's name exactly as indicated in Part I.

<input type="checkbox"/>	Attachment A	A copy of the deed that indicates that the Grantor is the owner of the property which is the subject of the proposed ELUR and the volume and page of the land records where such deed is recorded.
<input type="checkbox"/>	Attachment	Corporation: certified resolution of the Board of Directors
<input type="checkbox"/>	Attachment	Municipality: certified copy of a Governing Body Resolution and an Incumbency Statement
<input type="checkbox"/>	Attachment	State or Federal Entity: copy of the statute authorizing a representative or certified copy of the delegation of authority for a representative
<input type="checkbox"/>	Attachment	Other Governmental or Quasi-Public Entity: copy of documentation sufficient to satisfy the Commissioner that the signatory is legally authorized to sign any document submitted

SECTION D. SIGNATORY RESPONSIBILITY AND OWNERSHIP (CONTINUED)

Part V: Certification

The authorized representative must sign this certification. The form will be considered incomplete unless all required signatures are provided. If there is more than one authorized representative registering at this time, copy this page and complete this page for each representative.

<p>"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.</p> <p>I certify by my signature that the document being submitted herewith complies with section 22a-133q-1(3)(A) of the Regulations of Connecticut State Agencies.</p> <p>I certify that this form is as prescribed by the Commissioner without alteration of the text."</p>	
_____	/ /
Signature of Authorized Representative	Date
Name of Authorized Representative (print or type):	Title:
Company:	
_____	/ /
Signature of Preparer	Date
Name of Preparer (print or type):	Title:
Company:	
<input type="checkbox"/> Please enter a check mark if additional signature pages are attached.	

SECTION E. INTERESTS IN THE PROPERTY SUMMARY AND SUBORDINATION WAIVER REQUESTS

To assist in determining whether or not each item in the Title search is an interest in the land, if a subordination agreement has or will need to be obtained, or if a waiver of subordination is to be requested, complete the following tables. Copies of the land records (deeds and maps) that describe the interest(s) and a copy of the title search should be submitted.

Part I: Preparer Information

Name:		
Firm Name:	E-mail Address:	
Address:		
City/Town:	State:	Zip Code: -
Business Phone: - -	Ext.:	Fax: - -

Part II: Subordination Waiver Request Information

Pursuant to CGS section 22a-133o(b), this section of the Application for ELUR may be used to request a waiver from the requirement to obtain certain subordination agreements for interests in the property that are not affected by the proposed ELUR. This request is based on the title search conducted on the date indicated in Part III.

1. Date of title search:
2. Title Search prepared by:
3. Number of items listed in the search:
4. <input type="checkbox"/> All items in the title search described in Part III are listed in Part IV and Part V.

Part III: Summary of Interests in the Property and Subordination Waiver Requests

Complete the following tables for all items found in the title search for the entire property and indicate whether each item in the title search is an interest in the land, if a subordination agreement has or will be obtained, or if a waiver of subordination is requested. Also, include any potential unrecorded, prescriptive utility easements that are shown or noted on the Class A-2 Survey provided in Exhibit C, Section C of this application. If extra space is needed for this table, please include this information on a separate sheet of paper in the format below.

Item	Land Records	Interest in the Land	Subordination Agreement Required	Subordination Obtained	Waiver of Subordination Requested
Ex. 1	Vol. Page	N	N	N	N
Ex. 2	Vol. Page	Y	Y	Y	N
Ex. 3	Vol. Page	Y	N	N	Y
Ex. 4	Vol. Page	Y	N	N	Y
	Vol. Page	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vol. Page	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vol. Page	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Vol. Page	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Part IV: Description of Interests for the Property

The table describes each item in the title search and provides the rationale for the choice(s) selected in Part III. Also, describe any potential unrecorded, prescriptive utility easements that are included in Part III of this application. If extra space is needed for this table, please include this information on a separate sheet of paper in the format below.

Item	Description of Item	Rationale
Ex. 1	Taxes to City	Since no tax lien has been recorded, this is not an interest in the land, and no subordination is required.
Ex. 2	Mortgage for site	A mortgage constitutes an interest in the land for a debit, which requires a subordination agreement. This agreement has been obtained.
Ex. 3	Grant of perpetual easement and right of way to allow access to separate parcel behind the site.	Area of interest is so minor as to be unaffected by the ELUR. Easement is within ELUR Subject Area A, which limits the site to industrial/commercial activity. Conditions of easement access are for commercial use only.
Ex. 4	Utility easement for maintenance of sub-grade piping	An interest in the land, but outside any Subject Area. A waiver is requested since the ELUR is not affected.

Part V: Supporting Information

Copies of the land records and maps for the interests in the property listed in Part IV should be submitted.

<input type="checkbox"/> Copies of the land records and maps are attached to support the rationale provided in Part V.
--

SECTION F. CERTIFICATION OF COMPLETENESS FOR ELUR APPLICATION

This section of the Application for ELUR is signed by the owner and the preparer of an Environmental Land Use Restriction submitted for the Commissioner's approval.

Part I. Property Owner Certification

Certification of Property Owner: "I hereby attest that this application is complete to the best of my knowledge and that the information in this submission and supporting documentation is accurate and true. I further attest that the original content of this Application for ELUR has not changed."			
		/ /	Date
Signature of Owner or Duly Authorized Representative			
Name:			
Title:		E-mail Address:	
Firm Name:			
Address:			
City/Town:		State:	Zip Code: -
Business Phone: - -		Ext.:	Fax: - -

Part II. Preparer Certification

Certification of Preparer: "I hereby attest that this application is complete and accurate to the best of my knowledge. I further attest that the original content of this Application for ELUR has not changed."			
		/ /	Date
Signature of Preparer		LIC # (LEP only)	
Name:			
Title:		E-mail Address:	
Firm Name:			
Address:			
City/Town:		State:	Zip Code: -
Business Phone: - -		Ext.:	Fax: - -

SECTION F. CERTIFICATION OF COMPLETENESS FOR ELUR APPLICATION (CONTINUED)

Part III. Supporting Documentation

Check the appropriate box by each attachment as verification that this Application for ELUR for the Commissioner's Review and Approval is complete and that all applicable attachments have been submitted.

Environmental Land Use Restriction (ELUR) Submittal	
ELUR Application Form	
<input type="checkbox"/>	Section A. Applicant Information ²
<input type="checkbox"/>	Section B. Declaration of Environmental Land Use Restriction ¹
<input type="checkbox"/>	Section C. Exhibits to the Environmental Land Use Restriction ¹
<input type="checkbox"/>	Exhibit A: Property Description (Metes and Bounds) ¹
<input type="checkbox"/>	Exhibit B: Decision Document ¹
<input type="checkbox"/>	Exhibit B: Public Notice of the Grantor's Intent to Record an Environmental Land Use Restriction (if applicable) ¹
<input type="checkbox"/>	Exhibit C: Class A-2 Survey ¹
<input type="checkbox"/>	Exhibit D: Description of Engineered Control (if applicable) ¹
<input type="checkbox"/>	Section D. Signatory Responsibility and Ownership ²
<input type="checkbox"/>	Section E. Interests in the Property Summary and Subordination Waiver Requests ²
<input type="checkbox"/>	Section F. Certification of Completeness of ELUR Application ²
Supporting Documentation and Information	
<input type="checkbox"/>	Transmittal Form ²
<input type="checkbox"/>	Municipal Zoning Information if public notice was not completed ²
<input type="checkbox"/>	ELUR Preparation Checklist ²
<input type="checkbox"/>	Class A-2 Survey Checklist ²
<input type="checkbox"/>	Technical Impracticability Variance Form ²
<input type="checkbox"/>	Copy of CTDEP approval letter for an Engineered Control Variance (if applicable) ²
<input type="checkbox"/>	Electronic copy of the this application form, as submitted, saved in Microsoft® Word , on a CD-R compact disc readable with Windows® ²
<input type="checkbox"/>	Electronic copy of the Class A-2 Survey, Exhibit C in saved in a JPEG file on a CD-R compact disc readable with Windows® ²

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¹ Pursuant to section 22a-133q-1(d) of the Regulations of Connecticut State Agencies, when submitting a proposed environmental land use restriction, the owner of the affected parcel of land shall simultaneously submit the above-noted documentation.

² This information is needed for the CTDEP to efficiently process the ELUR application.

**SECTION F. CERTIFICATION OF COMPLETENESS FOR ELUR APPLICATION
(CONTINUED)**

Part IV: Optional Statement by a Licensed Environmental Professional

Certification of Licensed Environmental Professional (LEP):	
"I certify that the information presented in the decision document is accurate and complete, representative of site conditions, and will effectively protect public health and the environment from the hazardous of pollution. This statement is made on behalf of the owner.	
I attest under the pains and penalties of perjury that this Application for ELUR is as prescribed by the Commissioner and has not been altered, except where allowed by the form."	
The 'Rules of Professional Conduct' (Regulations of Connecticut State Agencies section 22a-133v-6) apply to all professional services provided by a LEP.	
Signature of LEP _____	LIC # _____ / / Date
Print Name: Firm Name: E-mail Address: Address: City/Town: State: Zip Code: - Business Phone: - - Ext.: Fax: - -	The use of an LEP Seal for this statement is not required in accordance with the requirements of section 22a-133v-5 (b) RCSA.

Please submit this completed form and supporting documents to:

REMEDIATION DIVISION, 2ND FLOOR,
 BUREAU OF WATER PROTECTION AND LAND REUSE
 DEPARTMENT OF ENVIRONMENTAL PROTECTION
 79 ELM STREET
 HARTFORD, CT 06106-5127